

Legislative Analysis



AMATEUR RADIO ANTENNA: HEIGHT REGULATIONS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 493 (Substitute S-2)

Sponsor: Sen. Rick Jones

House Committee: Energy and Technology

Senate Committee: Energy and Technology

Complete to 12-8-14

A SUMMARY OF SENATE BILL 493 AS PASSED BY THE SENATE 10-22-14

The bill would codify federal regulations relating to the height of antenna structures for amateur radio service stations (also known as ham radio operators), thereby requiring local regulations to reasonably accommodate amateur radio service communications.

BACKGROUND INFORMATION:

There are at least 22,000 amateur radio operators in Michigan. Amateur radio (also known as "ham radio") services are regulated under Part 97 of the Federal Communications Commission rules. According to information on the FCC website, ham operators are licensed by the FCC to operate radio communications as a hobby or a voluntary service on radio frequencies allocated by the commission. Ham operators provide a variety of services and often assist civil defense organizations and their local communities during emergencies and natural disasters when ordinary lines of communication are interrupted. Equipment is owned by the amateur radio operator.

In 1984, the FCC issued a declaratory ruling (PRB-1) that, among other things, addressed conflicts between FCC and local regulations pertaining to amateur radio communications. Upon weighing the public service provided by ham operators, the FCC ruling stated that a limited preemption policy was warranted and that state and local regulations "that operate to preclude amateur communications in their communities are in direct conflict with federal objectives and must be preempted." In addition, the ruling emphasized that amateur radio communications are only as effective as the antennas used by the operators. A local ordinance that restricted an antenna's height would therefore directly affect the effectiveness of the communications. The FCC declined to specify any particular height limitation below which a local entity could not regulate an antenna's height, but did rule that "*local regulations which involve placement, screening, or height of antennas [sic] based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose.*"

At least 30 states have enacted some form of law to codify PRB-1, including Ohio, Indiana, Illinois, and Wisconsin.

DETAILED SUMMARY:

Senate Bill 493 adds a new section to the Michigan Zoning Enabling Act to codify the FCC ruling regarding local preemption contained in PRB-1. The bill states that 47 CFR 97.15 provides that owners of certain amateur radio service station antenna structures more than 200 feet (60.96 meters) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration (FAA) and register with the Federal Communications Commission (FCC) as required by 47 CFR Part 17.

The bill also authorizes an antenna to be enacted at heights and dimensions sufficient to accommodate amateur radio service communications. Regulation of an antenna structure by a local unit of government could not preclude amateur radio service communications. Rather, it must reasonably accommodate those communications and must constitute the minimum practicable regulation to accomplish the local entity's legitimate purpose.

Further, the bill says that to obtain information about the regulation of amateur radio service station antenna structures, a person may contact any advisory board that is jointly established by the Michigan Section of the American Radio Relay League and one or more state organizations representing local units of government.

MCL 125.3205a, proposed

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.