

By: Workman

H.B. No. 946

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to painting and marking requirements for certain towers;  
3 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 TOWERS; OFFENSE. (a) In this section, "tower" means a structure  
9 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.

17 (b) For purposes of this section, "tower" does not include a  
18 structure that is located:

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

21 (2) in the curtilage of a residence.

22 (c) A tower that is at least 50 feet but not more than 200  
23 feet in height above ground level:

24 (1) must be painted in equal alternating bands of

1 aviation orange and white, beginning with orange at the top of the  
2 tower;

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

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

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

17 (e) This section does not apply to:

18 (1) a tower that supports an electric utility  
19 transmission or distribution line;

20 (2) a facility licensed by the Federal Communications  
21 Commission or any structure with the primary purpose of supporting  
22 telecommunications equipment, including microwave relay facilities  
23 and towers erected for the purpose of providing commercial mobile  
24 data service or commercial mobile radio service as defined by 47  
25 C.F.R. Section 20.3, other than a tower erected for the primary  
26 purpose of providing private mobile radio service as defined by 47  
27 C.F.R. Section 20.3;

1           (3) a wind-powered electrical generator with a rotor  
2 blade radius greater than six feet; or

3           (4) a traffic-control signal erected or maintained by  
4 the department.

5           (f) The department shall adopt rules to implement and  
6 administer this section, including rules requiring a person:

7           (1) who owns, operates, or erects a tower to provide  
8 notice to the department of the existence of or intent to erect a  
9 tower; and

10           (2) to register the tower with the department.

11           SECTION 2. The Texas Department of Transportation shall  
12 adopt rules required to implement and administer Section 21.071,  
13 Transportation Code, as added by this Act, not later than December  
14 31, 2015.

15           SECTION 3. (a) Except as provided by this section, Section  
16 21.071, Transportation Code, as added by this Act, applies to a  
17 tower erected before, on, or after the effective date of this Act.

18           (b) A tower erected before the effective date of this Act is  
19 not required to comply with the painting and marking requirements  
20 of Section 21.071, Transportation Code, as added by this Act, until  
21 September 1, 2016.

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