

**HOUSE BILL NO. 350**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ISAACSON

Introduced: 2/26/14

Referred: Transportation

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the registration and marking of towers; relating to the duties of the  
2 Department of Transportation and Public Facilities; relating to the duties of the  
3 University of Alaska Fairbanks; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 02.10 is amended by adding new sections to read:

6 **Sec. 02.10.100. Registration and marking of tower structures.** (a) A  
7 communications, wind, or other tower greater than 100 feet in height above ground  
8 level shall

9 (1) have at least one seven-foot safety sleeve, attached in a manner that  
10 does not interfere with a spherical marker ball,

11 (A) on each anchor point above the adjacent vegetative canopy;

12 and

13 (B) on each outer guy wire;

14 (2) have at least four high visibility spherical marker balls of aviation

1 orange color attached to each outer guy wire at least 15 feet from the top wire  
2 connection to the tower; and

3 (3) have at least four high visibility spherical marker balls of aviation  
4 orange color attached to each outer guy wire at or below the middle point of the tower.

5 (b) The owner of a tower greater than 50 feet in height above ground level  
6 shall, not later than 20 days before installation of a tower, register the tower with the  
7 department. Registration under this section shall include

8 (1) the location of the tower, including the location by coordinates and  
9 the nearest community or municipality;

10 (2) the height above ground and the total height of the tower;

11 (3) the type of tower;

12 (4) the owner of the tower; and

13 (5) the method used to make the tower visible under (a) of this section.

14 (c) The owner of a tower subject to registration under (b) of this section shall  
15 notify the department within 30 days after the removal or significant alteration of the  
16 tower.

17 (d) Within 15 days after receiving the information required under (b) or (c) of  
18 this section, the department shall

19 (1) transmit the information to the University of Alaska Fairbanks; and

20 (2) make the information required under (b) of this section available on  
21 the department's Internet website.

22 (e) Within 15 days after receiving information under (d) of this section, the  
23 University of Alaska Fairbanks shall, on an Internet website hosting a geographic  
24 information network, display the information received under (d) of this section in an  
25 interactive map.

26 (f) An action may not be brought against the University of Alaska Fairbanks  
27 for damages resulting from information or a lack of information provided on the  
28 Internet website specified in (e) of this section.

29 (g) On or after the effective date of this Act, a tower greater than 50 feet in  
30 height may not be constructed within one mile of an airport intended for public use or  
31 directly through or under an air approach of an airport intended for public use. The

1 prohibition in this section may be waived if the commissioner finds it is not  
 2 practicable to construct a tower more than one mile from an airport intended for public  
 3 use.

4 (h) The owner of a tower shall comply with applicable federal laws, standards,  
 5 and published recommendations related to lighting, marking, painting, and visibility of  
 6 a tower.

7 (i) A person who violates this section is guilty of a violation and shall be  
 8 punished as provided in AS 12.55.

9 **Sec. 02.10.190. Definitions.** In this chapter,

10 (1) "airport" means an area of land or water that is used or intended for  
 11 use for the landing and take-off of aircraft, and any appurtenant areas that are used or  
 12 intended for use for airport buildings or other airport facilities or rights-of-way,  
 13 together with airport buildings and facilities located in the area;

14 (2) "commissioner" means the commissioner of transportation and  
 15 public facilities;

16 (3) "department" means the Department of Transportation and Public  
 17 Facilities;

18 (4) "tower" includes accessory facilities and guy wires attached to the  
 19 tower.

20 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
 21 read:

22 **TRANSITIONAL PROVISIONS.** The owner of a tower existing on the effective date  
 23 of this Act shall register the tower in accordance with AS 02.10.100(b), enacted by sec. 1 of  
 24 this Act, within 45 days after the effective date of this Act. A person in violation of this  
 25 section is guilty of a violation and shall be punished as provided in AS 12.55.

26 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).