

House Bill 2375

Sponsored by Representative LEVY B; Representatives OSBORNE, SMITH G (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as **introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes a person who builds or updates a wind power facility apply to the FAA to put in a system to reduce lighting. (Flesch Readability Score: 62.1).

Requires a person who is developing or repowering a wind energy facility to apply to the Federal Aviation Administration for installation of a light-mitigating technology system and, if approved, install the system within 24 months.

A BILL FOR AN ACT

1
2 Relating to wind energy facilities.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Hub height" means the distance from the ground to the middle of a wind turbine's**
6 **rotor.**

7 (b) **"Light-mitigating technology system" means a system approved by the Federal Avi-**
8 **ation Administration that is capable of reducing the impact of obstruction lighting while**
9 **maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with**
10 **a structure or facility.**

11 (c) **"Maintenance" means activities to keep facilities, including wind-powered turbines, in**
12 **an efficient operating condition and that do not add to the value or extend the expected**
13 **economic life of the facilities.**

14 (d) **"Person" means a developer, owner or operator.**

15 (e) **"Repower" means to rebuild or refurbish a facility or wind-powered turbine when re-**
16 **quired due to the facility or wind-powered turbine reaching the end of its useful or economic**
17 **life, and the rebuild or refurbishment is not part of routine maintenance.**

18 (f) **"Wind energy facility" means an electric power generating facility that is made up of**
19 **five or more wind-powered turbines and one or more of the wind-powered turbines:**

20 (A) **Are required under Federal Aviation Administration regulations to have obstruction**
21 **lights; or**

22 (B) **Have an obstruction light and a hub height that is 75 or more feet above the ground**
23 **level.**

24 (2) **A wind energy facility may not be in operation unless the requirements in subsection**

25 **(3) of this section are met.**

26 (3)(a) **A person who is developing or repowering a wind energy facility shall apply to the**
27 **Federal Aviation Administration for installation of a light-mitigating technology system for**
28 **the wind energy facility's wind-powered turbines.**

29 (b) **If the application is approved by the administration, the person shall install the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **light-mitigating technology system on approved wind-powered turbines within 24 months**
 2 **from the date of approval.**

3 (c) **If the application is not approved by the administration, the person shall not be re-**
 4 **quired to install a light-mitigating technology system.**

5 (4) **Nothing in this section shall require a person to carry out light mitigation in a man-**
 6 **ner that conflicts with an applicable federal law or regulation.**

7 **SECTION 2. The governing body of a county or city or its designee may not allow or**
 8 **permit a wind energy facility, as defined in section 1 of this 2025 Act, that does not meet the**
 9 **requirements in section 1 of this 2025 Act.**

10 **SECTION 3.** Section 1 of this 2025 Act is amended to read:

11 **Sec. 1.** (1) As used in this section:

12 (a) **“Aircraft detection lighting system” means a light-mitigating technology system that:**

13 (A) **Uses sensors to detect approaching aircraft;**

14 (B) **Automatically activates obstruction lights when approaching aircraft are detected for**
 15 **as long as the obstruction lights are needed by the aircraft; and**

16 (C) **Meets the standards set forth in chapter 10 of the Federal Aviation Administration**
 17 **Advisory Circular AC 70/7460-1M, dated November 16, 2020, for marking and lighting struc-**
 18 **tures.**

19 [(a)] (b) **“Hub height” means the distance from the ground to the middle of a wind turbine’s**
 20 **rotor.**

21 [(b)] (c) **“Light-mitigating technology system” means a system approved by the Federal Aviation**
 22 **Administration that is capable of reducing the impact of obstruction lighting while maintaining**
 23 **conspicuity sufficient to assist aircraft in identifying and avoiding collision with a structure or fa-**
 24 **ility.**

25 [(c)] (d) **“Maintenance” means activities to keep facilities, including wind-powered turbines, in**
 26 **an efficient operating condition and that do not add to the value or extend the expected economic**
 27 **life of the facilities.**

28 [(d)] (e) **“Person” means a developer, owner or operator.**

29 [(e)] (f) **“Repower” means to rebuild or refurbish a facility or wind-powered turbine when re-**
 30 **quired due to the facility or wind-powered turbine reaching the end of its useful or economic life,**
 31 **and the rebuild or refurbishment is not part of routine maintenance.**

32 [(f)] (g) **“Wind energy facility” means an electric power generating facility that is made up of**
 33 **five or more wind-powered turbines, and one or more of the wind-powered turbines:**

34 (A) **Are required under Federal Aviation Administration regulations to have obstruction lights;**
 35 **or**

36 (B) **Have an obstruction light and a hub height that is 75 or more feet above the ground level.**

37 (2) **A wind energy facility may not be in operation unless the requirements in subsection (3) of**
 38 **this section are met.**

39 (3)(a) **A person who is developing or repowering a wind energy facility shall apply to the Federal**
 40 **Aviation Administration for installation of [a light-mitigating technology system] **an aircraft de-****
 41 **tection lighting system or a light-mitigating technology system that achieves comparable**
 42 **light mitigation results** for the wind energy facility’s wind-powered turbines.

43 (b) **If the application is approved by the administration, the person shall install the light-**
 44 **mitigating technology system on approved wind-powered turbines within 24 months from the date**
 45 **of approval.**

1 (c) If the application is not approved by the administration, the person shall not be required to
2 install a light-mitigating technology system.

3 (4) Nothing in this section shall require a person to carry out light mitigation in a manner that
4 conflicts with an applicable federal law or regulation.

5 **SECTION 4. The amendments to section 1 of this 2025 Act by section 3 of this 2025 Act**
6 **become operative on January 1, 2028.**

7 **SECTION 5. Section 1 of this 2025 Act applies to a wind energy facility for which a person**
8 **begins commercial operation, develops or repowers on or after January 1, 2026.**

9 **SECTION 6. The amendments to section 1 of this 2025 Act by section 3 of this 2025 Act**
10 **apply to a wind energy facility for which a person begins commercial operation, develops or**
11 **repowers on or after January 1, 2028.**

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