

TRANSPORTATION CODE

TITLE 3. AVIATION

CHAPTER 25. NOTICE OF CONSTRUCTION OF WIRELESS COMMUNICATION  
FACILITY

Sec. 25.001. DEFINITION. In this chapter, "wireless communication facility" means an equipment enclosure, antenna, antenna support structure, and any associated facility used for receiving or sending a radio frequency, microwave, or other signal for a commercial communications purpose.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. 2278), Sec. 2.37, eff. April 1, 2009.

Sec. 25.002. NOTICE OF CONSTRUCTION. (a) A person proposing to construct a wireless communication facility that is taller than 100 feet shall, not later than the 30th day before the date the construction begins, mail a letter to:

(1) any airport located within three miles of the proposed facility location; and

(2) the Texas Agricultural Aviation Association.

(b) The letter must state:

(1) the legal description of the proposed site of construction, including a graphic depiction showing:

(A) the location, height, longitude, latitude, pad size, roadway access, and proposed use of the wireless communication facility; and

(B) the location of any guy wires;

(2) at a minimum, the name, phone number, electronic mail address, if any, and mailing address of the person proposing construction of the wireless communication facility; and

(3) a phone number that is operational 24 hours a day, seven days a week, for emergency purposes.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. 2278), Sec. 2.37, eff. April 1, 2009.

Sec. 25.003. INAPPLICABILITY OF CHAPTER. This chapter does not apply to:

- (1) a structure the main purpose of which is to provide electric service;
- (2) a wireless communication facility:
  - (A) used by an entity only for internal communications;
  - (B) constructed by a municipality;
  - (C) used for emergency communications; or
  - (D) installed for colocation purposes;
- (3) a radio or television reception antenna;
- (4) a satellite or microwave parabolic antenna not used by a wireless communication service provider;
- (5) a receive-only antenna;
- (6) an antenna owned and operated by a federally licensed amateur radio station operator;
- (7) a cable television company facility;
- (8) a radio or television broadcasting facility; or
- (9) a colocation antenna.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 2.37, eff. April 1, 2009.

Sec. 25.004. EFFECT ON LOCAL ORDINANCES. This chapter does not preempt a local ordinance regulating a wireless communication facility.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 2.37, eff. April 1, 2009.