

# SENATE BILL REPORT

## SSB 6054

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As Amended by House, March 7, 2014

**Title:** An act relating to aeronautic safety.

**Brief Description:** Regarding aeronautic safety.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Honeyford, Hobbs, Schoesler, Cleveland, Rivers, King, Dammeier, Bailey, Hatfield and Parlette).

**Brief History:**

**Committee Activity:** Transportation: 1/28/14, 1/30/14 [DPS].

Passed Senate: 2/12/14, 48-0.

Passed House: 3/07/14, 96-1.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6054 be substituted therefor, and the substitute bill do pass.

Signed by Senators Eide, Co-Chair; King, Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Angel, Brown, Cleveland, Dandel, Ericksen, Liias, Mullet, O'Ban and Rolfes.

**Staff:** Hayley Gamble (786-7452)

**Background:** A guyed tower is secured with guy wires that are anchored in the ground. Guyed towers can typically support higher heights and/or heavier loads than a self-supporting tower. Generally, any construction or alteration to construction that is over 200 feet tall is regulated by the Federal Aviation Authority (FAA). The FAA requires that any tower or antenna structure be marked and lighted according to FAA regulations when the tower exceeds 200 feet in height.

Meteorological Evaluations Towers (METs) are typically used to measure wind speed and direction during development of wind energy conversion facilities. The METs are typically made from galvanized materials and are secured with guy wires. Many METs 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.

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*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.*

While there is no federal requirement to mark towers that are less than 200 feet tall, the FAA recommends the voluntary marking of MET towers less than 200 feet in remote and rural areas, and the National Transportation Safety Board recommends that all states enact legislation requiring all MET towers to be marked and registered in a directory. To date, ten states have legislation requiring that MET towers taller than 50 feet be clearly marked, and of those, four states also require a registry of those towers.

**Summary of Substitute 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 or regulation, and on land that is primarily rural, undeveloped agricultural, or desert must be lighted, marked, and painted, or otherwise be visible in clear air during daylight hours from 2000 feet. Specific requirements related to marking and lighting the guyed tower are prescribed in the bill.

An exemption to the guyed tower requirements in this bill is provided to power poles or structures owned and operated by an electric utility; any structure where the primary purpose is to support telecommunications equipment, such as amateur radio services regulated by the Federal Communications Commission; and 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.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is to protect low-level pilots. There are some exemptions for those that had concerns in the past. Pilots cannot see towers from the sky. Towers should be clearly marked for pilot safety. Flying at 160 mph, obstacles come up very quickly. More towers go up every year and will make tower-airplane conflicts more common. Bad weather may mean a regular pilot will find themselves flying at low levels and obstacles should be marked. An amendment for loggers would be preferable to the current language.

OTHER: We support this bill but would like to see an amendment that exempts all broadcast towers.

**Persons Testifying:** PRO: Senator Honeyford, prime sponsor; Les Smith, WA Pilots Assn.; Heather Hansen, Gavin Morse, Assn. WA Aerial Applicators; David Ulane, Aircraft Owners and Pilots Assn.

OTHER: Becky Bogard, WA State Assn. of Broadcasters.

**House Amendment(s):** The surface area under the footprint of the tower and anchors is changed from "must have a contrasting appearance with any surrounding vegetation," to "should have a contrasting appearance with any surrounding vegetation."