
OLR Bill Analysis

sHB 6426

AN ACT CONCERNING RECOMMENDATIONS BY THE CONNECTICUT AIRPORT AUTHORITY REGARDING THE PROVISION OF SECURITY SERVICES AND METEOROLOGICAL EVALUATION TOWERS.

SUMMARY

This bill establishes marking requirements for “meteorological evaluation towers” (METs) that are 50 to 200 feet above ground level. These towers are not subject to the Federal Aviation Administration’s (FAA) air hazard evaluation process, or any compulsory marking, because they are below the height threshold (see BACKGROUND). The bill’s marking requirements correspond to FAA guidance on the voluntary marking of METs.

Under the bill, anyone who owns, operates, or erects an MET and does not mark or erect it as the bill requires is subject to the following civil penalties: (1) up to \$500 if the violation does not result in physical injury, (2) up to \$1,000 if it results in physical injury to another person, (3) up to \$5,000 if its results in serious physical injury to another person, and (4) up to \$10,000 if it results in another person’s death (see BACKGROUND).

The bill also (1) updates a special act regarding payments for state police security services at Bradley International Airport (“Bradley Airport”) and (2) makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021, except that the provision on security services at Bradley Airport is effective upon passage.

METEOROLOGICAL EVALUATION TOWER MARKING

METs Defined

Under the bill, an MET is a structure that (1) is self-standing or supported by guy wires or anchors; (2) is six feet or less in diameter at

the base; and (3) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted to document whether a site has enough wind resources to operate a wind turbine generator.

METs do not include (1) structures adjacent to a building, including a barn, electric utility substation, or a residence's curtilage; (2) a tower regulated by the Federal Communications Commission (FCC); or (3) a tower used primarily to support telecommunications equipment or provide commercial mobile radio service or commercial mobile data service, as defined under FCC regulations.

MET Marking Requirements

Under the bill, METs must:

1. be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower;
2. have aviation orange marker balls installed and displayed in accordance with FAA regulations and advisory circulars; and
3. not be supported by guy wires, unless the wires have, at each anchor point, a seven-foot-long safety sleeve that extends from the anchor point along each attached wire.

These marking requirements correspond to those recommended in the FAA's Obstruction Lighting and Marking advisory circular (70/7460-1L).

SECURITY SERVICES AT BRADLEY INTERNATIONAL AIRPORT

The bill updates a 2009 special act provision on state police security services at Bradley Airport that required the Department of Transportation to enter into a memorandum of understanding providing that call costs incurred by the Department of Public Safety for state police security services be paid from the Bradley Enterprise Fund. However, federal airport revenue diversion laws allow airport funds to only pay for security services required under federal law.

The bill (1) updates agency references to the Connecticut Airport Authority (CAA) and the Department of Emergency Services and Public Protection; (2) requires CAA to enter into a contract, rather than a memorandum of understanding, for these security services; (3) extends the date by which they must enter into the contract to December 1, 2021; and (4) requires payments under the contract to be made in compliance with all applicable federal laws, regulations, and guidelines. This conforms to current agency practice.

BACKGROUND

FAA Air Hazard Review

FAA regulations require anyone proposing to construct or alter a structure greater than 200 feet high to file notice with the FAA. The FAA reviews notices to determine if the proposed construction is hazardous to air navigation and, if applicable, determine appropriate mitigation measures, such as marking and lighting requirements (14 C.F.R. § 77.5 et seq.). Although METs, as defined in the bill, are not required to be reported to the FAA, agency policy recommends the voluntary markings, according to its guidance (76 Fed. Reg. 36983).

Injury and Serious Physical Injury

By law, “physical injury” is impairment of physical condition or pain. “Serious physical injury” is physical injury that creates a substantial risk of death or that causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of a bodily organ’s function (CGS § 53a-3).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/03/2021)