

# SENATE BILL REPORT

## SB 5655

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As of February 18, 2009

**Title:** An act relating to height restrictions on amateur radio antennas.

**Brief Description:** Regarding height restrictions on amateur radio antennas.

**Sponsors:** Senators Roach, Swecker, Stevens, Hobbs, Delvin, Carrell, Parlette and Benton.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/17/09.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Aaron Gutierrez (786-7448)

**Background:** Amateur radio (ham) communications are conducted on certain frequencies and in specified manners determined by the Federal Communication Commission (FCC). The physics of radio transmission and reception are such that ham antennas must be configured and sited in particular ways in order to be effective.

Antennas are not limited in height by federal law, but may be subject to obstruction and marking requirements by the Federal Aviation Administration.

In 1985 the FCC adopted, and later codified, a limited preemption of local zoning for antenna heights and support structures. No height limit was imposed. Instead, the limited preemption provides as follows:

"Local regulations of antenna placement, screening, or height based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulations to accomplish the local authority's legitimate purpose." (101 FCC 2nd 952, 960)

In 1994 the Legislature codified this limited preemption for classified cities (Title 35), code cities (Title 35A), and counties (Title 36).

**Summary of Bill:** Local governments may not restrict the height of amateur radio antennas to less than 70 feet without determining that the restriction is necessary to achieve a clearly defined health, safety, or aesthetic consideration, and the benefits resulting from the height

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restriction outweigh the cost to the amateur radio emergency network's ability to provide back-up emergency communications throughout the entire state.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: Promoting the network is critical for emergency management. Many amateur radio operators are on the front lines during emergencies, for example, during the recent floods. The bill costs nothing, and enhances the intent of current law. Antennas must be 60-70 feet to be effective. If amateur radio operators are unable to put up appropriate equipment, it will drive new people away from amateur radio.

CON: Seventy feet is roughly twice the size of a standard utility pole. This eliminates the public participation process for new rules. Cities already work with emergency networks, and I am currently unaware of emergency management problems that need to be addressed with this legislation.

**Persons Testifying:** PRO: Senator Roach, prime sponsor; Lee Chambers, American Radio Relay League; Vaunn Litchfield, citizen.

CON: Dave Williams, Association of Washington Cities.