

- SUBJECT:** Requiring marking of antenna in a cultivated field
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 8 ayes — Alexander, Y. Davis, Edwards, Hamric, Hill, Noriega, Pickett, Swinford
- 0 nays
- 1 absent — Hawley
- WITNESSES:** For — Ron Hinkle, Verizon Wireless; Carol Jennings; George Mitchell, Texas Agricultural Aviation; Thomas Ratliff, AT&T Wireless, Voicestream Wireless, Western Wireless, Texas Association of Paging Services; Ben Watson, Sprint PCS; *Registered but did not testify:* Kimberly J. Harp; Jerry Hooper, Aircraft Owners & Pilots Association; Jody Richardson, Crown Castle International, American Tower, Spectra Site Holdings, Inc., and SBA, Inc.; Chris Shields, Texas Agricultural Aviation Association; Bobby Jennings
- Against — None
- On — *Registered but did not testify:* David Fulton, Texas Department of Transportation; Martin Hubert, Texas Department of Agriculture
- BACKGROUND:** Federal law (47 C.F.R. §17.7) requires notification to the Federal Aviation Administration of any antenna construction that is higher than 200 feet or within certain distances of airports. Other provisions call for painting and lighting of the antenna to enhance aircraft safety.
- DIGEST:** CSHB 1492 would require that the highest guy wire on a commercial wireless telecommunications antenna between 50 and 200 feet in height be marked if that facility were located in a cultivated field. The bill would not apply to electric transmission lines.
- CSHB 1492 would define a “cultivated field” as any open space or pasture larger than five acres that included a plant or tree nursery or row crops including cotton, corn, grain, grapes, beets, peanuts, or another row crop

grown on a continuing basis. The restriction also would apply during the time when the field was kept vacant temporarily because of crop rotation.

CSHB 1492 would require the tower owner to give written notice to a public airport within three miles of the proposed facility and to the Texas Department of Agriculture, which would in turn notify the boll weevil eradication foundation. The tower owner would have to include information such as the name, address, and telephone number of the tower owner; the county where the antenna would be located; the metes and bounds of the location of the tower; and the date when the construction of the tower would begin.

CSHB 1492 would be designated as the LeClair-Jennings Act in honor of Jack LeClair and Robert Jennings, Jr., two aerial spray pilots who were killed when their aircraft struck guy wires or antennas.

The effective date would be September 1, 2001.

**SUPPORTERS  
SAY:**

CSHB 1492 would provide a reasonable and enforceable standard to ensure the safety of agricultural aviators, including crop dusters and aerial herders; surveyors; and Emergency Medical Service personnel who routinely fly below 200 feet. Attaching the standard marking "balls" would make these facilities more visible to low-flying aircraft.

About 41 incidents (including nine fatalities) involving crop dusters have been reported to the National Transportation Safety Board since 1998. CSHB 1492 would help prevent these kinds of accidents in the future.

Antennas can be constructed quickly, and information about their location should be updated quickly. The notification requirement to the Texas Department of Agriculture is necessary to protect the safety of aerial contractors working for the boll weevil eradication foundation.

**OPPONENTS  
SAY:**

CSHB 1492 would not go far enough to provide for the safety of low-flying aircraft. It should require more rigorous lighting requirements and should apply beyond just cultivated fields.

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NOTES: HB 1492 as originally filed would have required the Texas Department of Transportation to adopt rules on painting, marking, lighting, and other visibility requirements for all antenna structures that were 50 to 200 feet high.