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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3487

02/18/2020 Authored by Torkelson
The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to aeronautics; regulating certain towers; imposing a fee; establishing a
1.3 penalty; proposing coding for new law in Minnesota Statutes, chapters 216F; 360.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 216F.15 REQUIREMENTS CODED ELSEWHERE.

1.6 Requirements governing certain towers are established in section 360.915.

1.7 Sec. 2. 360.915 TOWERS.

1.8 Subdivision 1. Definition. (a) For purposes of this section, "stand-alone tower" means
1.9 a structure, whether self-standing or supported by guy wires and ground anchors, that:

1.10 (1) is designed with accessory facilities on which antenna, sensor, camera, meteorological,
1.11 or other equipment is able to be mounted;

1.12 (2) has a height of at least 50 feet and not more than 200 feet; and

1.13 (3) has a diameter of ten feet or less at the above-ground base, excluding concrete footing.

1.14 (b) A stand-alone tower does not include a structure that is:

1.15 (1) affixed or adjacent to a building, including a house, barn, or utility station;

1.16 (2) an electric transmission or distribution line;

1.17 (3) a streetlight erected or maintained by a governmental entity; or

1.18 (4) a wind energy conversion system, as defined in section 216F.01, subdivision 4, that
1.19 has rotor blades with a length of more than six feet.

2.1 Subd. 2. **Application; location.** The requirements of this section do not apply to a
2.2 stand-alone tower that is located:

2.3 (1) within the curtilage of a farmstead; or

2.4 (2) in a statutory or home rule charter city or town.

2.5 Subd. 3. **Visibility; marking.** A stand-alone tower must:

2.6 (1) be painted in equal-width bands of solid color over its entire length, alternating
2.7 between aviation orange and white so that orange is at the top of the tower and at the base
2.8 of the tower;

2.9 (2) have at least two spherical markers attached to each of the highest or outside guy
2.10 wires that are:

2.11 (i) painted solid aviation orange; and

2.12 (ii) placed so that one is within 15 feet of the upper anchor point of the guy wire;

2.13 (3) have a high-visibility sleeve on each guy wire, which must extend at least seven feet
2.14 from the lower anchor point of each guy wire; and

2.15 (4) have a flashing red light placed at the top of the tower that is compatible with a night
2.16 vision imaging system, as determined by the commissioner.

2.17 Subd. 4. **Notifications.** (a) At least 30 days prior to erecting a stand-alone tower, the
2.18 owner of the tower must provide notice to the commissioner in the manner specified by the
2.19 commissioner. The notice must identify:

2.20 (1) the tower owner's name and contact information;

2.21 (2) the name and contact information of any tower owner's representative;

2.22 (3) the height above ground level of the tower, including its base;

2.23 (4) the elevation of the tower site; and

2.24 (5) global positioning system coordinates of the center of the tower.

2.25 (b) Within 15 days of a change in any information provided under paragraph (a), the
2.26 tower owner must notify the commissioner of the change.

2.27 (c) Within 30 days after removal of a stand-alone tower, the tower owner must notify
2.28 the commissioner of the removal.

3.1 Subd. 5. **Fee.** The owner of a stand-alone tower who provides notice under subdivision
3.2 4, paragraph (a), must pay a fee of \$..... A fee is not imposed for a notification provided
3.3 under subdivision 4, paragraphs (b) and (c).

3.4 Subd. 6. **Administration.** (a) The commissioner must maintain records on stand-alone
3.5 towers under this section and must provide information on stand-alone tower locations on
3.6 the department's website.

3.7 (b) The commissioner must deposit revenue received under this section in the state
3.8 airports fund.

3.9 Subd. 7. **Penalty.** The owner of a stand-alone tower who violates the requirements under
3.10 subdivision 3 or 4, paragraph (a), is guilty of a misdemeanor.

3.11 Subd. 8. **Implementation; existing towers.** The owner of a stand-alone tower erected
3.12 prior to the effective date of this section must meet the requirements of this section within
3.13 one year of the effective date of this section.