

5275--A

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 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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 LAMP, FROM
5 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. "LAMP" MEANS A LIGHT BULB OR OTHER COMPONENT OF A FIXTURE THAT
18 CHANGES ELECTRICITY INTO VISIBLE LIGHT.
19 H. "LIGHT TRESPASS" MEANS LIGHT THAT FALLS BEYOND THE PROPERTY IT IS
20 INTENDED TO ILLUMINATE.

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

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1 I. "LUMEN" MEANS A STANDARD UNIT OF MEASUREMENT OF THE QUANTITY OF
2 LIGHT EMITTED FROM A LAMP.

3 J. "FIXTURE" MEANS A COMPLETE LIGHTING UNIT, INCLUDING A LAMP TOGETHER
4 WITH THE PARTS DESIGNED TO DISTRIBUTE THE LIGHT, TO POSITION AND PROTECT
5 THE LAMP AND TO CONNECT THE LAMP TO THE POWER SUPPLY.

6 K. "ORNAMENTAL ROADWAY LIGHTING" MEANS A ROADWAY LIGHTING FIXTURE THAT
7 SERVES A DECORATIVE FUNCTION IN ADDITION TO A ROADWAY LIGHTING FUNCTION,
8 HAVING AN HISTORICAL PERIOD APPEARANCE OR DECORATIVE APPEARANCE.

9 L. "PARKING-LOT LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES SPECIF-
10 ICALLY INTENDED TO ILLUMINATE UNCOVERED VEHICLE PARKING AREAS.

11 M. "PERMANENT OUTDOOR FIXTURE" MEANS A FIXTURE FOR USE IN AN EXTERIOR
12 ENVIRONMENT INSTALLED WITH MOUNTING NOT INTENDED FOR RELOCATION.

13 N. "ROADWAY LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES SPECIFICALLY
14 INTENDED TO ILLUMINATE PUBLIC ROADWAYS.

15 O. "SKY GLOW" MEANS A CONDITION CAUSED BY LIGHT DIRECTED UPWARDS OR
16 SIDEWAYS REDUCING ONE'S ABILITY TO VIEW THE NIGHT SKY.

17 2. NO STATE AGENCY OR PUBLIC CORPORATION OPERATING IN THE STATE SHALL
18 INSTALL OR CAUSE TO BE INSTALLED ANY NEW OR REPLACEMENT PERMANENT
19 OUTDOOR FIXTURE UNLESS THE FOLLOWING CONDITIONS ARE MET:

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

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

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

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

32 E. FOR ILLUMINATION BY NEW PERMANENT OUTDOOR FIXTURES FOR APPLICATIONS
33 DESCRIBED IN PARAGRAPH A, B, C OR D OF THIS SUBDIVISION, ONLY THE ILLU-
34 MINANCE LEVELS REQUIRED FOR THE INTENDED PURPOSE MAY BE USED, AS ESTAB-
35 LISHED BY THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES IN CONSUL-
36 TATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT
37 AUTHORITY, AND GIVING DUE CONSIDERATION TO THE RECOMMENDATIONS OF THE
38 ILLUMINATING ENGINEERING SOCIETY IN ITS MOST RECENTLY PUBLISHED RECOM-
39 MENDED PRACTICES OR LIGHTING HANDBOOK. WHERE LOCAL CITY OR COUNTY LAWS,
40 ORDINANCES OR REGULATIONS SPECIFY A DIFFERENT REQUIREMENT, ONLY THE
41 ILLUMINANCE LEVELS REQUIRED FOR THE INTENDED PURPOSE BY THESE LAWS,
42 ORDINANCES OR REGULATIONS ARE TO BE USED.

43 F. IN THE CASE OF ROADWAY LIGHTING UNASSOCIATED WITH INTERSECTIONS OF
44 TWO OR MORE STREETS OR HIGHWAYS, THE DEPARTMENT OF TRANSPORTATION HAS
45 DETERMINED THAT THE PURPOSE OF THE LIGHTING INSTALLATION OR REPLACEMENT
46 CANNOT BE ACHIEVED BY INSTALLATION OF REFLECTORIZED ROADWAY MARKERS,
47 LINES, WARNINGS OR INFORMATIONAL SIGNS, OR OTHER PASSIVE MEANS.

48 3. THIS SECTION SHALL NOT APPLY:

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

50 B. IF THE OUTDOOR LIGHTING FIXTURE IS USED TEMPORARILY BY EMERGENCY
51 PERSONNEL REQUIRING ADDITIONAL ILLUMINATION FOR EMERGENCY PROCEDURES OR
52 TEMPORARILY USED BY REPAIR PERSONNEL FOR ROAD REPAIR;

53 C. TO NAVIGATIONAL LIGHTING SYSTEMS AND OTHER LIGHTING NECESSARY FOR
54 AVIATION AND NAUTICAL SAFETY;

55 D. TO LIGHTING FOR ATHLETIC PLAYING AREAS; PROVIDED, HOWEVER, THAT ALL
56 SUCH LIGHTING SHALL BE SELECTED AND INSTALLED TO SHIELD THE LAMP OR

1 LAMPS FROM DIRECT VIEW AND TO MINIMIZE UPWARD LIGHTING AND GLARE TO THE
2 GREATEST EXTENT POSSIBLE;

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

5 F. TO THE REPLACEMENT OF A PREVIOUSLY INSTALLED PERMANENT OUTDOOR
6 FIXTURE THAT IS DESTROYED, DAMAGED OR INOPERATIVE, HAS EXPERIENCED ELEC-
7 TRICAL FAILURE DUE TO FAILED COMPONENTS, OR REQUIRES STANDARD MAINTENANCE;
8

9 G. TO LIGHTING INTENDED FOR TUNNELS AND ROADWAY UNDERPASSES; OR

10 H. IF THE COMBINED COST OF ACQUIRING AND OPERATING A FIXTURE COMPLY-
11 ING WITH PARAGRAPHS A, B AND C OF THIS SUBDIVISION IS MORE THAN FIFTEEN
12 PERCENT GREATER THEN THE COST OF ACQUIRING AND OPERATING COMPARABLE
13 NON-COMPLIANT FIXTURES OVER THE LIFE OF THE LIGHTING SYSTEM AND IF A
14 WRITTEN DETERMINATION WITH FINDINGS HAS BEEN MADE THAT NO COMPLIANT
15 FIXTURE EXISTS THAT WOULD MEET THE COST LIMITATION. THE WRITTEN DETERMI-
16 NATION SHALL BE MADE BY THE CHIEF EXECUTIVE OF THE AGENCY PLANNING THE
17 LIGHTING OR HIS HIS OR HER DESIGNEE.

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

25 S 3. Report. The office of general services shall, on or before June
26 1, 2017, submit a report to the governor and the legislature on the
27 implementation of the provisions of this act, including any cost savings
28 to the state or costs to the state.

29 S 4. Applicability. No provision of this act shall be construed as to
30 permit the practice of architecture as such practice is defined in
31 section 7301 of the education law, or the practice of engineering as
32 such practice is defined in section 7201 of the education law.

33 S 5. This act shall take effect one year after it shall have become a
34 law; provided that effective immediately, the addition, amendment and/or
35 repeal of any rule or regulation or development of any standards neces-
36 sary for the implementation of this act on its effective date is author-
37 ized to be made and completed on or before such effective date; and
38 provided further, that this act shall not apply to projects for the
39 installation or replacement of permanent outdoor fixtures which have
40 received final design approval prior to the effective date of this act.