

## **BILL ANALYSIS**

S.B. 505  
By: Perry  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that the increasing prevalence of meteorological evaluation towers, which are used to measure wind speed and direction to identify locations for future wind turbines, has caused concern due to the number of fatal accidents involving these towers and low altitude pilots. The parties report that some types of towers, including certain meteorological evaluation towers, are not required to be marked or lighted despite such requirements for other types of towers. According to these reports, many low altitude pilots experience difficulty seeing unmarked meteorological evaluation towers from the air, and the near invisibility of these unmarked towers contributes to extremely dangerous conditions for low altitude flight. S.B. 505 seeks to address this issue in order to help prevent tower-related accidents and fatalities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 505 amends the Transportation Code to require a meteorological evaluation tower that is at least 50 feet but not more than 200 feet in height above ground level to be painted in equal alternating bands of aviation orange and white beginning with orange at the top of the tower and to have aviation orange marker balls installed and displayed in accordance with federal aviation standards. The bill prohibits such a tower from being supported by guy wires unless the guy wires have a seven-foot-long safety sleeve at each anchor point that extends from the anchor point along each guy wire attached to the anchor point. The bill defines "meteorological evaluation tower" for purposes of its provisions to mean a structure that is self-standing or supported by guy wires and anchors, is not more than six feet in diameter at the base of the structure, and has accessory facilities on which equipment is mounted for the purpose of documenting whether a site has sufficient wind resources for the operation of a wind turbine generator. The bill excludes from the definition a structure that is located adjacent to a building, including a barn, or an electric utility substation or that is located in the curtilage of a residence.

S.B. 505 makes it a Class C misdemeanor for a person to own, operate, or erect a meteorological evaluation tower in violation of the bill's provisions and enhances the penalty to a Class B misdemeanor if it is shown on the trial of the offense that as a result of the commission of the offense a collision with the tower occurred causing bodily injury or death to another person.

S.B. 505 requires the Texas Department of Transportation (TxDOT), not later than December 31, 2015, to adopt rules to implement and administer the bill's provisions, including 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 such a tower and to register the tower with TxDOT. The bill establishes that a meteorological evaluation tower erected before the bill's effective date is not required to comply with the painting and marking requirements until September 1, 2016.

**EFFECTIVE DATE**

September 1, 2015.