

1-1 By: Perry S.B. No. 505
1-2 (In the Senate - Filed February 9, 2015; February 11, 2015,
1-3 read first time and referred to Committee on Agriculture, Water,
1-4 and Rural Affairs; March 30, 2015, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; March 30, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Zaffirini</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Hall</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Rodríguez</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 505 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to painting and marking requirements for certain
1-20 meteorological evaluation towers; creating an offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 21, Transportation Code,
1-23 is amended by adding Section 21.071 to read as follows:

1-24 Sec. 21.071. PAINTING AND MARKING REQUIREMENTS FOR CERTAIN
1-25 METEOROLOGICAL EVALUATION TOWERS; OFFENSE. (a) In this section,
1-26 "meteorological evaluation tower" means a structure that:

1-27 (1) is self-standing or supported by guy wires and
1-28 anchors;

1-29 (2) is not more than six feet in diameter at the base
1-30 of the structure; and

1-31 (3) has accessory facilities on which an antenna,
1-32 sensor, camera, meteorological instrument, or other equipment is
1-33 mounted for the purpose of documenting whether a site has
1-34 sufficient wind resources for the operation of a wind turbine
1-35 generator.

1-36 (b) For purposes of this section, "meteorological
1-37 evaluation tower" does not include a structure that is located:

1-38 (1) adjacent to a building, including a barn, or an
1-39 electric utility substation; or

1-40 (2) in the curtilage of a residence.

1-41 (c) A meteorological evaluation tower that is at least 50
1-42 feet but not more than 200 feet in height above ground level:

1-43 (1) must be painted in equal alternating bands of
1-44 aviation orange and white, beginning with orange at the top of the
1-45 tower;

1-46 (2) must have aviation orange marker balls installed
1-47 and displayed in accordance with the standards contained in 76 Fed.
1-48 Reg. 36983 (June 24, 2011) and Federal Aviation Administration
1-49 Advisory Circular AC 70/7460-1K; and

1-50 (3) may not be supported by guy wires unless the guy
1-51 wires have a seven-foot-long safety sleeve at each anchor point
1-52 that extends from the anchor point along each guy wire attached to
1-53 the anchor point.

1-54 (d) A person who owns, operates, or erects a meteorological
1-55 evaluation tower in violation of this section commits an offense.
1-56 An offense under this subsection is a Class C misdemeanor, except
1-57 that the offense is a Class B misdemeanor if it is shown on the trial
1-58 of the offense that as a result of the commission of the offense a
1-59 collision with the meteorological evaluation tower occurred
1-60 causing bodily injury or death to another person.

2-1 (e) The department shall adopt rules to implement and
2-2 administer this section, including rules requiring a person:

2-3 (1) who owns, operates, or erects a meteorological
2-4 evaluation tower to provide notice to the department of the
2-5 existence of or intent to erect a meteorological evaluation tower;
2-6 and

2-7 (2) to register the meteorological evaluation tower
2-8 with the department.

2-9 SECTION 2. The Texas Department of Transportation shall
2-10 adopt rules required to implement and administer Section 21.071,
2-11 Transportation Code, as added by this Act, not later than December
2-12 31, 2015.

2-13 SECTION 3. (a) Except as provided by this section, Section
2-14 21.071, Transportation Code, as added by this Act, applies to a
2-15 meteorological evaluation tower erected before, on, or after the
2-16 effective date of this Act.

2-17 (b) A meteorological evaluation tower erected before the
2-18 effective date of this Act is not required to comply with the
2-19 painting and marking requirements of Section 21.071,
2-20 Transportation Code, as added by this Act, until September 1, 2016.

2-21 SECTION 4. This Act takes effect September 1, 2015.

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