



THE TEXAS AGRICULTURAL AVIATION ASSOCIATION

TOWER MARKING LEGISLATION HB 946 by Representative Paul Workman SB 505 by Senator Charles Perry 84th Legislative Session

Texas law require wireless communications facilities that are between 100 feet and 200 feet AGL are to be marked with two warning spheres each on the highest guy wires (Sec. 21.070, Transportation Code). Texas law also requires a notice to be given to certain airports and aerial applicators of the construction of a wireless communication facility for those facilities taller than 100 feet AGL (Sec. 25.002, Transportation Code). Both laws were adopted in 1995, but are largely ineffective due to a number of exemptions and a lack of enforcement.



The following key elements will make METs more visible for low altitude aviation operations:

- **Limited to towers as defined and with the exclusions set forth in the Colorado law (HB14-1216), the most recently passed legislation, in particular, the law would not apply to electric utility or transmission lines or to facilities licensed by the FCC or whose primary purpose is telecommunications;**
- **Painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower;**
- **High visibility spherical marker balls of aviation orange color should be installed and displayed in accordance with the standards contained in FAA Policy Statement on Marking Meteorological Evaluation Towers (FR-2011-06-24) and the additional standards found in FAA Advisory Circular AC 70/7460-1;**
- **Guy wires must have a seven foot safety sleeve at each anchor point.**
- **Towers erected prior to the effective date must be marked as required by the legislation within one year of the effective date of the legislation.**
- **Penalty provision for non-compliance with different penalties for violations resulting in death or injury versus those that do not result in death or injury: Class B misdemeanor for the former and Class C misdemeanor for the latter.**
- **A reporting and registration requirement administered by the Aviation Division of TxDOT.**

The NTSB and FAA actions have established a standard of care that would govern any liability issues that might arise in connection with accidents involving METs. The fact remains, however, that most METs are not marked. As a result, 13 states have now passed legislation requiring the marking of METs, and several other states are actively pursuing legislation. These 13 states are California, Colorado, Idaho, Kansas, Mississippi, Missouri, Montana, Nebraska, South Dakota, North Dakota, Oklahoma, Washington, and Wyoming. Most of these statutes are similar in their key provisions.

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