



FCC Proposes to Modernize and Clarify Tower Marking and Lighting Regulations

On April 20, 2009, the FCC released a Notice of Proposed Rulemaking (NPRM) seeking comment on revisions to Part 17 of the Rules governing the construction, marking and lighting of antenna structures. The FCC started the proceeding to update and modernize the Part 17 rules. The FCC stated that the proposed revisions are intended to improve compliance with these rules and allow them to enforce them more effectively, helping to better ensure the safety of pilots and aircraft passengers nationwide. The FCC also said that the proposed revisions would, in addition, remove outdated and burdensome requirements without compromising its statutory responsibility to prevent antenna structures from being hazards or menaces to air navigation.

Generally, the Commission requires owners of antenna structures (rather licensees utilizing the structures) to register with the Commission structures that meet the registration criteria and to exercise primary responsibility for the prescribed painting and lighting. Part 17 of the FCC rules sets forth procedures for identifying those antenna structures that might affect air navigation, consistent with recommendations made by the Federal Aviation Administration (FAA).

Based partially on a petition filed by PCIA – The Wireless Infrastructure Association on September 12, 2006, the NPRM proposes significant revisions to Part 17 including deletion of certain sections, including, among other things:

- Deleting reference in the rules to a specific version of the FAA's Advisory Circulars (which specifies how towers should be painted and lighted).
- Amending Section 17.4 to require any change in height of one foot or greater or any change in coordinates of one second or greater requires prior approval from the FAA and the Commission.
- Consistent with the above standard, the NPRM seeks comment on whether to amend the rules to require that the height information provided on FCC Form 854 must be accurate within one foot and the location coordinates provided must be accurate within one second of longitude and latitude.

In addition, the FAA released a Notice of Proposed Rulemaking in June 2006 that proposed to modify its notification rules. [See [TV TechCheck July 3, 2006](#)]. Under the FAA's proposal, among other things, events that give rise to a notification requirement would be expanded to include: construction of new facilities that operate on specified frequency bands, changes in authorized frequency, addition of new frequencies, increases in effective radiated power or antenna height above certain thresholds, and changes in antenna configuration for communications facilities that operate in specified radio frequency bands, independent of the physical attributes of such facilities. The FAA has not made a decision on their proposed rules. However the FCC seeks comment on how the outcome of the FAA proceeding might affect any of the matters being considered in the FCC's current proceeding.

The Docket number is WT-10-88. While the comment date has not yet been established, a copy of the NPRM is available on the FCC's Web site at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-53A1.pdf. Comments will be due 60 days after the NPRM is published in the Federal Register.



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