

4191

2011-2012 Regular Sessions

I N S E N A T E

March 23, 2011

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 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.

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

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

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

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

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

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

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

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

21 S 91. PERMANENT OUTDOOR LUMINAIRE. 1. NO STATE AGENCY OR PUBLIC CORPO-
22 RATION OPERATING IN THE STATE SHALL INSTALL OR CAUSE TO BE INSTALLED ANY
23 NEW OR REPLACEMENT PERMANENT OUTDOOR LUMINAIRE UNLESS THE FOLLOWING
24 CONDITIONS ARE MET:

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

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

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

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

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

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

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

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

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

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

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

54 (B) THE LUMINAIRE IS A HISTORIC-STYLE DECORATIVE LUMINAIRE WHICH IS
55 PART OF A CONTINUOUS ROADWAY LIGHTING DESIGN WHERE THE REPLACEMENT OF

1 THE LUMINAIRE PIECEMEAL WITH COMPLIANT LUMINAIRES WOULD UNACCEPTABLY
2 DEGRADE THE AESTHETIC CHARACTERISTICS OF THE EXISTING LIGHTING DESIGN;

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

9 (D) SITUATIONS WHERE A WRITTEN DETERMINATION WITH FINDINGS HAS BEEN
10 MADE THAT A SPECIFIED EXEMPTION TO ANY REQUIREMENT OF SUBDIVISION ONE OF
11 THIS SECTION IS NECESSARY AND APPROPRIATE FOR A COMPELLING SAFETY INTER-
12 EST THAT CANNOT BE ADEQUATELY ADDRESSED BY ANY OTHER METHOD. WHERE THIS
13 EXEMPTION IS FOR A STATE AGENCY OR STATE PUBLIC CORPORATION, THE WRITTEN
14 DETERMINATION SHALL BE MADE BY THE CHIEF EXECUTIVE OFFICER OF THE AGENCY
15 OR CORPORATION OR HIS OR HER DESIGNEE. WHERE THE EXEMPTION IS FOR A
16 COUNTY, CITY, TOWN, OR VILLAGE, OR A PUBLIC CORPORATION THEREIN, THE
17 WRITTEN DETERMINATION SHALL BE MADE BY THE APPROPRIATE COUNTY EXECUTIVE,
18 MAYOR, SUPERVISOR, OR CHIEF EXECUTIVE OFFICER OR HIS OR HER DESIGNEE.

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

26 5. THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES, IN CONSULTATION
27 WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, SHALL
28 DEVELOP LUMINAIRE EFFICIENCY AND LAMP LUMINOUS EFFICACY STANDARDS FOR
29 LIGHTING REGULATED UNDER THIS SECTION. FOR PURPOSES OF THIS SECTION
30 "LUMINAIRE EFFICIENCY" SHALL MEAN THE PERCENTAGE OF LUMENS GENERATED BY
31 A LAMP WHICH ACTUALLY LEAVE A LUMINAIRE; AND "LAMP LUMINOUS EFFICACY"
32 SHALL MEAN THE AMOUNT OF LIGHT GENERATED BY A LAMP/BALLAST SYSTEM (IN
33 LUMENS) DIVIDED BY THE POWER IT USES (IN WATTS). SUCH STANDARDS SHALL BE
34 PROMULGATED ON OR BEFORE THE EFFECTIVE DATE OF THIS ARTICLE AND SHALL
35 TAKE EFFECT ONE HUNDRED EIGHTY DAYS AFTER SUCH EFFECTIVE DATE.

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

45 S 92. INFORMATIONAL PAMPHLET. THE COMMISSIONER OF THE OFFICE OF THE
46 GENERAL SERVICES, IN CONSULTATION WITH THE NEW YORK STATE ENERGY
47 RESEARCH AND DEVELOPMENT AUTHORITY AND GIVING CONSIDERATION TO THE
48 RECOMMENDED PRACTICES ADOPTED BY THE ILLUMINATING ENGINEERING SOCIETY OF
49 NORTH AMERICA, SHALL DEVELOP AND DISTRIBUTE TO EVERY MUNICIPALITY AND
50 EVERY ELECTRIC CORPORATION OR MUNICIPALITY PROVIDING OUTDOOR ELECTRIC
51 LIGHTING IN THIS STATE A PAMPHLET CONTAINING INFORMATION REGARDING THE
52 PROVISIONS OF THIS SECTION WITH RESPECT TO OUTDOOR LIGHTING.

53 S 93. APPLICABILITY. 1. THE PROVISIONS OF THIS ARTICLE ARE CUMULATIVE
54 AND SUPPLEMENTAL AND SHALL NOT APPLY WITHIN ANY COUNTY OR MUNICIPALITY
55 THAT, BY ORDINANCE OR RESOLUTION, HAS ADOPTED PROVISIONS RESTRICTING

1 LIGHT POLLUTION THAT ARE AS, OR MORE, STRINGENT THAN THE PROVISIONS OF
2 THIS ARTICLE.

3 2. NO PROVISION OF THIS ARTICLE SHALL BE CONSTRUED AS TO PERMIT THE
4 PRACTICE OF ARCHITECTURE AS SUCH PRACTICE IS DEFINED IN SECTION SEVEN-
5 TY-THREE HUNDRED ONE OF THE EDUCATION LAW, OR THE PRACTICE OF ENGINEER-
6 ING AS SUCH PRACTICE IS DEFINED IN SECTION SEVENTY-TWO HUNDRED ONE OF
7 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.