

ASSEMBLY, No. 546

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

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District 18 (Middlesex)

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SYNOPSIS

Requires municipalities, public utilities, and State to use LED technology in certain street lights.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain street lights, supplementing various
2 parts of the statutory law, and amending P.L.1999, c.23.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Street lights that use light-emitting diode (LED) technology,
9 are the most efficient means to light our streets and public spaces
10 because of their energy efficiency, using 15 percent of the energy of
11 an incandescent bulb while generating more light per watt and
12 longevity, with bulbs lasting up to 100,000 hours;

13 b. Street lighting can account for as much as 40 percent of a
14 municipal electric utility bill; however, studies show that street
15 lighting costs can be reduced by as much as 65 percent when
16 switched to LED street lights, and even more if advanced lighting
17 controls are incorporated; and

18 c. Maintenance costs associated with LED street lights can also
19 contribute to savings because of their longevity and overall
20 diminished maintenance requirements, when compared to
21 traditional street lights.

22

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

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

29 "LED technology" means a light-emitting diode that is a two-
30 lead semiconductor light source.

31

32 3. (New section) a. Each municipality in this State shall
33 install or, when an outage of the bulb occurs, replace a street light
34 in the municipality, as the municipal budget permits, only if:

35 (1) the street light being installed or the replacement bulb uses
36 LED technology;

37 (2) the minimum illuminance adequate for the intended purpose
38 of the street light is used with consideration given to nationally
39 recognized standards;

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

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.

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

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

5 (1) the street light is used on a temporary basis because
6 emergency personnel require additional illumination for emergency
7 procedures;

8 (2) the street light is used on a temporary basis for nighttime
9 work;

10 (3) the street light is used for a special event or situation
11 requiring additional illumination that cannot be produced by
12 another method;

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

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

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

22

23 4. (New section) As used in P.L. , c. (C.) (pending
24 before the Legislature as this bill):

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

29 "LED technology" means a light-emitting diode that is a two-
30 lead semiconductor light source.

31

32 5. (New section) a. A public utility, as defined in R.S.48:2-13,
33 shall install or, when an outage of the bulb occurs, replace a street
34 light owned by the public utility in this State only if:

35 (1) the street light being installed or the replacement bulb uses
36 LED technology;

37 (2) the minimum illuminance adequate for the intended purpose
38 of the street light is used with consideration given to nationally
39 recognized standards;

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

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

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

1 (1) the street light is used on a temporary basis because
2 emergency personnel require additional illumination for emergency
3 procedures;

4 (2) the street light is used on a temporary basis for nighttime
5 work;

6 (3) the street light is used for a special event or situation
7 requiring additional illumination that cannot be produced by
8 another method;

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

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

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

18

19 6. (New section) As used in P.L. , c. (C.) (pending
20 before the Legislature as this bill):

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

25 "LED technology" means a light-emitting diode that is a two-
26 lead semiconductor light source.

27 "State" means the State of New Jersey and any office,
28 department, division, bureau, board, commission, authority, agency,
29 or instrumentality of the State, but does not include any other
30 political subdivision of the State.

31

32 7. (New section) a. The State shall install or, when an outage
33 of the bulb occurs, replace a street light in this State using State or
34 federal funds only if:

35 (1) the street light being installed or the replacement bulb uses
36 LED technology;

37 (2) the minimum illuminance adequate for the intended purpose
38 of the street light is used with consideration given to nationally
39 recognized standards;

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

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

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

- 1 (1) the street light is used on a temporary basis because
2 emergency personnel require additional illumination for emergency
3 procedures;
- 4 (2) the street light is used on a temporary basis for nighttime
5 work;
- 6 (3) the street light is used for a special event or situation
7 requiring additional illumination that cannot be produced by
8 another method;
- 9 (4) a compelling safety interest exists that cannot be addressed
10 by another method;
- 11 (5) a federal law supersedes or is inconsistent with the
12 requirements of subsection a. of this section; or
- 13 (6) the street light is used on a historic property as that term is
14 defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or any building,
15 site, or area designated historic by a historic preservation
16 commission pursuant to sections 21 through 26 of P.L.1985, c.516
17 (C.40:55D-107 et seq.).
- 18 c. The provisions of section 9 of P.L.2009, c.4 (C.52:34-25)
19 shall apply to P.L. , c. (C.) (pending before the Legislature
20 as this bill) if the State, as part of implementing an energy savings
21 improvement program, enters into an energy savings services
22 contract with an energy services company to install, replace, or
23 maintain a street light.
24
- 25 8. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read
26 as follows:
- 27 12. a. Simultaneously with the starting date for the
28 implementation of retail choice as determined by the board pursuant
29 to subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53), the
30 board shall permit each electric public utility and gas public utility
31 to recover some or all of the following costs through a societal
32 benefits charge that shall be collected as a non-bypassable charge
33 imposed on all electric public utility customers and gas public
34 utility customers, as appropriate:
- 35 (1) The costs for the social programs for which rate recovery
36 was approved by the board prior to April 30, 1997. For the purpose
37 of establishing initial unbundled rates pursuant to section 4 of
38 P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall be set
39 to recover the same level of social program costs as is being
40 collected in the bundled rates of the electric public utility on the
41 effective date of P.L.1999, c.23 (C.48:3-49 et al.). The board may
42 subsequently order, pursuant to its rules and regulations, an increase
43 or decrease in the societal benefits charge to reflect changes in the
44 costs to the utility of administering existing social programs.
45 Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to
46 abolish or change any social program required by statute or board
47 order or rule or regulation to be provided by an electric public
48 utility. Any such social program shall continue to be provided by

1 the utility until otherwise provided by law, unless the board
2 determines that it is no longer appropriate for the electric public
3 utility to provide the program, or the board chooses to modify the
4 program;

5 (2) Nuclear plant decommissioning costs;

6 (3) The costs of demand side management programs that were
7 approved by the board pursuant to its demand side management
8 regulations prior to April 30, 1997. For the purpose of establishing
9 initial unbundled rates pursuant to section 4 of P.L.1999, c.23
10 (C.48:3-52), the societal benefits charge shall be set to recover the
11 same level of demand side management program costs as is being
12 collected in the bundled rates of the electric public utility on the
13 effective date of P.L.1999, c.23 (C.48:3-49 et al.). Within four
14 months of the effective date of P.L.1999, c.23 (C.48:3-49 et al.),
15 and every four years thereafter, the board shall initiate a proceeding
16 and cause to be undertaken a comprehensive resource analysis of
17 energy programs, and within eight months of initiating such
18 proceeding and after notice, provision of the opportunity for public
19 comment, and public hearing, the board, in consultation with the
20 Department of Environmental Protection, shall determine the
21 appropriate level of funding for energy efficiency, plug-in electric
22 vehicles and plug-in electric vehicle charging infrastructure, and
23 Class I renewable energy programs that provide environmental
24 benefits above and beyond those provided by standard offer or
25 similar programs in effect as of the effective date of P.L.1999, c.23
26 (C.48:3-49 et al.); provided that the funding for such programs be
27 no less than 50 percent of the total Statewide amount being
28 collected in electric and gas public utility rates for demand side
29 management programs on the effective date of P.L.1999, c.23
30 (C.48:3-49 et al.) for an initial period of four years from the
31 issuance of the first comprehensive resource analysis following the
32 effective date of P.L.1999, c.23 (C.48:3-49 et al.), and provided
33 that 25 percent of this amount shall be used to provide funding for
34 Class I renewable energy projects in the State. In each of the
35 following fifth through eighth years, the Statewide funding for such
36 programs shall be no less than 50 percent of the total Statewide
37 amount being collected in electric and gas public utility rates for
38 demand side management programs on the effective date of
39 P.L.1999, c.23 (C.48:3-49 et al.), except that as additional funds are
40 made available as a result of the expiration of past standard offer or
41 similar commitments, the minimum amount of funding for such
42 programs shall increase by an additional amount equal to 50 percent
43 of the additional funds made available, until the minimum amount
44 of funding dedicated to such programs reaches \$140,000,000 total.
45 After the eighth year the board shall make a determination as to the
46 appropriate level of funding for these programs. Such programs
47 shall include a program to provide financial incentives for the
48 installation of Class I renewable energy projects in the State, and

1 the board, in consultation with the Department of Environmental
2 Protection, shall determine the level and total amount of such
3 incentives as well as the renewable technologies eligible for such
4 incentives which shall include, at a minimum, photovoltaic, wind,
5 and fuel cells. The board shall simultaneously determine, as a result
6 of the comprehensive resource analysis, the programs to be funded
7 by the societal benefits charge, the level of cost recovery and
8 performance incentives for old and new programs and whether the
9 recovery of demand side management programs' costs currently
10 approved by the board may be reduced or extended over a longer
11 period of time. The board shall make these determinations taking
12 into consideration existing market barriers and environmental
13 benefits, with the objective of transforming markets, capturing lost
14 opportunities, making energy services more affordable for low
15 income customers and eliminating subsidies for programs that can
16 be delivered in the marketplace without electric public utility and
17 gas public utility customer funding;

18 (4) Manufactured gas plant remediation costs, which shall be
19 determined initially in a manner consistent with mechanisms in the
20 remediation adjustment clauses for the electric public utility and gas
21 public utility adopted by the board; **[and]**

22 (5) The cost, of consumer education, as determined by the
23 board, which shall be in an amount that, together with the consumer
24 education surcharge imposed on electric power supplier license fees
25 pursuant to subsection h. of section 29 of P.L.1999, c.23 (C.48:3-
26 78) and the consumer education surcharge imposed on gas supplier
27 license fees pursuant to subsection g. of section 30 of P.L.1999,
28 c.23 (C.48:3-79), shall be sufficient to fund the consumer education
29 program established pursuant to section 36 of P.L.1999, c.23
30 (C.48:3-85) ; and

31 (6) The cost of installing or replacing street lights, pursuant to
32 section 5 of P.L. , c. (C.) (pending before the Legislature as
33 this bill).

34 b. There is established in the Board of Public Utilities a
35 nonlapsing fund to be known as the "Universal Service Fund." The
36 board shall determine: the level of funding and the appropriate
37 administration of the fund; the purposes and programs to be funded
38 with monies from the fund; which social programs shall be provided
39 by an electric public utility as part of the provision of its regulated
40 services which provide a public benefit; whether the funds
41 appropriated to fund the "Lifeline Credit Program" established
42 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'
43 Lifeline Assistance Program" established pursuant to P.L.1981,
44 c.210 (C.48:2-29.31 et seq.), the funds received pursuant to the Low
45 Income Home Energy Assistance Program established pursuant to
46 42 U.S.C. s.8621 et seq., and funds collected by electric and
47 **[natural]** gas public utilities, as authorized by the board, to offset
48 uncollectible electricity and natural gas bills should be deposited in

1 the fund; and whether new charges should be imposed to fund new
2 or expanded social programs.
3 (cf: P.L.2019, c.362, s.13)
4

5 9. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill would require municipalities, public utilities, and the
11 State to install a street light or, when an outage of a bulb occurs,
12 replace a street light owned by the municipality, public utility or State
13 with LED, or light-emitting diode, technology. Municipalities would
14 be required to install or replace each street light as the municipal
15 budget permits. Public utilities would recover the cost of installing or
16 replacing these street lights through the societal benefits charge.

17 Under the bill, a street light may only be installed or a bulb replaced
18 if: (1) the street light being installed, or the replacement bulb, uses
19 LED technology; (2) the minimum illuminance adequate for the
20 intended purpose of the street light is used with consideration given
21 to nationally recognized standards; (3) for lighting of a designated
22 highway of the State highway system, the Department of
23 Transportation determines that the purpose of the street light cannot
24 be achieved by the installation of reflective road markers, lines,
25 warning or informational signs, or other effective passive methods;
26 and (4) full consideration has been given to energy conservation,
27 reducing glare, minimizing light pollution, and preserving the
28 natural night environment.

29 Under the bill, municipalities, public utilities, and the State would
30 not be required to install or replace a street light if: (1) the street light
31 is used on a temporary basis because emergency personnel require it;
32 (2) the street light is used on a temporary basis for nighttime work; (3)
33 the street light is used for a special event or situation; (4) a compelling
34 safety interest exists; (5) a federal law supersedes or is inconsistent
35 with the bill; or (6) the street light is used on a historic property.