

BILL ANALYSIS

H.B. 2898
By: Frank
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to the U.S. Air Force, air force bases operate training routes, including low-flying routes, which require the unencumbered use of radar to be conducted safely. The bill author has informed the committee that wind farms constructed near air force bases and radar installations have the potential to encroach on training routes and cause radar disruption, which then could jeopardize the safety of pilots and limit the success of their training missions. In fact, Sheppard Air Force Base had to close 3 of its 17 training routes in 2018 because of such encroachment by wind turbines, as reported by the *Wichita Falls Times Record News*. Meteorological evaluation towers are used to evaluate locations for future wind turbines in an area, and, as the author has informed the committee, advance notice that a tower is going to be built would enable military base personnel to communicate and coordinate with the wind farm developers to prevent conflicts and adjust routes accordingly. H.B. 2898 seeks to address this issue by requiring notice of intent to build a meteorological evaluation tower to be provided to the Texas Department of Transportation, each federally owned or operated radar or military installation within 50 nautical miles of the tower, and the applicable county judges.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2898 amends the Transportation Code to remove the requirement for the Texas Department of Transportation (TxDOT) to adopt rules requiring a person who owns, operates, or erects a meteorological evaluation tower to provide notice to TxDOT of the existence of or intent to erect the tower. The bill instead requires a person erecting such a tower to provide notice to TxDOT of the person's intent to erect the tower that meets the following criteria:

- is on a form prescribed by TxDOT;
- is submitted through TxDOT's website not later than the 30th day before the date erection of the tower begins; and
- contains the following information:
 - the name, address, and contact information of the owner or operator of the tower;
 - the proposed location of the tower, including the site's latitude, longitude, and ground elevation and the tower's height above ground level;
 - the date the person proposes to begin erecting the tower; and
 - any other information TxDOT considers necessary to determine the ownership, physical characteristics, or location of the tower.

H.B. 2898 requires the owner or operator of the tower to notify TxDOT in the form and manner prescribed by TxDOT of any change in the information contained in the notice. The bill requires TxDOT, not later than the 30th day after the date it receives the notice, to provide a copy of the notice to the following entities:

- each federally owned or operated radar or military installation in Texas whose boundaries are within 50 nautical miles of the tower;
- the county judge of each county in Texas that contains such a radar or military installation; and
- the county judge of each county in Texas that is adjacent to a county containing the applicable radar or military installation.

H.B. 2898 retains the requirement in current law for TxDOT to adopt rules requiring a person to register a meteorological evaluation tower with TxDOT and clarifies that this requirement applies only to owners or operators and not a person who erects such a tower.

H.B. 2898 revises the definition of "meteorological evaluation tower" that applies to the notification and registration requirements and the painting and marking requirements for such towers by increasing from 6 feet to 12 feet the maximum diameter of a qualifying structure's base.

EFFECTIVE DATE

September 1, 2025.