



The

Broadcasters' Desktop Resource

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... edited by Barry Mishkind – the Eclectic Engineer

Ask the Lawyer

ASR Signage and other Tower Rule Changes

By Cary S. Tepper

[October 2014] In August, the FCC released a Report and Order on WT Docket 10-88, relating to tower construction, marking and lighting of tower structures.

The new and revised rules were published last month and are now coming into effect – with some deadlines this month. Our friendly communications attorney, Cary Tepper, helps clarify some key points.

Question: *I understand that the FCC has made some changes related to the display of my ASR number. What changes will I need to make any changes at my site?*

Cary Tepper: On 8/24/14 the FCC issued a Report and Order in WT Docket No. 10-88 that modernized many of the rules and regulations pertaining to the construction, marking, and lighting of tower structures.

These new rules and regulations become *effective on October 24, 2014*. That makes this a good time to double-check that you are in compliance with the changes.

THE ASR DISPLAY

From a day-to-day operational standpoint, one of the most important rules change involves the display of the FCC's Antenna Structure Registration (ASR) information at the tower site.

Tower owners with ASR's have long been required to display their ASR number at the tower site, but confusion often arose about just what that requirement entails. The simple statement

of the rule is that the required information must be displayed on a permanent sign *"in a conspicuous place readily visible near the base of the antenna structure."*

This sign must be made of weather-resistant material and be of sufficient size to be easily seen at the base of the antenna structure.

VISIBLE FROM THE ACCESS POINT

But some towers are enclosed by perimeter fences, and a sign at the base of the tower may well be too far away for someone outside the fence to read.

As a result of the recent Report and Order the Commission has clarified that the ASR and contact information must be posted nearest to where the tower which is accessible by persons seeking to find out the ASR number. The FCC uses the words *"closest publicly available access point"* which would usually mean on a perimeter fence or access gate.

MULTIPLE TOWERS/MULTIPLE GATES

If a perimeter fence has two or more locked entrance gates, the ASR information must be posted at each gate.

If one perimeter fence surrounds more than one tower (such as in an AM broadcast directional array), the ASR information for each tower still should be posted at the base of that tower, with information for all of them at the fence entry points. (Note: multiple towers in an array are

each supposed to be separately registered with the FCC, and have separate ASR numbers.)

Generally the FCC will not require antenna structure owners to post the ASR number at both an access point and the base of the structure. However, in certain circumstances, the FCC believes posting multiple signs (at access points and the base of the tower) has an informational benefit to the public.

As a Rule of Thumb, if you have multiple registered towers at one site, surrounded by one perimeter fence, you should post the ASR information at each access point as well as at the base of each tower structure.

It is probably safe to assume that ASR signs at access points must also be made of weather-resistant material and be of sufficient size to be easily seen.

THE REST OF THE STORY

The Report and Order made other changes and clarified a few additional matters. Among those other things, some FCC rules are being adjusted to match FAA rules.

Briefly, here are some of the other high points in the Report and Order. For more details on any of the specific points, [you can read the entire text here.](#)

- FCC and FAA rules were harmonized, requiring all changes to marking and lighting to have approval from both agencies before filing for a changed ASR. (Existing stations are excluded at this time, unless the FAA specifically requires it.)
- Similarly, the FCC will defer to the FAA's expertise to determine when approval is necessary to get a new ASR: essentially, one foot or more of structural height or one second or more change in location now requires a filing.

- Licensees and Permittees now will have five days to notify the Commission when a tower structure has been topped out at its greatest height – or when a tower has been dismantled. (Previously 24 hours.)
- It is now possible to voluntarily register a tower that does not normally need registration (under 200 feet, in many cases), without subjecting them to Part 17 rules.
- In cases where there are tenants on a tower, the ASR specifications can be delivered by email and a link to the FCC's database.
- An exemption from Quarterly Tower Lighting inspections is available in some cases – essentially where an advanced monitoring system meeting the FCC's requirements is installed.
- A report to the FAA is required for any known failure or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position, not corrected within 30 minutes. If repair time exceeds the FAA's Notices to Airmen



(NOTAM) period, an extension must be filed with the FAA, as well as notification of the return-to-service date.

- The FCC clarified record retention rules: records of lighting failures and actions need to be kept and made available to inspectors for two years.
- The color of tower paint is to be in accord with the FAA's *In-Service Aviation Orange Tolerance Chart*. Exact repainting schedules is not specified, but it is suggested that the paint condition on the upper half of the tower should be the guide in assessing color fading.

REMEMBER THE COMPLIANCE DATE

Please do take note of the effective date of these

new signage rules – *October 24, 2014* – and make sure that your tower site(s) are in full compliance.

Here is your chance to ask question about any FCC rule or procedure. Just [click here and ask away](#) with no obligation.

Founder and managing member of Tepper Law Firm, LLC, Cary Tepper has had, since 1985, an extensive telecommunications law practice with regard to broadcast regulation, business negotiations, acquisitions and mergers, facility modifications, radio spectrum allocations, and administrative hearing litigation. Tepper Law Firm represents several hundred radio and TV stations throughout the US. Contact Cary at: Tepperlaw@aol.com

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