SENATE, No. 1263

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Requires State to use certain energy-efficient outdoor lighting fixtures.

CURRENT VERSION OF TEXT

As introduced.

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

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

1. The Legislature finds and declares that:

a. Unnecessary outdoor lighting squanders money and energy.

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

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

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

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

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

2. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

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

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

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

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

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

"Outdoor lighting fixture" means any type of fixed or movable lighting equipment that is designed or used for illumination outdoors, including street lights, searchlights, and area lighting.

"Outdoor lighting fixture" shall not include lighting equipment that is required by law to be installed on motor vehicles, lighting required for the safe operation of aircraft, or lighting used for advertising purposes.

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

3. a. The State shall install, replace, or maintain an outdoor lighting fixture by using State funds only if:

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

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

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

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

b. Subsection a. of this section shall not apply if:

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

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

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

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

(5) the replacement of outdoor lighting fixtures constitutes less than 30 percent of an entire outdoor lighting system at a New Jersey Transit Corporation facility, or an outdoor lighting fixture at a New Jersey Transit Corporation facility that was approved by the New Jersey Historic Preservation Office in the Department of Environmental Protection;

(6) a federal law supersedes or is inconsistent with the requirements of subsection a. of this section ; or

(7) the outdoor lighting fixture is used on a historic property as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or any building, site, or area designated historic by a historic preservation commission pursuant to sections 21 through 26 of P.L.1985, c.516 (40:55D-107 et seq.).

c. This section shall not be construed to require the State to replace properly functioning outdoor lighting fixtures and shall only apply to the replacement of deficient outdoor lighting fixtures or the installation of outdoor lighting fixtures constructed on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).

d. The provisions of section 9 of P.L.2009, c.4 (C.52:34-25) shall apply to P.L. , c. (C.) (pending before the Legislature as this bill) if the State, as part of implementing an energy savings improvement program, enters into an energy savings services contract with an energy services company to install, replace, or maintain an outdoor lighting fixture.

4. This act shall take effect on the first day of the thirteenth month next following the date of enactment.

STATEMENT

This bill requires the State to install, replace, or maintain outdoor lighting fixtures that comply with design requirements stated in the bill that are intended to minimize wasted light and State funds. The bill does not require the State to replace outdoor lighting fixtures that function properly as of the bill's effective date, but only applies to the replacement of deficient outdoor lighting fixtures.

Under the bill, the State is to install, replace, or maintain an outdoor lighting fixture if: an outdoor lighting fixture with a rated output greater than 1,800 lumens is installed or replaced with a cutoff luminaire; the minimum illuminance adequate for the intended purpose is used with consideration given to nationally recognized standards; for fixtures used for lighting a designated highway of the State highway system, the Department of Transportation determines that that purpose of the outdoor lighting fixture cannot be achieved by the installation of reflective road markers, lines, warning or informational signs, or other effective methods; and full consideration has been given to energy conservation, reducing glare, minimizing light pollution, and preserving the natural light environment.

Under this bill, the State is not required to install, replace, or maintain an outdoor lighting fixture if: the outdoor lighting fixture is used on a temporary basis because emergency personnel require it; the outdoor lighting fixture is used on a temporary basis for nighttime work; the outdoor lighting fixture is used for a special event or situation; a compelling safety interest exists; the replacement of outdoor lighting fixtures constitutes less than 30 percent of an entire outdoor lighting system at a New Jersey Transit (NJT) Corporation facility, or an outdoor lighting fixture at a NJT Corporation facility was approved by the New Jersey Historic

Preservation Office; a federal law supersedes or is inconsistent with the bill; or the outdoor lighting fixture is used on a historic property or any building, site, or area designated historic by a historic preservation commission.