

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Halderman

February 17, 2012

An act to add Section 21658.5 to the Public Utilities Code, relating to navigable airspace.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as introduced, Halderman. Navigable airspace: meteorological evaluation towers.

The State Aeronautics Act prohibits a public utility from constructing any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation.

This bill would require that any meteorological evaluation tower, as defined, be painted in alternating bands of aviation orange and white paint and require that sleeves and high visibility spherical marker or cable balls of aviation orange color be placed, as specified, on its guy wires.

With a specified exception, any person violating any provision of the State Aeronautics Act is punishable by a fine of not more than \$1,000 or by imprisonment of not more than 6 months.

Because the requirements of the bill are part of the act, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21658.5 is added to the Public Utilities
2 Code, to read:

3 21658.5. (a) For purposes of this section, “meteorological
4 evaluation tower” means a tower structure erected in a remote or
5 rural area for the purpose of determining feasible sites for wind
6 turbines.

7 (b) The main body of any meteorological evaluation tower that
8 is less than 200 feet in height above ground level shall be painted
9 with alternating bands of aviation orange and white paint. The
10 paint shall be replaced when faded or otherwise deteriorated.

11 (c) Unless doing so would impair the structural integrity of the
12 tower, one high visibility sleeve shall be placed on each guy wire
13 anchor point of a meteorological evaluation tower that is less than
14 200 feet in height above ground level. The sleeve shall be placed
15 so that it reaches a height above any crop or vegetation canopy
16 near the tower. Another sleeve shall be installed on each of the
17 outer guy wires. Eight high visibility spherical marker or cable
18 balls of aviation orange color shall be attached to the guy wires of
19 each tower, with four balls attached no further than 15 feet from
20 the top wire connection and four balls at or below the midpoint of
21 the structure on the outer guy wires.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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