

S T A T E O F N E W Y O R K

4126--A

Cal. No. 314

2013-2014 Regular Sessions

I N S E N A T E

March 11, 2013

Introduced by Sens. MARCELLINO, AVELLA, BALL, ESPAILLAT, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, 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 A LIGHT BULB OR OTHER COMPONENT OF A LUMINAIRE THAT
18 CHANGES ELECTRICITY INTO VISIBLE LIGHT.

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

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

LBD05023-05-3

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

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

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

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

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

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

24 11. "STATE PUBLIC CORPORATION" MEANS A PUBLIC BENEFIT CORPORATION TO
25 WHICH THE GOVERNOR APPOINTS A MAJORITY OF THE BOARD MEMBERS.

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

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

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

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

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

43 (E) ADEQUATE CONSIDERATION HAS BEEN GIVEN TO CONSERVING ENERGY AND
44 MINIMIZING GLARE, SKY GLOW, AND ECOLOGICAL DISRUPTION; AND

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

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

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

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

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

1 (A) THE LUMINAIRE IS A REPLACEMENT FOR AN UNSHIELDED LUMINAIRE THAT IS
2 PART OF A CONTINUOUS ROADWAY LIGHTING DESIGN;

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

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

13 (D) SITUATIONS WHERE A WRITTEN DETERMINATION WITH FINDINGS HAS BEEN
14 MADE THAT A SPECIFIED EXEMPTION TO ANY REQUIREMENT OF SUBDIVISION ONE OF
15 THIS SECTION IS NECESSARY AND APPROPRIATE FOR A COMPELLING SAFETY INTER-
16 EST THAT CANNOT BE ADEQUATELY ADDRESSED BY ANY OTHER METHOD. THE WRITTEN
17 DETERMINATION SHALL BE MADE BY THE CHIEF EXECUTIVE OFFICER OF THE AGENCY
18 OR CORPORATION OR HIS OR HER DESIGNEE. NO PROVISION OF THIS ARTICLE
19 SHALL BE CONSTRUED AS TO PERMIT THE PRACTICE OF ENGINEERING AS SUCH
20 PRACTICE IS DEFINED IN SECTION SEVENTY-TWO HUNDRED ONE OF THE EDUCATION
21 LAW.

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

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

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

51 S 92. INFORMATIONAL PAMPHLET. THE SECRETARY OF STATE, IN CONSULTATION
52 WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, SHALL
53 DEVELOP AND POST ON THE DEPARTMENT'S AND THE AUTHORITY'S WEBSITES A
54 DOWNLOADABLE PAMPHLET CONTAINING INFORMATION REGARDING THE PROVISIONS OF
55 THIS ARTICLE WITH RESPECT TO OUTDOOR LIGHTING, TOGETHER WITH INFORMATION

1 REGARDING THE ADVERSE EFFECTS OF LIGHT POLLUTION AND METHODS OF CONTROL-
2 LING 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.