

Before the
U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION
Washington, D.C. 20590

<i>In the Matter of</i>	)	
	)	
Requirements to File Notice of	)	Docket No. FAA-2024-2574
Meteorological Towers and Other Wind	)	
Energy Systems	)	
	)	

COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

The Wireless Infrastructure Association (“WIA”)¹ submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) issued by the Federal Aviation Administration (“FAA” or “Administration”) implementing parts of the 2016 FAA Reauthorization Act.² WIA’s members work closely with the Administration and the Obstruction Evaluation Group (“OEG”) in particular to ensure wireless infrastructure does not present a hazard to aviation operations. Accordingly, WIA supports the FAA’s proposal as a proactive step forward which will modernize FAA operations and support air safety. WIA further supports the full implementation of the marking and tracking procedures provided by Congress in the FAA Reauthorization Acts to help speed deployment of infrastructure and maintain safe and navigable air space.

While WIA generally supports this proposal, we respectfully request additional clarification in the definition of Meteorological Evaluation Tower (“MET Tower”), which is currently overbroad and may inadvertently sweep in permanent communications towers. Adopting

¹ The Wireless Infrastructure Association (“WIA”) is the principal organization representing companies that build, design, own, and manage telecommunications facilities throughout the world. WIA’s members include infrastructure providers, carriers, and professional services firms.

² Notice of Proposed Rulemaking, FAA-2024-2547, FED. AVIATION ADMIN., 89 Fed. Reg. 90627 (Nov. 18, 2024).

the clarification proposed below would conform with requirements articulated by Congress and ensure the rules do not inadvertently include structures not meant to be covered by these rules.

The federal government expressly recognized the inherent difference between communications towers and MET Towers in the 2018 FAA Reauthorization statute.³ Over 150,000 cellular towers were in operation across the United States by the end of 2023, supporting seamless connectivity across the country.⁴ These structures go through rigorous state and federal review—including by the FAA—before being deployed.⁵ This evaluation and approval process stands in stark contrast to the limited oversight for MET Towers where, as the NRPM notes, temporary towers can go up in a matter of hours which can create sudden and unexpected safety risks.⁶ The well-defined process associated with communications tower approvals led Congress to explicitly differentiate the requirements for METs from communications structures in the 2018 FAA Reauthorization.⁷ The FAA rules adopted should similarly exempt communications towers.

In addition to consistency with Congressional intent, the proposed change would also make the FAA's rules more consistent with existing state regulations on this issue. As the FAA notes, several states have also acted in the intervening years to enact regulations to reduce the risk to

³ Pub. L. 115-254, Sec. 576 (Oct. 5, 2018) [2018 FAA Reauthorization].

⁴ WIA, *Wireless Infrastructure by the Numbers; 2023 Key Statistics*, (Rel. Q1, 2024), https://go.wia.org/wp_2023.

⁵ See Construction, Marking, and Lighting of Antenna Structures, 47 C.F.R. Part 17 (providing FCC and FAA requirements for communications structure registration).

⁶ Proposed Rule at 90633.

⁷ Pub. L. 114-190, Sec. 2110 (b)(1)(A)(ii) (July 15, 2016) (as amended by 2018 FAA Reauthorization) (excluding structures registered with the FCC from covered structures under the rules).

pilots from METs.⁸ Indeed, most of these state laws provide similar exemptions for wireless communications infrastructure.⁹

If the definition is adopted as proposed, then communications tower deployments could be unnecessarily included in the class of structures that must report its location and maintain marking. This is inconsistent with Congressional directive in the FAA reauthorization that envisioned communications towers being able to either submit locations to the FAA or implement marking.¹⁰ This duplicative requirement could increase the cost and delay the deployment of needed wireless infrastructure.

While these requirements could negatively impact communications towers, it would also unnecessarily require additional resources from the FAA to track and ensure compliance by these structures. Further, including communications towers would increase the risk of creating unnecessary Notices to Air Missions (“NOTAMs”) which could cause pilot confusion and be detrimental to maintaining air safety. Due to the inherently permanent nature of communications towers, they present little risk to pilots and should not be included in this more stringent tier of structure.

Accordingly, to conform with Congressional intent and existing state law, WIA recommends the FAA add the following language to the end of the definition of “Meteorological tower” in the amended section 77.3:

⁸ Proposed Rule at 90631, Fn. 20.

⁹ See, e.g., *Towers Marking Definitions*, 43-10-117 CO. REV. STAT. at 4(a)(II) (2022); *Meteorological Towers*, MINN. STAT. at 360.915 (2024); *Guyed Towers*, 14.16.100 REV. CODE WASH. at (4) (2024); and *Marking Obstructions*, WYO. STAT. at Sec. 10-4-305 (2023) (all including exemptions for communications towers or structures otherwise registered with the Federal Communications Commission).

¹⁰ 2018 FAA Reauthorization at 576 (providing that towers other than covered MET Towers will be either clearly marked or included in the FAA database).

“A meteorological tower does not include a facility registered with the Federal Communications Commission or any structure with the primary purpose of supporting telecommunications equipment, including microwave relay facilities and towers erected for the purpose of providing commercial mobile radio service or commercial mobile data service, as the terms are defined in Code of Federal Regulations, title 47, section 20.3.”¹¹

This proposed change would ensure the rules are narrowly tailored to the intended structures and not create disruption for critical wireless communications deployments.

Respectfully submitted,

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¹¹ *Meteorological Towers*, MINN. STAT. at 360.915 (2024).