

7489

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 22, 2013

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Introduced by M. of A. ROSENTHAL -- read once and referred to the  
Committee on Governmental 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  
23    AND PROTECT THE LIGHT SOURCE AND TO CONNECT THE LIGHT SOURCE TO THE  
24    POWER SUPPLY.

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

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

K. "PARKING-LOT LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES SPECIFICALLY INTENDED TO ILLUMINATE UNCOVERED VEHICLE PARKING AREAS.

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

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

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

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

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

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

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

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

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

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

3. THIS SECTION SHALL NOT APPLY:

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

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

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

D. TO LIGHTING FOR ATHLETIC PLAYING AREAS;

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

F. TO THE REPLACEMENT OF PREVIOUSLY INSTALLED PERMANENT OUTDOOR FIXTURES THAT ARE DESTROYED, DAMAGED OR INOPERATIVE, HAVE EXPERIENCED ELECTRICAL FAILURE DUE TO FAILED COMPONENTS, OR REQUIRE STANDARD MAINTENANCE; OR

G. TO LIGHTING INTENDED FOR TUNNELS AND ROADWAY UNDERPASSES.

S 2. The office of general services, in consultation with the department of transportation, and giving consideration to the recommended

1 practices adopted by the Illuminating Engineering Society of North Amer-  
2 ica, shall establish rules to implement the provisions of this section,  
3 including a system to ensure that the use of state funds for street  
4 lighting complies with the requirements set forth in this act and shall  
5 provide for the wide dissemination of this information.

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

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