

4191--A

Cal. No. 727

2011-2012 Regular Sessions

I N S E N A T E

March 23, 2011

Introduced by Sens. MARCELLINO, DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the public buildings law, in relation to outdoor lighting installed by state agencies and public corporations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public buildings law is amended by adding a new article
2 4-D to read as follows:

3 ARTICLE 4-D
4 OUTDOOR LIGHTING

5 SECTION 90. DEFINITIONS.

6 91. PERMANENT OUTDOOR LUMINAIRE.

7 92. INFORMATIONAL PAMPHLET.

8 93. APPLICABILITY.

9 S 90. DEFINITIONS. AS USED IN THIS SECTION:

10 1. "LUMINAIRE" MEANS A COMPLETE LIGHTING UNIT, INCLUDING A LAMP OR
11 LAMPS TOGETHER WITH THE PARTS DESIGNED TO DISTRIBUTE THE LIGHT, TO POSI-
12 TION AND PROTECT THE LAMPS, AND TO CONNECT THE LAMPS TO THE POWER
13 SUPPLY; A LIGHT FIXTURE.

14 2. "GLARE" MEANS LIGHT EMITTED BY A LUMINAIRE THAT CAUSES REDUCED
15 VISIBILITY OR MOMENTARY BLINDNESS BY SHINING DIRECTLY INTO THE EYES OF
16 THE VIEWER.

17 3. "LAMP" MEANS THE COMPONENT OF A LUMINAIRE THAT PRODUCES LIGHT; A
18 LIGHT BULB.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10428-04-2

1 4. "LIGHT POLLUTION" MEANS ANY ADVERSE EFFECT OF OUTDOOR LIGHTING
2 INCLUDING, BUT NOT LIMITED TO, GLARE AND SKY GLOW.

3 5. "LUMEN" MEANS THE UNIT OF MEASUREMENT USED TO QUANTIFY THE AMOUNT
4 OF LIGHT PRODUCED BY A LAMP OR EMITTED FROM A LUMINAIRE, AS DISTINCT
5 FROM "WATT", A MEASURE OF POWER CONSUMPTION.

6 6. "FULLY SHIELDED LUMINAIRE" MEANS A LUMINAIRE CONSTRUCTED AND
7 INSTALLED IN SUCH A MANNER THAT ALL LIGHT EMITTED BY IT, EITHER DIRECTLY
8 FROM THE LAMP OR A DIFFUSING ELEMENT, OR INDIRECTLY BY REFLECTION OR
9 REFRACTION FROM ANY PART OF THE LUMINAIRE, IS PROJECTED BELOW A HORIZON-
10 TAL PLANE THROUGH THE LUMINAIRE'S LOWEST LIGHT EMITTING PART.

11 7. "PERMANENT OUTDOOR LUMINAIRE" MEANS ANY LUMINAIRE OR SYSTEM OF
12 LUMINAIRES THAT IS OUTDOORS AND THAT IS USED FOR MORE THAN TEN DAYS IN A
13 THREE HUNDRED SIXTY-FIVE DAY PERIOD.

14 8. "ROADWAY LIGHTING" MEANS PERMANENT OUTDOOR LUMINAIRES THAT ARE
15 SPECIFICALLY INTENDED TO ILLUMINATE ROADWAYS FOR AUTOMOTIVE VEHICLES.

16 9. "CONTINUOUS ROADWAY LIGHTING DESIGN" MEANS A LIGHTING PLAN THAT
17 ESTIMATES LIGHT ON A ROADWAY FROM CALCULATIONS UTILIZING FACTORS INCLUD-
18 ING, BUT NOT LIMITED TO, A PARTICULAR LUMINAIRE, MOUNTING HEIGHT, OR
19 POLE SPACING, IN ORDER TO MEET A SPECIFIED GOAL SUCH AS MINIMUM LIGHTING
20 LEVEL, UNIFORMITY, OR SMALL-TARGET VISIBILITY. LIGHTING PLACED ONLY AT
21 INTERSECTIONS OR OTHER POTENTIALLY HAZARDOUS LOCATIONS SHALL NOT BE
22 CONSIDERED CONTINUOUS.

23 10. "SKY GLOW" MEANS THE ILLUMINATION OF THE NIGHTTIME SKY THAT
24 RESULTS FROM UPWARD SHINING LIGHT, WHICH IS REFLECTED OFF MOLECULES AND
25 PARTICLES OF DIRT AND MOISTURE IN THE ATMOSPHERE.

26 11. "STATE PUBLIC CORPORATION" MEANS A PUBLIC BENEFIT CORPORATION TO
27 WHICH THE GOVERNOR APPOINTS A MAJORITY OF THE MEMBERS.

28 S 91. PERMANENT OUTDOOR LUMINAIRE. 1. NO STATE AGENCY OR STATE PUBLIC
29 CORPORATION OPERATING IN THE STATE SHALL INSTALL OR CAUSE TO BE
30 INSTALLED ANY NEW OR REPLACEMENT PERMANENT OUTDOOR LUMINAIRE UNLESS THE
31 FOLLOWING CONDITIONS ARE MET:

32 (A) ANY LUMINAIRE WITH A LAMP OR LAMPS HAVING TOTAL INITIAL OUTPUT
33 GREATER THAN EIGHTEEN HUNDRED LUMENS SHALL BE FULLY SHIELDED, EXCEPT
34 THAT A HISTORIC-STYLE DECORATIVE LUMINAIRE MAY EMIT UP TO TWO PERCENT OF
35 ITS TOTAL LUMENS ABOVE THE HORIZONTAL PLANE;

36 (B) IF A LIGHTING RECOMMENDATION PUBLISHED BY THE ILLUMINATING ENGI-
37 NEERING SOCIETY OF NORTH AMERICA APPLIES, FULL CONSIDERATION IS GIVEN TO
38 THE MINIMUM MAINTAINED LIGHT LEVEL ADEQUATE TO MEET THE RECOMMENDATION;

39 (C) IF NO SUCH LIGHTING RECOMMENDATION APPLIES, NO MORE THAN THE MINI-
40 MUM MAINTAINED LIGHT LEVEL ADEQUATE FOR THE INTENDED PURPOSE IS USED;

41 (D) FOR ROADWAY LIGHTING UNASSOCIATED WITH INTERSECTIONS, A DETERMI-
42 NATION IS MADE THAT THE PURPOSE OF THE LIGHTING INSTALLATION OR REPLACE-
43 MENT CANNOT BE ACHIEVED BY INSTALLATION OF REFLECTORIZED ROADWAY MARK-
44 ERS, LINES, WARNINGS OR INFORMATION SIGNS, OR OTHER PASSIVE MEANS;

45 (E) ADEQUATE CONSIDERATION HAS BEEN GIVEN TO CONSERVING ENERGY AND
46 MINIMIZING GLARE AND SKY GLOW; AND

47 (F) THE NEW OR REPLACEMENT LUMINAIRE MEETS THE LUMINAIRE EFFICIENCY
48 AND LAMP LUMINOUS EFFICACY STANDARDS DEVELOPED PURSUANT TO SUBDIVISION
49 FIVE OF THIS SECTION.

50 2. THE FOLLOWING SITUATIONS SHALL BE EXEMPT FROM THE REQUIREMENTS OF
51 SUBDIVISION ONE OF THIS SECTION:

52 (A) SITUATIONS WHERE FEDERAL LAWS, RULES AND REGULATIONS TAKE PRECED-
53 ENCE; AND

54 (B) SITUATIONS WHERE FIRE, POLICE, RESCUE, OR REPAIR PERSONNEL,
55 INCLUDING, BUT NOT LIMITED TO, UTILITY PERSONNEL, NEED LIGHT FOR TEMPO-
56 RARY EMERGENCIES OR ROAD REPAIR WORK.

1 3. THE FOLLOWING SITUATIONS SHALL BE EXEMPT FROM THE REQUIREMENTS OF
2 PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE OF THIS SECTION:

3 (A) THE LUMINAIRE IS A REPLACEMENT FOR A LUMINAIRE THAT IS PART OF A
4 CONTINUOUS ROADWAY LIGHTING DESIGN;

5 (B) THE LUMINAIRE IS A HISTORIC-STYLE DECORATIVE LUMINAIRE WHICH IS
6 PART OF A CONTINUOUS ROADWAY LIGHTING DESIGN WHERE THE REPLACEMENT OF
7 THE LUMINAIRE PIECEMEAL WITH COMPLIANT LUMINAIRES WOULD UNACCEPTABLY
8 DEGRADE THE AESTHETIC CHARACTERISTICS OF THE EXISTING LIGHTING DESIGN;

9 (C) SITUATIONS WHERE THERE ARE SPECIAL REQUIREMENTS, SUCH AS SPORTS
10 FACILITIES, TUNNELS, TRAFFIC CONTROL DEVICES, NAVIGATION LIGHTING,
11 AIRPORTS, UNDERBRIDGE LIGHTING, NATURAL AND CULTURAL MONUMENTS, OR FLAG
12 LIGHTING; PROVIDED, HOWEVER, THAT ALL SUCH LIGHTING SHALL BE SELECTED
13 AND INSTALLED TO SHIELD THE LAMP OR LAMPS FROM DIRECT VIEW AND TO MINI-
14 MIZE UPWARD LIGHTING AND GLARE TO THE GREATEST EXTENT POSSIBLE; AND

15 (D) SITUATIONS WHERE A WRITTEN DETERMINATION WITH FINDINGS HAS BEEN
16 MADE THAT A SPECIFIED EXEMPTION TO ANY REQUIREMENT OF SUBDIVISION ONE OF
17 THIS SECTION IS NECESSARY AND APPROPRIATE FOR A COMPELLING SAFETY INTER-
18 EST THAT CANNOT BE ADEQUATELY ADDRESSED BY ANY OTHER METHOD. THE WRITTEN
19 DETERMINATION SHALL BE MADE BY THE CHIEF EXECUTIVE OFFICER OF THE AGENCY
20 OR CORPORATION OR HIS OR HER DESIGNEE.

21 4. THE OFFICE OF GENERAL SERVICES, IN CONSULTATION WITH THE DEPARTMENT
22 OF TRANSPORTATION, AND GIVING CONSIDERATION TO THE RECOMMENDED PRACTICES
23 ADOPTED BY THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA, SHALL
24 ESTABLISH RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING A
25 SYSTEM TO ENSURE THAT THE USE OF STATE FUNDS FOR STREET LIGHTING
26 COMPLIES WITH THE REQUIREMENTS SET FORTH HEREIN AND SHALL PROVIDE FOR
27 THE WIDE DISSEMINATION OF THIS INFORMATION.

28 5. THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES, IN CONSULTATION
29 WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, SHALL
30 DEVELOP LUMINAIRE EFFICIENCY AND LAMP LUMINOUS EFFICACY STANDARDS FOR
31 LIGHTING REGULATED UNDER THIS SECTION. FOR PURPOSES OF THIS SECTION
32 "LUMINAIRE EFFICIENCY" SHALL MEAN THE PERCENTAGE OF LUMENS GENERATED BY
33 A LAMP THAT ACTUALLY LEAVE A LUMINAIRE; AND "LAMP LUMINOUS EFFICACY"
34 SHALL MEAN THE AMOUNT OF LIGHT GENERATED BY A LAMP/BALLAST SYSTEM (IN
35 LUMENS) DIVIDED BY THE POWER IT USES (IN WATTS). IN PREPARING SUCH STAN-
36 DARDS, DUE CONSIDERATION SHALL BE GIVEN TO THE ADVERSE ENVIRONMENTAL AND
37 HEALTH IMPACTS OF "WHITE" LIGHT SOURCES WITH HIGH CORRELATED COLOR
38 TEMPERATURE. SUCH STANDARDS SHALL BE PROMULGATED ON OR BEFORE THE
39 EFFECTIVE DATE OF THIS ARTICLE AND SHALL TAKE EFFECT ONE HUNDRED EIGHTY
40 DAYS AFTER SUCH EFFECTIVE DATE.

41 6. IN RECOGNITION OF THE ONGOING RESEARCH INTO THE DEVELOPMENT OF NEW
42 TECHNOLOGIES IN THE OUTDOOR LIGHTING FIELD, THE OFFICE OF GENERAL
43 SERVICES, IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND
44 DEVELOPMENT AUTHORITY, SHALL REPORT TO THE LEGISLATURE REGARDING NEW
45 FINDINGS FROM RESEARCH AND NEW TECHNOLOGIES THAT MAY AFFECT THE
46 PROVISIONS OF THIS ARTICLE. SUCH REPORTING MAY INCLUDE RECOMMENDED
47 AMENDMENTS TO THIS ARTICLE TO INCREASE ITS EFFECTIVENESS IN IMPLEMENTING
48 THE PURPOSES OF ACHIEVING HEALTHY, SAFE AND ENERGY EFFICIENT OUTDOOR
49 LIGHTING.

50 S 92. INFORMATIONAL PAMPHLET. THE SECRETARY OF STATE, IN CONSULTATION
51 WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND
52 GIVING CONSIDERATION TO THE RECOMMENDED PRACTICES ADOPTED BY THE ILLUMI-
53 NATING ENGINEERING SOCIETY OF NORTH AMERICA, SHALL DEVELOP AND POST ON
54 THE DEPARTMENT'S AND THE AUTHORITY'S WEBSITES A DOWNLOADABLE PAMPHLET
55 CONTAINING INFORMATION REGARDING THE PROVISIONS OF THIS ARTICLE WITH

1 RESPECT TO OUTDOOR LIGHTING, TOGETHER WITH INFORMATION REGARDING THE
2 ADVERSE EFFECTS OF LIGHT POLLUTION AND METHODS OF CONTROLLING IT.

3 S 93. APPLICABILITY. NO PROVISION OF THIS ARTICLE SHALL BE CONSTRUED
4 AS TO PERMIT THE PRACTICE OF ARCHITECTURE AS SUCH PRACTICE IS DEFINED IN
5 SECTION SEVENTY-THREE HUNDRED ONE OF THE EDUCATION LAW, OR THE PRACTICE
6 OF ENGINEERING AS SUCH PRACTICE IS DEFINED IN SECTION SEVENTY-TWO
7 HUNDRED ONE OF THE EDUCATION LAW.

8 S 2. This act shall take effect 1 year after it shall have become a
9 law; provided that effective immediately, the addition, amendment and/or
10 repeal of any rule or regulation or development of any standards neces-
11 sary for the implementation of this act on its effective date is author-
12 ized to be made and completed on or before such effective date; and
13 provided further, that this act shall not apply to projects for the
14 installation or replacement of permanent outdoor luminaires which have
15 already received final design approval prior to the effective date of
16 this act.