

F.C.C. 65-455

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

<p>POLICY STATEMENT CONCERNING THE HEIGHT OF RADIO AND TELEVISION ANTENNA TOWERS</p>	}	Public Notice
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BY THE COMMISSION: COMMISSIONER HYDE ABSENT.

Considerable concern has recently been evidenced over the steady trend to taller and taller television and FM radio antenna towers, and the impact of this trend on the safety of air navigation. This concern is illustrated by the fact that in 1955 Congressional hearings were held on a resolution (H. J. Res. 138, 84th Cong.) designed, in effect, to halt the proliferation of antenna towers with heights of more than 1,000 feet above ground. Today there is under consideration a virtually identical resolution (H.J.Res. 261, 89th Cong.) except that it is now concerned with towers over 2,000 feet. We note also that there is now pending before Congress a bill which would prohibit the Commission from accepting for filing any application proposing an antenna more than 2,000 feet above ground (H.R. 7428, 89th Congress).

Antenna towers of adequate height are necessary to attain maximum use of radio in the public interest. However, it is essential that use of such towers be compatible with the requirements of public safety in air transportation.

The Commission believes that the public interest in both broadcast service and air safety can and must be accommodated. Over the years, this goal has been substantially accomplished through close cooperation between the Commission and the Federal Aviation Agency and its predecessor agencies, and we are confident that continuing joint efforts will bring the goal closer to full realization. For example, we have today issued a Notice of Proposed Rule Making (Docket No. 16030) looking toward the adoption of procedures for the establishment of antenna farm areas. Such areas are designed to group, insofar as possible and consistent with the public interest, antenna towers of broadcast stations serving the same community.

In addition to the steps already being taken, we believe special consideration should be given to the question of antenna tower heights. The needs of the television and FM radio services for antenna towers of adequate height, particularly with respect to the growing number of UHF television stations, can and should be realized within the limits of a realistic general height limitation on antenna towers.

We have concluded that this objective can best be achieved by adopting the following policy: Applications for antenna towers

higher than 2,000 feet above ground will be presumed to be inconsistent with the public interest, and the applicant will have a burden of overcoming that strong presumption. The applicant must accompany its application with a detailed showing directed to meeting this burden. Only in the exceptional case, where the Commission concludes that a clear and compelling showing has been made that there are public interest reasons requiring a tower higher than 2,000 feet above ground, and after the parties have complied with applicable FAA procedures, and full Commission coordination with FAA on the question of menace to air navigation, will a grant be made. Applicants and parties in interest will, of course, be afforded their statutory hearing rights.

Adoption of this policy should result in several benefits. First, it should effectively arrest the steady increase in the height of towers, an increase which has not been controlled by a strictly case-by-case consideration of antenna tower applications. Second, spelling out the Commission's policy should assist prospective applicants in making realistic antenna tower plans, thus hopefully avoiding many lengthy and costly administrative proceedings before both the Federal Aviation Agency and the Commission. Finally, the policy provides sufficient flexibility, by recognizing that there may be compelling public interest reasons in an exceptional case for an antenna tower higher than 2,000 feet above ground.

We recognize that there are arguments against any specific ceiling on antenna heights. An antenna tower of any height may constitute a menace to air navigation, depending on its proximity to airports and busy airways as well as other factors. However, the public interest in broadcast service may in some instances call for an antenna tower higher than any particular maximum imposed. We are nevertheless convinced that the public interest requires a specific ceiling to halt the upward trend in antenna tower heights, and that 2,000 feet above ground is both realistic and appropriate.

We believe that, in general, antenna heights over 2,000 feet are not necessary to provide adequate broadcast service. In this connection, we note that our rules have long provided that any television broadcast station with an antenna exceeding 2,000 feet above average terrain must operate with less than maximum power.¹ Moreover, there is currently but one antenna tower over 2,000 feet above ground which is in operation, and construction permits are outstanding for only two additional such towers. Thus, the 2,000 feet height accords, in general, with the current maximum antenna tower height, and minimizes any question of competitive advantage resulting from higher towers already authorized.

We wish to emphasize that the policy we are adopting is applicable solely to towers over 2,000 feet above ground. It indicates no intention to grant all applications proposing towers of less than 2,000 feet above ground. Such applications will continue to be examined on a case-by-case basis in accordance with established

¹ Television broadcast stations in Zone I on Channels 2-13 must use less than maximum power if they employ antennas exceeding 1,000 feet above average terrain.

procedures and criteria to determine whether a proposed tower constitutes a menace to air navigation.

The Commission has coordinated this public notice with the Federal Aviation Agency, and that agency is in full accord with its issuance.

Adopted May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION.