

Drones: Who owns that air space above your house?

“Look! Up in the sky! It’s a bird! It’s a plane!” It may be a drone. A drone is an unmanned aircraft that is guided remotely by radio frequency transmissions. Drones can carry video and still photography equipment, sound sensing equipment, infrared sensing devices, search lights, GPS mapping equipment and, in the case of the military, weapons. Drones can be guided remotely by real-time video piloting via video downlink or near real-time GPS imagery in addition to line-of-sight and remote visual spotter control.

In addition to law enforcement and border protection uses, drones can be used to help search for injured people, search for missing children, firefighting operations, security monitoring, overhead evaluation of vegetation and crops, and even Oak Wilt identification. The Federal Aviation Administration (FAA) recently selected Texas as one of six National test center sites to develop drones for commercial use by businesses, farmers and researchers.

[Section 332 of the new FAA legislation](#) orders the FAA to develop a system for licensing COMMERCIAL drone flights as part of the nation’s air traffic control system by 2015. It is estimated that 30,000 commercial drones will be overhead by 2020.

Non-commercial use of privately owned and operated drones is growing even faster. There are, at least, 3 private drone operators in Woodlake subdivision. Private owned and operated drone pilots are regulated by [THIS SPECIAL FAA RULE](#) which was published by the FAA in June 2014. Privately owned and operated drones are assigned the airspace between 0 and 400 feet altitude but, they may not operate within 5 miles of an airport. Texas has recently passed a [LAW](#) making it a misdemeanor offence to; *“use unmanned aircraft to capture an image of a person or private property with the intent to conduct surveillance of that person or property.”* Other than for that specific purpose, the use of imaging equipment on drones in Texas is not generally prohibited.

It is important to understand that:

1. Property owners do not own or control the airspace above their property. It is public, FAA controlled and assigned airspace.
2. The FAA has assigned the first 0 to 400 feet of public airspace to privately owned drone operators. There is no minimum altitude. Maximum altitude is necessary to prevent conflict with manned aircraft. Drone operation is not limited by property line boundaries, with the exception of the airport rule.
3. Any attempt to shoot a firearm at any aircraft, manned or unmanned, is a serious crime.