

[First Reprint]

## **ASSEMBLY, No. 2314**

# **STATE OF NEW JERSEY**

## **215th LEGISLATURE**

INTRODUCED FEBRUARY 6, 2012

**Sponsored by:**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman DeAngelo**

**SYNOPSIS**

Requires State to use energy-efficient outdoor lighting fixtures.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Telecommunications and Utilities Committee on March 12, 2012, with amendments.



**(Sponsorship Updated As Of: 3/6/2012)**

1 AN ACT regulating outdoor lighting fixtures and supplementing  
2 chapter 34 of Title 52 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. Unnecessary outdoor lighting squanders money and energy.

9 b. Unshielded outdoor lights are responsible for emitting  
10 pollutants, including carbon dioxide and wasted light.

11 c. Over-lighting during non-daylight hours neither improves  
12 visibility nor increases nighttime safety.

13 d. Removing unnecessary lighting and utilizing efficient light  
14 sources saves money and improves the nighttime environment,  
15 often at minimal expense.

16 e. It is in the public interest to minimize misdirected and  
17 upward light from luminaires to promote the State's fiscal health  
18 and to preserve New Jersey's natural nighttime environment.

19 f. It is necessary to regulate the State's outdoor lighting to  
20 conserve energy and resources to the greatest extent possible while  
21 permitting reasonable uses of outdoor lighting for nighttime safety,  
22 utility, security, commerce, and enjoyment.

23

24 2. As used in this act:

25 "Cutoff luminaire" means a luminaire whose luminous intensity  
26 in candelas at or above an angle of 90 degrees above nadir does not  
27 numerically exceed 2.5 percent of the luminous flux, in lumens, of  
28 the lamp or lamps in the luminaire, and the luminous intensity, in  
29 candelas, at or above a vertical angle of 80 degrees above nadir  
30 does not numerically exceed 10 percent of the luminous flux of the  
31 lamp or lamps in the luminaire.

32 "Energy conservation" means the reduction of energy costs and  
33 resources by use of methods including, but not limited to, the use of  
34 light fixtures with the lowest feasible wattage or a photo-sensitive  
35 or timer switch.

36 "Lumen" means an international standard unit of luminous flux  
37 representing the quantity of visible light output.

38 "Luminaire" means the complete lighting unit fixture consisting  
39 of a lamp, or lamps and ballasts, together with the parts designed to  
40 distribute light, including but not limited a reflector, lens, and  
41 diffuser, to position and protect the lamps, and to connect the lamps  
42 to the power supply.

43 "Luminous flux" means the measure of the perceived power of  
44 the light in lumens.

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATU committee amendments adopted March 12, 2012.

1 "Outdoor lighting fixture" means any type of fixed or movable  
2 lighting equipment that is designed or used for illumination  
3 outdoors, including street lights, searchlights, and area lighting.  
4 "Outdoor lighting fixture" shall not include lighting equipment that  
5 is required by law to be installed on motor vehicles or lighting  
6 required for the safe operation of aircraft, or billboard lighting or  
7 lighting used for advertising purposes.

8 "State" means the State of New Jersey and any office,  
9 department, division, bureau, board, commission, 'authority, [or]'  
10 agency ' , or instrumentality' of the State, but does not include  
11 counties, municipalities, school districts, and county or municipal  
12 authorities.

13  
14 3. a. On or after the effective date of this act, the State shall  
15 install, replace, or maintain an outdoor lighting fixture by using  
16 State funds only if:

17 (1) any outdoor lighting fixture with a rated output greater than  
18 1,800 lumens is installed or replaced with a cutoff luminaire;

19 (2) the minimum illuminance adequate for the intended purpose  
20 is used with consideration given to nationally recognized standards;

21 (3) for lighting of a designated highway of the State highway  
22 system, the Department of Transportation determines that the  
23 purpose of the outdoor lighting fixture cannot be achieved by the  
24 installation of reflective road markers, lines, warning or  
25 informational signs, or other effective passive methods; and

26 (4) full consideration has been given to energy conservation,  
27 reducing glare, minimizing light pollution and preserving the  
28 natural night environment.

29 b. Subsection a. of this section does not apply if:

30 (1) the outdoor lighting fixture is used on a temporary basis  
31 because emergency personnel require additional illumination for  
32 emergency procedures;

33 (2) the outdoor lighting fixture is used on a temporary basis for  
34 nighttime work;

35 (3) the outdoor lighting fixture is used for a special event or  
36 situation requiring additional illumination that cannot be produced  
37 by another method;

38 (4) a compelling safety interest exists that cannot be addressed  
39 by another method;

40 (5) the replacement is of outdoor lighting fixtures that constitute  
41 less than 30% of an entire outdoor lighting system at a New Jersey  
42 Transit Corporation facility, or an outdoor lighting fixture at a New  
43 Jersey Transit Corporation facility that was approved by the New  
44 Jersey Historic Preservation Office in the Department of  
45 Environmental Protection; or

46 (6) a federal law supersedes or is inconsistent with its  
47 requirements.

1 c. This section shall not be construed to require the State to  
2 replace properly functioning outdoor lighting fixtures but shall only  
3 apply to the replacement of deficient outdoor lighting fixtures or the  
4 installation of outdoor lighting fixtures constructed on or after the  
5 effective date of <sup>1</sup>["this act"] P.L. \_\_, c. \_\_ (C. \_\_) (pending before  
6 the Legislature as this bill)<sup>1</sup>.

7 <sup>1</sup>d. The provisions of section 9 of P.L.2009, c.4 (C.52:34-25)  
8 shall apply to this act if the State, as part of implementing an energy  
9 savings improvement program, enters into an energy savings  
10 services contract with an energy services company to install,  
11 replace, or maintain an outdoor lighting fixture.<sup>1</sup>

12  
13 4. This act shall take effect on the first day of the seventh  
14 month next following enactment.