

5275

2013-2014 Regular Sessions

I N S E N A T E

May 15, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Investigations and
Government Operations

AN ACT to amend the public buildings law, in relation to restricting the
luminous power of lighting fixtures installed or maintained by the
state

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

1 Section 1. The public buildings law is amended by adding a new section
2 143 to read as follows:
3 S 143. LIGHTING RESTRICTIONS. 1. DEFINITIONS. AS USED IN THIS SECTION:
4 A. "DIRECT LIGHT" MEANS LIGHT EMITTED BY A FIXTURE FROM THE LIGHT
5 SOURCE, FROM A REFLECTOR, OR THROUGH A REFRACTOR.
6 B. "FACADE LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES THAT ARE SPECIF-
7 ICALLY INTENDED TO ILLUMINATE THE EXTERIOR SURFACES OF BUILDINGS OR
8 STRUCTURES.
9 C. "FULLY SHIELDED FIXTURE" MEANS A FIXTURE THAT ALLOWS NO DIRECT
10 LIGHT FROM THE FIXTURE ABOVE A HORIZONTAL PLANE THROUGH THE FIXTURE'S
11 LOWEST LIGHT-EMITTING PART, IN ITS MOUNTED POSITION.
12 D. "FIXTURE LUMENS" MEANS TOTAL LUMENS EMITTED BY A FIXTURE.
13 E. "GLARE" MEANS LIGHT EMITTED BY A FIXTURE THAT CAUSES DISCOMFORT OR
14 REDUCED VISIBILITY.
15 F. "ILLUMINANCE" MEANS THE LUMINOUS POWER INCIDENT PER UNIT AREA OF A
16 SURFACE.
17 G. "LIGHT TRESPASS" MEANS LIGHT THAT FALLS BEYOND THE PROPERTY IT IS
18 INTENDED TO ILLUMINATE.
19 H. "LUMEN" MEANS A STANDARD UNIT OF MEASUREMENT OF THE QUANTITY OF
20 LIGHT EMITTED FROM A SOURCE OF LIGHT.
21 I. "FIXTURE" MEANS A COMPLETE LIGHTING UNIT, INCLUDING A LIGHT SOURCE
22 TOGETHER WITH THE PARTS DESIGNED TO DISTRIBUTE THE LIGHT, TO POSITION

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

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1 AND PROTECT THE LIGHT SOURCE AND TO CONNECT THE LIGHT SOURCE TO THE
2 POWER SUPPLY.

3 J. "ORNAMENTAL ROADWAY LIGHTING" MEANS A ROADWAY LIGHTING FIXTURE THAT
4 SERVES A DECORATIVE FUNCTION IN ADDITION TO A ROADWAY LIGHTING FUNCTION,
5 HAVING AN HISTORICAL PERIOD APPEARANCE OR DECORATIVE APPEARANCE.

6 K. "PARKING-LOT LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES SPECIF-
7 ICALLY INTENDED TO ILLUMINATE UNCOVERED VEHICLE PARKING AREAS.

8 L. "PERMANENT OUTDOOR FIXTURE" MEANS A FIXTURE FOR USE IN AN EXTERIOR
9 ENVIRONMENT INSTALLED WITH MOUNTING NOT INTENDED FOR RELOCATION.

10 M. "ROADWAY LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES SPECIFICALLY
11 INTENDED TO ILLUMINATE PUBLIC ROADWAYS.

12 N. "SKY GLOW" MEANS A CONDITION CAUSED BY LIGHT DIRECTED UPWARDS OR
13 SIDEWAYS REDUCING ONE'S ABILITY TO VIEW THE NIGHT SKY.

14 2. NO STATE FUNDS SHALL BE USED TO INSTALL A NEW PERMANENT OUTDOOR
15 FIXTURE, OR PAY FOR THE COST OF OPERATING SUCH FIXTURE, UNLESS THE
16 FOLLOWING REQUIREMENTS ARE MET:

17 A. IN THE CASE OF ROADWAY LIGHTING OR PARKING-LOT LIGHTING; WHETHER
18 MOUNTED TO POLES, BUILDINGS OR OTHER STRUCTURES, THE FIXTURE IS FULLY
19 SHIELDED.

20 B. IN THE CASE OF BUILDING-MOUNTED FIXTURES NOT SPECIFICALLY INTENDED
21 FOR ROADWAY LIGHTING, PARKING-LOT LIGHTING, OR FACADE LIGHTING, THE
22 FIXTURE IS FULLY SHIELDED WHEN ITS INITIAL FIXTURE LUMENS IS GREATER
23 THAN THREE THOUSAND LUMENS.

24 C. IN THE CASE OF FACADE LIGHTING, THE FIXTURE IS SHIELDED TO REDUCE
25 GLARE, SKY GLOW, AND LIGHT TRESPASS TO THE GREATEST EXTENT POSSIBLE.

26 D. IN THE CASE OF ORNAMENTAL ROADWAY LIGHTING FIXTURES, THE FIXTURE
27 ALLOWS NO MORE THAN SEVEN HUNDRED LUMENS FROM THE FIXTURE ABOVE A HORI-
28 ZONTAL PLANE THROUGH THE FIXTURE'S LOWEST LIGHT EMITTING PART.

29 E. FOR ILLUMINATION BY NEW PERMANENT OUTDOOR FIXTURES FOR APPLICATIONS
30 DESCRIBED IN PARAGRAPHS A, B, C OR D OF THIS SUBDIVISION, ONLY THE ILLU-
31 MINANCE LEVELS REQUIRED FOR THE INTENDED PURPOSE AS DEFINED IN THE TENTH
32 EDITION OF THE LIGHTING HANDBOOK PUBLISHED BY THE ILLUMINATING ENGINEER-
33 ING SOCIETY (IES), AS UPDATED, MAY BE USED. WHERE LOCAL CITY OR COUNTY
34 LAWS, ORDINANCES OR REGULATIONS SPECIFY A DIFFERENT REQUIREMENT, ONLY
35 THE ILLUMINANCE LEVELS REQUIRED FOR THE INTENDED PURPOSE BY THESE LAWS,
36 ORDINANCES OR REGULATIONS ARE TO BE USED.

37 F. IN THE CASE OF ROADWAY LIGHTING UNASSOCIATED WITH INTERSECTIONS OF
38 TWO OR MORE STREETS OR HIGHWAYS, THE DEPARTMENT OF TRANSPORTATION HAS
39 DETERMINED THAT THE PURPOSE OF THE LIGHTING INSTALLATION OR REPLACEMENT
40 CANNOT BE ACHIEVED BY INSTALLATION OF REFLECTORIZED ROADWAY MARKERS,
41 LINES, WARNINGS OR INFORMATIONAL SIGNS, OR OTHER PASSIVE MEANS.

42 3. THIS SECTION SHALL NOT APPLY:

43 A. IF A FEDERAL LAW, RULE OR REGULATION PREEMPTS STATE LAW;

44 B. IF THE OUTDOOR LIGHTING FIXTURE IS USED TEMPORARILY BY EMERGENCY
45 PERSONNEL REQUIRING ADDITIONAL ILLUMINATION FOR EMERGENCY PROCEDURES OR
46 TEMPORARILY USED BY REPAIR PERSONNEL FOR ROAD REPAIR;

47 C. TO NAVIGATIONAL LIGHTING SYSTEMS AND OTHER LIGHTING NECESSARY FOR
48 AVIATION AND NAUTICAL SAFETY;

49 D. TO LIGHTING FOR ATHLETIC PLAYING AREAS;

50 E. IF A COMPELLING AND BONA FIDE SAFETY OR SECURITY NEED EXISTS THAT
51 CANNOT BE ADDRESSED BY ANY OTHER METHOD;

52 F. TO THE REPLACEMENT OF PREVIOUSLY INSTALLED PERMANENT OUTDOOR
53 FIXTURES THAT ARE DESTROYED, DAMAGED OR INOPERATIVE, HAVE EXPERIENCED
54 ELECTRICAL FAILURE DUE TO FAILED COMPONENTS, OR REQUIRE STANDARD MAINTEN-
55 NANCE; OR

56 G. TO LIGHTING INTENDED FOR TUNNELS AND ROADWAY UNDERPASSES.

1 S 2. The office of general services, in consultation with the depart-
2 ment of transportation, and giving consideration to the recommended
3 practices adopted by the Illuminating Engineering Society of North Amer-
4 ica, shall establish rules to implement the provisions of this section,
5 including a system to ensure that the use of state funds for street
6 lighting complies with the requirements set forth in this act and shall
7 provide for the wide dissemination of this information.

8 S 3. Applicability. No provision of this act shall be construed as to
9 permit the practice of architecture as such practice is defined in
10 section 7301 of the education law, or the practice of engineering as
11 such practice is defined in section 7201 of the education law.

12 S 4. This act shall take effect one year after it shall have become a
13 law; provided that effective immediately, the addition, amendment and/or
14 repeal of any rule or regulation or development of any standards neces-
15 sary for the implementation of this act on its effective date is author-
16 ized to be made and completed on or before such effective date; and
17 provided further, that this act shall not apply to projects for the
18 installation or replacement of permanent outdoor fixtures which have
19 already received final design approval prior to the effective date of
20 this act.