

HOUSE BILL REPORT

SSB 6054

As Passed House - Amended:

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: 2/20/14, 2/25/14 [DP].

Floor Activity:

Passed House - Amended: 3/7/14, 96-1.

Brief Summary of Substitute Bill (As Amended by House)

- 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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 28 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist, Fitzgibbon, Freeman, Habib, Hawkins, Hayes, Johnson, Klippert, Kochmar, Moeller, Morris, Muri, Ortiz-Self, Pike, Riccelli, Rodne, Ryu, Sells, Takko, Tarleton, Walkinshaw and Zeiger.

Minority Report: Do not pass. Signed by 3 members: Representatives Overstreet, Assistant Ranking Minority Member; Shea and Young.

Staff: Jerry Long (786-7306).

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.

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 have a larger antenna load and a higher height than a self-supporting tower. Since July 1, 1996, the Federal Communication Commission (FCC) has had the authority from Congress to require the painting and/or illumination of antenna towers that are 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 (MET) 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 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:

The bill requires that 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 agriculture, or is primarily desert must:

- be painted in 5-foot-high alternating bands of aviation orange and white;
- have a flashing light at the top of the tower that is visible in clean air during daylight hours from 2,000 feet when flashing, and such a light must also be visible with night vision goggles;
- have two marker balls attached to and evenly spaced on each of the outside guy wires; and
- have a 7-foot-long safety sleeve at each anchor point that extends from the anchor point along each guy wire attached to the anchor point.

The surface area under the footprint of the tower and the circular area surrounding each tower anchor, with a radius of 6 feet, should have a contrasting appearance with any surrounding vegetation.

The bill requires that 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 prior to the time it is erected.

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, and "height" means the distance measured from the original grade at the base of the tower to the highest point of the tower.

The bill exempts from the requirements:

- guyed towers used for military purposes;
- power poles or non-guyed tower structures owned and operated by an electric utility;
- any structure where the primary purpose is to support telecommunications equipment, such as amateur radio, radio, and television towers regulated by the FCC;
- any guyed tower that is within 50 feet of a structure or vegetation of equal or greater height; or
- any guyed tower attached to a large mobile motorized machine with a large visible base equipped with wheels, tracks, or skids and with winches and utilized to lift or pull heavy loads, such as a tower used to yard logs.

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.

Staff Summary of Public Testimony:

(In support) The committee had the same bill last session and the bill did not get enacted. This bill has been through at least five drafts with a substitute. It provides protection for aircraft that crop dust agricultural crops and those performing military exercises. The reason for painting the towers in 5-foot wide stripes in alternating orange and white bands is that the tower extensions are in 10-foot sections. This allows tower extensions without having to repaint the entire tower. The towers are a safety concern for aircraft pilots. The loggers may want a change for a logging exemption.

(Opposed) None.

Persons Testifying: Senator Honeyford, prime sponsor; Heather Hanson, Association of Washington Aerial Applicators; and Becky Bogard, Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying: None.