

By: Representatives Massengill, Remak

To: Transportation

HOUSE BILL NO. 697

1 AN ACT TO CREATE THE MISSISSIPPI AVIATION SAFETY ACT; TO
 2 DEFINE TERMINOLOGY; TO PROVIDE THAT BEGINNING JULY 1, 2024, THE
 3 OWNING ENTITY OF ALL EXISTING OR NEWLY CONSTRUCTED COVERED TOWERS
 4 AND STRUCTURES THAT HAVE HEIGHT MEASUREMENTS OF MORE THAN 50 FEET
 5 BUT LESS THAN 200 FEET SHALL CAUSE SUCH TOWER OR STRUCTURE TO BE
 6 CLEARLY MARKED CONSISTENT WITH APPLICABLE GUIDANCE IN THE FAA
 7 ADVISORY CIRCULAR (AC 70/7460 IL) TO REQUIRE THE OWNING ENTITY OF
 8 A NEWLY CONSTRUCTED STRUCTURE, BEFORE THE COMPLETION OF
 9 CONSTRUCTION OF THE STRUCTURE TO DISCLOSE THE HEIGHT, THE PRECISE
 10 LOCATION OF LATITUDINAL AND LONGITUDINAL COORDINATES OF THE
 11 COVERED TOWER OR STRUCTURE AND THE TYPE OF OBSTRUCTION MARKING OR
 12 LIGHTING TO THE APPROPRIATE ENTITY BY ELECTRONIC COMMUNICATION
 13 WITH THE APPROPRIATE ENTITIES; TO REQUIRE THE APPROPRIATE ENTITIES
 14 KEEP THEIR DATABASES CURRENT TO PROTECT ANY PROPRIETARY
 15 INFORMATION CONTAINED THEREIN; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** This act shall be known and may be cited as the
 18 "Mississippi Aviation Safety Act."

19 **SECTION 2.** As used in this act the following terms shall
 20 have the meanings ascribed in this section, unless context clearly
 21 requires otherwise.

22 (a) "Agricultural purposes" means farming in all its
 23 branches and the cultivation and tillage of the soil, the
 24 production, cultivation, growing and harvesting of any



25 agricultural or horticultural commodities performed by a farmer or
26 on a farm, or on pasture land or rangeland.

27 (b) "Appropriate entities" means the Federal Aviation
28 Administration and the Mississippi Agricultural Aviation
29 Association.

30 (c) (i) "Covered tower" means a structure that:

31 1. Is a meteorological evaluation tower
32 (MET), a self-standing tower, real-time kinematic tower or tower
33 supported by guy wires and ground anchors;

34 2. Is ten (10) feet or less in diameter at
35 the above-ground base, excluding the concrete footing;

36 3. At the highest point of the structure, is
37 at least fifty (50) feet above ground level;

38 4. At the highest point of the structure, is
39 not more than two hundred (200) feet above ground level;

40 5. Has accessory facilities on which an
41 antenna, sensor, camera, meteorological instrument or other
42 equipment is mounted to document whether a site has sufficient
43 wind resources to operate a wind turbine generator; and

44 6. Is located on land that is in a rural area
45 and used for agricultural purposes or, immediately adjacent to
46 such land;

47 (ii) "Covered tower" does not include any structure
48 that:



- 49 1. Is a street light erected or maintained by
50 a federal, state, local, or tribal entity;
- 51 2. Is an advertising billboard;
- 52 3. Is registered with the Federal
53 Communications Commission under the Antenna Structure Registration
54 program set forth under Part 17 of Title 47, Code of Federal
55 Regulations, and is determined by the FAA Administrator to pose no
56 hazard to air navigation; or
- 57 4. Has already mitigated any hazard to
58 aviation safety in accordance with Federal Aviation Administration
59 guidance or as otherwise approved by the Administrator.

60 (d) "Real-time kinematic (RTK) position tower" means a
61 tower used to supplement the global positioning system (GPS) to
62 provide highly accurate positioning and navigation data technology
63 in a wide range of applications, from surveying and mapping to
64 agriculture and construction.

65 (e) "Rural area" means a city, town or unincorporated
66 area that has a population of not more than ten thousand (10,000)
67 inhabitants, as defined in the Public Utility Regulatory Policies
68 Act of 1978 (7 USCS Section 918c(a)(5)).

69 (f) "Structure" means, but is not limited to,
70 meteorological evaluation towers, real-time kinematic positioning
71 towers, an currently unregulated nondisclosed structures greater
72 than fifty (50) feet and less than two hundred (200) feet in



73 height which endanger aviation operators unaware of said
74 structure.

75 **SECTION 3.** (1) Beginning on July 1, 2024, pursuant to the
76 FAA Reauthorization Act of 2018 and use of the database developed
77 by the FAA Administrator, the owning entity of all existing or
78 newly constructed covered towers and structures, whether regulated
79 or unregulated nondisclosed within the state, and before the
80 completion of construction of the structure, shall, by electronic
81 communication with the appropriate entities, disclose:

82 (a) The height of such covered tower or structure;

83 (b) The precise location of latitudinal and
84 longitudinal coordinates; and

85 (c) The type of obstruction marking or lighting, if
86 any.

87 (2) (a) The appropriate entities shall keep the databases
88 for which they are responsible for maintaining, current to the
89 extent practicable, and ensure that any proprietary information in
90 the database is protected from disclosure in accordance with law,
91 which shall be accessible via the entities' website or develop
92 mobile application.

93 (b) The appropriate entities shall ensure that, by
94 virtue of accessing the database, users agree and acknowledge that
95 information in the database:

96 (i) May only be used for aviation safety purposes;
97 and



98 (ii) May not be disclosed for purposes other than
99 aviation safety, regardless of whether or not the information is
100 marked or labeled as proprietary or with a similar designation.

101 **SECTION 4.** This act shall take effect and be in force from
102 and after July 1, 2024.

