



New Copy
House of Representatives

General Assembly

File No. 87

January Session, 2021

Substitute House Bill No. 6426

House of Representatives, March 18, 2021

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21 of public act 09-7 of the September special
2 session is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 Not later than December 1, [2009] 2021, the [Department of
5 Transportation] Connecticut Airport Authority and the Department of
6 [Public Safety] Emergency Services and Public Protection shall enter
7 into a [memorandum of understanding to provide that all associated]
8 contract providing for security services at Bradley International Airport.
9 Such contract shall provide that all costs incurred by the [Department of
10 Public Safety] department in providing sworn members of the Division
11 of State Police within the [Department of Public Safety to the]

12 department to Bradley International Airport for the purposes of security
13 services shall be paid from the Bradley Enterprise Fund. Any payment
14 made pursuant to the contract shall be in compliance with all applicable
15 federal laws, regulations and guidelines.

16 Sec. 2. Section 2-90b of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective from passage*):

18 The Auditors of Public Accounts shall biennially conduct an audit of
19 reimbursements made from the Bradley Enterprise Fund to the
20 Department of Emergency Services and Public Protection to cover the
21 cost of Troop [W] H operations carried out in accordance with the
22 [memorandum of understanding] contract between the Department of
23 Emergency Services and Public Protection and the [Department of
24 Transportation] Connecticut Airport Authority.

25 Sec. 3. (NEW) (*Effective October 1, 2021*) (a) For the purposes of this
26 section, "meteorological evaluation tower" means a structure that (1) is
27 self-standing or supported by guy wires or anchors, (2) is not more than
28 six feet in diameter at the base, and (3) has accessory facilities on which
29 an antenna, sensor, camera, meteorological instrument or other
30 equipment is mounted for the purpose of documenting whether a site
31 has sufficient wind resources for the operation of a wind turbine
32 generator. "Meteorological evaluation tower" does not include (A) a
33 structure that is located adjacent to a building, including a barn or an
34 electric utility substation, or in the curtilage of a residence, (B) a tower
35 regulated by the Federal Communications Commission, or (C) a tower
36 used primarily to support telecommunications equipment or provide
37 commercial mobile radio service or commercial mobile data service, as
38 such terms are defined in 47 CFR 20.3, as amended from time to time.

39 (b) A meteorological evaluation tower that is at least fifty feet but not
40 more than two hundred feet in height above ground level: (1) Shall be
41 painted in equal alternating bands of aviation orange and white,
42 beginning with aviation orange at the top of the tower; (2) shall have
43 aviation orange marker balls installed and displayed in accordance with
44 the standards contained in current federal regulations and Federal

45 Aviation Administration advisory circulars; and (3) may not be
 46 supported by guy wires unless the guy wires have a seven-foot-long
 47 safety sleeve at each anchor point that extends from the anchor point
 48 along each guy wire attached to the anchor point.

49 (c) Any person who owns, operates or erects a meteorological
 50 evaluation tower in violation of any provision of subsection (b) of this
 51 section shall be subject to a civil penalty of (1) not more than five
 52 hundred dollars if such violation results in no physical injury, as defined
 53 in section 53a-3 of the general statutes, to another person, (2) not more
 54 than one thousand dollars if such violation results in physical injury to
 55 another person, (3) not more than five thousand dollars if such violation
 56 results in serious physical injury, as defined in section 53a-2 of the
 57 general statutes, to another person, and (4) not more than ten thousand
 58 dollars if such violation results in the death of another person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	PA 09-7 of the September Sp. Sess., Sec. 21
Sec. 2	<i>from passage</i>	2-90b
Sec. 3	<i>October 1, 2021</i>	New section

Statement of Legislative Commissioners:

In Section 3(c), "violates" was changed to "owns, operates or erects a meteorological evaluation tower in violation of" for accuracy.

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates new violations for marking requirements and, to the extent that offenders are fined, results in potential minimal revenue.

The bill also makes technical changes to the relationship between the Connecticut Airport Authority and the Department of Emergency Services and Public Protection regarding security services at Bradley International Airport, which are not anticipated to result in a fiscal impact to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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)