

**HOUSE . . . . . No. 3762**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act to Promote Energy Efficient Lighting, Conserve Energy, Regulate Outdoor Night Lighting, and Reduce Light Pollution..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 85 of the General Laws, as appearing in the 2002 Official Edition,  
2 is hereby amended by adding at the end thereof the following new sections:

3 Section 37. As used in Section 37A, the following words shall, unless the context clearly  
4 requires otherwise, have the following meaning:

5 "Direct light", light emitting generally in a downward direction by a lamp, off a reflector,  
6 or through a refractor of a luminaire.

7 "Fully shielded luminaire", a luminaire that allows no direct light from the luminaire  
8 above a horizontal plane through the luminaire's lowest light-emitting part, in its mounted form.

9 "Glare", direct light emitted by a luminaire that causes reduced visibility of objects or  
10 momentary blindness.

11 "Illuminance", the luminous power incident per unit area of a surface, as measured in lux  
12 (lumens per square meter) or foot-candles (lumens per square foot).

13 "Lamp", the component of a luminaire that produces light.

14 "Light pollution", artificial light directed, reflected, or scattered upward into the  
15 atmosphere.

16 "Light trespass", light emitted by a luminaire that shines beyond the boundaries of the  
17 property on which the luminaire is located.

18 "Lumen", a specific standard unit of measurement of luminous flux.

19 "Luminaire", a complete lighting unit, including a lamp or lamps together with the parts  
20 designed to distribute the light, to position and protect the lamps, and to connect the lamps to the  
21 power supply.

22 "Municipal funds", any bond revenues or any money appropriated or allocated by the  
23 governing body of a town or city within the Commonwealth.

24 "Outdoor light fixtures", outdoor artificial illuminating devices, permanently installed or  
25 portable, used for flood-lighting, roadway and area lighting, general illumination, or  
26 advertisement.

27 "Permanent outdoor luminaire", any fixed luminaire or system of luminaires that is  
28 outdoors and that is intended to be used for seven days or longer.

29 "Roadway lighting", permanent outdoor luminaires that are specifically intended to  
30 illuminate roadways for automotive vehicles.

31 "State funds", any bond revenues or any money appropriated or allocated by the General  
32 Court.

33           Section 37A. 1. No state or municipal funds shall be used to install any new permanent  
34 outdoor luminaire or to replace an existing permanent outdoor luminaire unless the following  
35 conditions are met:

36           (a) The new or replacement luminaire is a fully shielded luminaire when the rated output  
37 of the lamp is greater than one thousand eight hundred (1800) lumens;

38           (b) If a lighting recommendation or regulation applies, the minimum illuminance  
39 specified by the recommendation or regulation is used;

40           (c) If no lighting recommendation or regulation applies, the minimum illuminance  
41 adequate for the intended purpose is used with consideration given to recognized standards,  
42 including, but not limited to, recommended practices adopted by the illuminating engineering  
43 society of North America (IESNA);

44           (d) For roadway lighting unassociated with intersections of two or more streets or  
45 highways, a determination is made by the department of highways that the purpose of the  
46 lighting installation or replacement cannot be achieved by installation of reflectorized roadway  
47 markers, lines, warnings or informational signs, or other passive means; and

48           (e) Adequate consideration has been given to the conservation of energy and to the  
49 minimization of glare, light pollution, and light trespass. The requirements of this section shall  
50 not apply in any of the following circumstances, settings or location:

51           (1) a federal law, rule or regulation preempts state law;

52 (2) the outdoor lighting fixture is used on a temporary basis by emergency personnel  
53 requiring additional illumination for emergency procedures or used by repair personnel on a  
54 temporary basis for road repair;

55 (3) navigational lighting systems at airports and other lighting necessary for aircraft  
56 safety;

57 (4) special events or situations that may require additional illumination, including, but not  
58 limited to, sporting events and the illumination of historic structures, monuments, or flags;  
59 provided however, that all such illumination shall be selected and installed to shield the lamp  
60 used from direct view to the greatest extent possible, and to minimize light pollution and light  
61 trespass;

62 (5) any urban area where there is high night-time pedestrian traffic which has been  
63 examined by an engineer employed by the Commonwealth and experienced in outdoor lighting  
64 and deemed to be an area where the installation of luminaires other than those that are fully  
65 shielded is necessary for safety;

66 (6) a state prison, county house of correction or county jail; or

67 (7) when a compelling safety interest exists that cannot be addressed by any other  
68 method.

69 2. No public utility company may install or replace a permanent outdoor luminaire for  
70 roadway lighting, if the cost of operating such luminaire is paid for by municipal funds, unless:

71 (a) the luminaire is designed to maximize energy conservation and to minimize light  
72 pollution, glare and light trespass;

73 (b) the luminaire's illuminance is equal to the minimum illuminance adequate for the  
74 intended purpose of the lighting; and

75 (c) for a luminaire with a rated output of more than 1800 lumens used on municipal  
76 roads, such luminaire is a full cutoff luminaire.

77 3. Light trespass onto environmentally sensitive habitats, as determined by the  
78 department of environmental protection, shall be limited or restricted by taking into account  
79 potential environmental impact.

80 4. Off-street business and residential lighting may not direct spotlights of greater than  
81 1800 lumens onto roadways in such a manner that would visually impede drivers.

82 Section 37B. The division of energy resources, in consultation with the department of  
83 highways, shall promulgate regulations to implement and enforce this section, including a system  
84 to ensure that the use of state funds for roadway lighting complies with the requirements set forth  
85 herein. Said regulations shall include the establishment of a waiver process, to be administered  
86 by the secretary of administration and finance or his designee, whereby a state agency, division  
87 or department may apply for and may be granted an exemption by said secretary from the  
88 requirements of this section on the grounds that a bona fide operational, temporary, safety or  
89 specific aesthetic need exists to an extent that warrants such an exemption or upon the  
90 establishment by said agency, division or department that the installation and use of the  
91 permanent outdoor luminaries required by this section will not be cost effective over the  
92 expected use life of said luminaries.

93 Section 37C. The department of highways shall:

94           (1) review and update its warranting and other criteria for roadway lighting, to  
95 demonstrate that its current standards and procedures conform to commonly accepted best  
96 practices;

97           (2) explore how costs can be reduced by replacing existing fixtures luminaires with  
98 lower-wattage, fully shielded luminaires or by eliminating roadway lighting altogether where  
99 appropriate;

100           (3) report its findings to the department of energy resources annually beginning on  
101 August 31, 2009. SECTION 2. The provisions of this act shall take effect as of November 1,  
102 2009.