

5275--B

Cal. No. 847

2013-2014 Regular Sessions

I N S E N A T E

May 15, 2013

Introduced by Sens. MARCELLINO, AVELLA, CARLUCCI, HOYLMAN, LATIMER -- 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 -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- 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 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.

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

LBD10614-09-4

1 F. "ILLUMINANCE" MEANS THE LUMINOUS POWER INCIDENT PER UNIT AREA OF A
2 SURFACE.

3 G. "LAMP" MEANS A LIGHT BULB OR OTHER COMPONENT OF A FIXTURE THAT
4 CHANGES ELECTRICITY INTO VISIBLE LIGHT.

5 H. "LIGHT TRESPASS" MEANS LIGHT THAT FALLS BEYOND THE PROPERTY IT IS
6 INTENDED TO ILLUMINATE.

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

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

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

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

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

19 N. "ROADWAY LIGHTING" MEANS PERMANENT OUTDOOR FIXTURES SPECIFICALLY
20 INTENDED TO ILLUMINATE PUBLIC ROADWAYS.

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

23 P. "STATE AGENCY" MEANS ANY STATE DEPARTMENT, OFFICE, BOARD, COMMIS-
24 SION, AGENCY, OR A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION AT
25 LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR.

26 2. NO STATE AGENCY OPERATING IN THE STATE SHALL INSTALL OR CAUSE TO BE
27 INSTALLED ANY NEW OR REPLACEMENT PERMANENT OUTDOOR FIXTURE UNLESS THE
28 FOLLOWING CONDITIONS ARE MET:

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

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

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

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

41 E. FOR ILLUMINATION BY NEW PERMANENT OUTDOOR FIXTURES FOR APPLICATIONS
42 DESCRIBED IN PARAGRAPH A, B, C OR D OF THIS SUBDIVISION, ONLY ILLUMI-
43 NANCE LEVELS THAT ARE NO GREATER THAN THOSE REQUIRED FOR THE INTENDED
44 PURPOSE MAY BE USED, AS ESTABLISHED BY THE COMMISSIONER OF THE OFFICE OF
45 GENERAL SERVICES IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION
46 AND THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, AND
47 GIVEN DUE CONSIDERATION TO LIGHTING INDUSTRY STANDARDS AND PRACTICES.

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

53 3. THIS SECTION SHALL NOT APPLY:

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

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

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

6 D. TO LIGHTING FOR ATHLETIC PLAYING AREAS; PROVIDED, HOWEVER, THAT ALL
7 SUCH LIGHTING SHALL BE SELECTED AND INSTALLED TO SHIELD THE LAMP OR
8 LAMPS FROM DIRECT VIEW AND TO MINIMIZE UPWARD LIGHTING AND GLARE TO THE
9 GREATEST EXTENT POSSIBLE;

10 E. IF THE STATE AGENCY DETERMINES A SAFETY OR SECURITY NEED EXISTS
11 THAT CANNOT BE ADDRESSED BY ANY OTHER METHOD;

12 F. TO THE REPLACEMENT OF A PREVIOUSLY INSTALLED PERMANENT OUTDOOR
13 FIXTURE THAT IS DESTROYED, DAMAGED OR INOPERATIVE, HAS EXPERIENCED ELEC-
14 TRICAL FAILURE DUE TO FAILED COMPONENTS, OR REQUIRES STANDARD MAINTENANCE;
15

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

17 H. IF THE COMBINED COST OF ACQUIRING AND OPERATING A FIXTURE COMPLYING
18 WITH PARAGRAPHS A, B AND C OF THIS SUBDIVISION IS MORE THAN FIFTEEN
19 PERCENT GREATER THAN THE COST OF ACQUIRING AND OPERATING COMPARABLE
20 NON-COMPLIANT FIXTURES OVER THE LIFE OF THE LIGHTING SYSTEM AND IF A
21 WRITTEN DETERMINATION WITH FINDINGS HAS BEEN MADE THAT NO COMPLIANT
22 FIXTURE EXISTS THAT WOULD MEET THE COST LIMITATION.

23 4. THE OFFICE OF GENERAL SERVICES, IN CONSULTATION WITH THE DEPARTMENT
24 OF TRANSPORTATION AND THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT
25 AUTHORITY, AND GIVEN DUE CONSIDERATION TO LIGHTING INDUSTRY STANDARDS
26 AND PRACTICES, SHALL ESTABLISH RULES AND REGULATIONS TO IMPLEMENT THE
27 PROVISIONS OF THIS SECTION.

28 S 2. Report. The office of general services shall, on or before June
29 1, 2017, submit a report to the governor and the temporary president of
30 the senate and the speaker of the assembly on the implementation of and
31 compliance with section 143 of the public buildings law, as added by
32 section one of this act, including an analysis of the savings and costs
33 to the state.

34 S 3. Applicability. No provision of this act shall be construed as to
35 permit the practice of architecture as such practice is defined in
36 section 7301 of the education law, or the practice of engineering as
37 such practice is defined in section 7201 of the education law.

38 S 4. This act shall take effect one year after it shall have become a
39 law; provided that effective immediately, the addition, amendment and/or
40 repeal of any rule or regulation or development of any standards necessary
41 for the implementation of this act on its effective date is authorized to
42 be made and completed on or before such effective date; and
43 provided further, that this act shall not apply to projects for the
44 installation or replacement of permanent outdoor fixtures which have
45 received final design approval prior to the effective date of this act.