

BILL ANALYSIS

Senate Research Center

H.B. 1492
By: Hardcastle (To Be Filled)
Business & Commerce
5/11/2001
Engrossed

DIGEST AND PURPOSE

Current federal law requires antenna structures that exceed 200 feet in height to be painted and lighted. There is no such requirement for antennae less than 200 feet in height. Many cellular and digital communications antennae are less than 200 feet in height and have guylines that extend beyond the main structures. These structures pose a risk to agricultural aviators who often fly below 200 feet to spray fields. Several agricultural aviators have died in crashes caused by striking an antenna structure or a guyline. H.B. 1492 establishes the LeClair-Jennings Act to prohibit a person from constructing certain antennae structures from 50 to 200 feet in height located within a cultivated field without providing appropriate notification and applying the necessary markings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

H.B. 1492 amends the Transportation Code to prohibit a person who provides commercial wireless telecommunications services (provider) from constructing an antenna structure that is at least 50 feet but not more than 200 feet in height above ground level and located within a cultivated field unless the person provides written notice of the proposed construction to a public airport located within three miles of the proposed antenna and the Texas Department of Agriculture (department). The bill requires the department to notify the boll weevil eradication foundation. The bill requires providers who construct an antenna to mark the highest guywires on the structure using markings that are of a kind generally used on antenna structures.

EFFECTIVE DATE: September 1, 2001.