



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES NEW FEDERAL AVIATION ADMINISTRATION ANTENNA STRUCTURE MARKING AND LIGHTING REQUIREMENTS

On December 4, 2015, the Federal Aviation Administration's (FAA) released Advisory Circular for Obstruction Marking and Lighting 70/7460-1L (AC 70/7460-1L), which cancels and replaces Advisory Circular 70/7460-1K.¹ This release effectively amends the lighting requirements applicable to towers that must be registered in the Commission's Antenna Structure Registration (ASR) system.

Under Commission rules, each new or altered antenna structure subject to the antenna structure registration requirement must conform to the painting and lighting specifications set forth in the FAA's final determination of "no hazard" and the associated FAA study for that particular structure.² Additionally, the registration of such antenna structures must reflect the lighting specifications set in the No Hazard Determination.³ The FAA specifies marking and lighting for new and altered antenna structures based on the current version of AC 70/7460-1L. Therefore, going forward all new or altered antenna structures will follow AC 70/7460-1L.

The new advisory circular makes a number of changes that affect antenna structures. Most notably, Lighting Styles A, E, and F for antenna structures no longer employ L-810 steady-burning side lights for communications towers that are taller than 350 feet above ground level (AGL). As a result of this change, effective immediately all new communications towers taller than 350 feet AGL that use lighting may use only flashing obstruction lights.

In addition, for towers between 151 and 350 feet AGL, the new advisory circular requires flashing L-810 side lights, rather than steady L-810 side lights, for Lighting Styles A and E. This requirement will not take effect until September 15, 2016,⁴ at which point all new communications towers taller than 150 feet AGL that use lighting may use only flashing obstruction lights.

This FAA has made this change to lighting configuration requirements in order to reduce the effects that antenna structures have on migratory birds.⁵ Scientific research suggests that birds are attracted to non-flashing red lights, such as L-810 steady-burning side lights, and that they are much less attracted to flashing lights, such as flashing L-810, L-864 and L-865 lights.⁶ It is estimated that millions

¹ See AC 70/7460-1L, available at http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.pdf.

² 47 C.F.R. § 17.23.

³ *Id.*

⁴ See AC 70/7460-1L at i.

⁵ See AC 70/7460-1L at ii.

⁶ See Final Programmatic Environmental Assessment for the Antenna Structure Registration Program, released March 13, 2012, at 5-15, available at <http://www.fcc.gov/pea> (Final PEA).

of migratory birds collide with communications towers annually in the United States, and that most of the fatalities include species protected by the Migratory Bird Treaty Act of 1918 and potentially the Endangered Species Act of 1973.⁷ Eliminating non-flashing lights on towers may reduce migratory bird collisions by as much as 70 percent.⁸

With the implementation of AC 70/7460-1L, the Bureau encourages owners of existing registered antenna structures to eliminate the use of L-810 steady-burning side lights as soon as possible. In addition to reducing migratory bird fatalities, eliminating the use of L-810 steady-burning side lights will reduce maintenance and energy costs for tower owners. For many communications towers, making this change does not require climbing the tower, and can be accomplished simply by extinguishing the steady-burning lights. Prior to changing the lighting on an existing antenna structure, the tower owner must request a new No Hazard Determination under AC 70/7460-1L from the FAA, and then must file Form 854 with the FCC to amend its antenna structure registration to reflect the new lighting.

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⁷*See id.* at Sections 4.6.3 and 5.4.3.3.

⁸*See id.* at 5-15.