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et al.

H.B. No. 946

Substitute the following for H.B. No. 946:

By: Springer

C.S.H.B. No. 946

A BILL TO BE ENTITLED

1 AN ACT
2 relating to painting and marking requirements for certain
3 meteorological evaluation towers; creating an offense.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 21, Transportation Code,
6 is amended by adding Section 21.071 to read as follows:

7 Sec. 21.071. PAINTING AND MARKING REQUIREMENTS FOR CERTAIN
8 METEOROLOGICAL EVALUATION TOWERS; OFFENSE. (a) In this section,
9 "meteorological evaluation tower" means a structure that:

10 (1) is self-standing or supported by guy wires and
11 anchors;

12 (2) is not more than six feet in diameter at the base
13 of the structure; and

14 (3) has accessory facilities on which an antenna,
15 sensor, camera, meteorological instrument, or other equipment is
16 mounted for the purpose of documenting whether a site has
17 sufficient wind resources for the operation of a wind turbine
18 generator.

19 (b) For purposes of this section, "meteorological
20 evaluation tower" does not include a structure that is located:

21 (1) adjacent to a building, including a barn, or an
22 electric utility substation; or

23 (2) in the curtilage of a residence.

24 (c) A meteorological evaluation tower that is at least 50

1 feet but not more than 200 feet in height above ground level:

2 (1) must be painted in equal alternating bands of
3 aviation orange and white, beginning with orange at the top of the
4 tower;

5 (2) must have aviation orange marker balls installed
6 and displayed in accordance with the standards contained in 76 Fed.
7 Reg. 36983 (June 24, 2011) and Federal Aviation Administration
8 Advisory Circular AC 70/7460-1K; and

9 (3) may not be supported by guy wires unless the guy
10 wires have a seven-foot-long safety sleeve at each anchor point
11 that extends from the anchor point along each guy wire attached to
12 the anchor point.

13 (d) A person who owns, operates, or erects a meteorological
14 evaluation tower in violation of this section commits an offense.
15 An offense under this subsection is a Class C misdemeanor, except
16 that the offense is a Class B misdemeanor if it is shown on the trial
17 of the offense that as a result of the commission of the offense a
18 collision with the meteorological evaluation tower occurred
19 causing bodily injury or death to another person.

20 (e) The department shall adopt rules to implement and
21 administer this section, including rules requiring a person:

22 (1) who owns, operates, or erects a meteorological
23 evaluation tower to provide notice to the department of the
24 existence of or intent to erect a meteorological evaluation tower;
25 and

26 (2) to register the meteorological evaluation tower
27 with the department.

1 SECTION 2. The Texas Department of Transportation shall
2 adopt rules required to implement and administer Section 21.071,
3 Transportation Code, as added by this Act, not later than December
4 31, 2015.

5 SECTION 3. (a) Except as provided by this section, Section
6 21.071, Transportation Code, as added by this Act, applies to a
7 meteorological evaluation tower erected before, on, or after the
8 effective date of this Act.

9 (b) A meteorological evaluation tower erected before the
10 effective date of this Act is not required to comply with the
11 painting and marking requirements of Section 21.071,
12 Transportation Code, as added by this Act, until September 1, 2016.

13 SECTION 4. This Act takes effect September 1, 2015.