
Transportation Committee

HB 2241

Brief Description: Regarding aeronautic safety.

Sponsors: Representatives Johnson, Warnick, Ross, DeBolt, Chandler, Clibborn and Lytton.

Brief Summary of Bill

- Establishes state regulations for guyed towers outside cities and towns when the tower is not governed by other state or federal regulations or is exempt.
- Establishes a misdemeanor penalty for a person found to be in violation of the guyed tower regulations.

Hearing Date: 1/20/14

Staff: Jerry Long (786-7306).

Background:

A guyed tower is secured with guy wires that are anchored in a set of concrete bases on the ground. As a result of the guy wires, this type of tower has a large footprint which allows the guyed tower to allow for a larger antenna load and higher heights than a self-supporting tower. Since July 1, 1996, the Federal Communication Commission (FCC) has the authority from Congress to require the painting and/or illumination of antenna towers that have to be registered with the FCC when it is determined that a tower may constitute a hazard to air navigation. The FCC requires an Federal Aviation Administration (FAA) determination that an antenna tower will not pose an aviation hazard before it will grant permission to build a antenna tower. Antenna structures must be painted and lighted when the tower exceeds 200 feet in height or the antenna requires a special aeronautical study. Any construction or alteration of a tower of more than 200 feet in height above ground level must provide notification to the FAA.

Another type of tower is a Meteorological Evaluations Tower (METS) which is used to measure wind speed and direction during development of wind energy conversion facilities. The METS are made from galvanized materials and are secured with guy wires that connect. Many METS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

are below the 200-foot FAA threshold for obstruction markings. The towers can be erected quickly and without notice to the aviation community. Because of their color, pilots have reported difficulty seeing the METs from the air. In March 2011 the National Transportation Safety Board published a safety alert on the METs. Some states, for example, Idaho, Wyoming, Montana and South Dakota, have implemented requirements for the METs.

Summary of Bill:

Any temporary or permanent guyed tower 25 feet or more in height located outside an incorporated city or town, not governed by an existing state or federal law, rule or regulation, and on land that is rural, undeveloped or used for agricultural, or is primarily desert must:

- be lighted, marked, and painted or otherwise be visible in clean air during daylight hours from 2,000 feet;
- be painted in seven equal alternating bands of aviation orange and white. The alternating bands must begin with orange at the top of the tower and end with orange at the base;
- have a flashing light at the top of the tower. The light must be visible from a distance of 2,000 feet when flashing and with night vision goggles;
- have a contrasting appearance with any surrounding vegetation in the surface area under the footprint of the tower and six feet beyond the outer tower anchors;
- have two marker balls that must be attached to and evenly spaced on each of the outside guy wires; and
- have a seven-foot-long safety sleeve at each anchor point and must extend from the anchor point along each guy wire attached to the anchor point.

The bill establishes the following definitions:

- "guyed tower" means a tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself, towers used for military purposes excepted;
- "height" means the distance measured from the original grade at the base of the tower to the highest point of the tower; and
- "temporary or permanent guyed tower" means a guyed tower erected and standing for any period of time.

Any guyed tower that was erected prior to the effective date of this act must be in compliance within one year of the effective date of this section. Any guyed tower that is erected on or after the effective date of this act must be in compliance no later than 24 hours prior to the time it is erected.

This section does not apply to power poles or structures owned and operated by an electric utility or any structure where the primary purpose is to support telecommunications equipment, such as amateur radio services regulated by the FCC.

This section does not apply to guyed towers within 50 feet of a higher or equal height structure or vegetation.

A person who is in violation of these regulations is guilty of a misdemeanor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.