

35

100

STATE SCORE

Scores are on a 100-point scale; maximum points are noted in lower-right corners.

Factors Helping the State Score

10

30

Airspace Lease Law

West Virginia law allows state authorities to lease low-altitude airspace above state roads, which allows state officials to create drone highways above these roadways.¹ However, the law is silent as to whether local officials can lease airspace above local roads.

20

20

Task Force or Program Office

The state legislature created a drone and advanced aviation mobility task force in 2022, overseen by the Department of Economic Development.²

5

5

Jobs Estimate

West Virginia is in the top quintile when it comes to the number of drone-related jobs per 100,000 people.

Factors Hindering the State Score

0

25

Avigation Easement Law

West Virginia law does not create an avigation easement, which means drone operators may be subject to nuisance and trespass laws, even if their drones do not disturb people on the ground.

0

10

Law Vesting Landowners with Air Rights

West Virginia law does not expressly provide air rights to landowners, which raises litigation risk for drone operators.

0

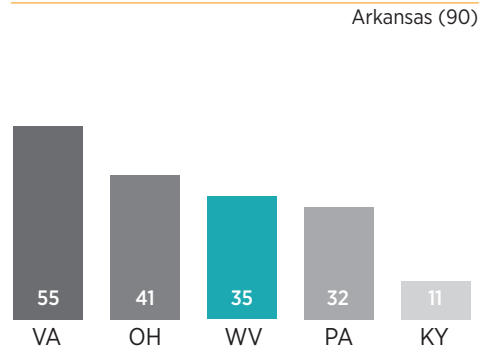
10

Sandbox

West Virginia does not have a drone sandbox. State officials should consider dedicating state facilities and airspace to commercial drone testing.

Peer State Comparisons by Score

Commercial drone readiness scores vary across the nation. To give state leaders and residents insight into how their state compares, we have provided the scores of four state peers. In this case, these peers are selected because of their geographic and political similarities. (The top line illustrates the top score in 2023.)



Definitions

Airspace Lease Law

States receive points for having laws that allow state and local authorities to lease airspace above public roadways. These laws allow officials in the future to create drone highways safely, away from airports and residential areas.

Avigation Easement Law

States receive points for expressly creating an avigation easement, meaning that drones (and planes) are free to fly over private property as long as they do not disturb those on the ground.

Task Force or Program Office

States receive points if they have an active statewide task force or a program office dedicated to commercial drone services.

Law Vesting Landowners with Air Rights

States receive points for having a law that expressly vests landowners with air rights. This law reduces litigation risk by putting drone operators on notice that drone flights that are too low or disruptive to landowners are not permitted.

Sandbox

States receive points if they have dedicated state facilities and airspace for commercial drone testing.

Jobs Estimate

This score is based on the number of drone jobs per 100,000 people; estimated using ZipRecruiter data.

Notes

1. W. VA. CODE § 17-2A-19a (2019).
2. § 5B-2-18 (2022).