

## **Skorup on Regulation of Drone Airspace**

Lawrence Solum

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Brent Skorup (George Mason University - Mercatus Center) has posted [Who Should Govern the Skies?](#) (Chapter 4 in *Eyes to the Sky: Privacy and Commerce in the Age of the Drone*, edited by Matthew Feeney (Cato Institute, 2021)) on SSRN. Here is the abstract:

To have an extensive commercial drone industry and passenger drone industry, there need to be drone highways—aerial corridors—crisscrossing towns, suburbs, and cities. However, if the FAA were to extend these drone corridors unilaterally, it would face opposition not only from landowners but from state governments, which have a plausible claim of sovereignty and police powers over low-altitude airspace tied closely to the surface beneath it. Lawmakers must clarify two distinct questions. First, who will regulate drone airspace? In particular, will drone airspace jurisdiction be federal-centric like traditional aviation, or will jurisdiction be shared by federal, state, and local authorities under cooperative federalism, much like telecommunications and roadways? Second, how will airspace access be rationed? Will routes and terminals be administratively assigned like traditional aviation or allocated via market processes like radio spectrum and offshore oil sites? This chapter argues that the answer to the first question, who, should be shared authority between federal and state transportation officials. Further, as for the second question, how, aviation regulators should create drone airspace markets.