

HOUSE No. 2878

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act improving outdoor lighting and increasing dark-sky visibility.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------|------------------------------------|
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Cynthia S. Creem</i> | <i>First Middlesex and Norfolk</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Ellen Story</i> | <i>3rd Hampshire</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Byron Rushing</i> | <i>9th Suffolk</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |

HOUSE No. 2878

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 2878) of Sean Garballey and others relative to the installation of new permanent outdoor lighting fixtures and the cost of operating such fixtures. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act improving outdoor lighting and increasing dark-sky visibility.

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 2012 Official Edition,
2 is hereby amended by adding the following 2 sections:

3 Section 38. As used in Section 39, the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:

5 “Correlated color temperature”, the apparent hue of the light emitted by a fixture,
6 expressed in kelvins (K). The lower the K value, the “warmer” or more yellowish the source will
7 appear, and the higher the K value, the “cooler”, or more "bluish" the source will appear

8 “Direct light”, light emitted by a fixture, whether from the light source, from a reflector,
9 or through a refractor

10 “Façade lighting”, permanent outdoor fixtures that are specifically intended to illuminate
11 the exterior surfaces of buildings or structures

12 “Fixture”, a complete lighting unit, including a light source together with the parts
13 designed to distribute the light, to position and protect the light source, and to connect the light
14 source to the power supply

15 “Fixture lumens”, total lumens emitted by a fixture

16 “Fully shielded fixture”, a fixture that emits no direct light above a horizontal plane
17 through the fixture’s lowest light-emitting part, in its mounted position

18 “Glare”, light emitted by a fixture that causes visual discomfort or reduced visibility

19 “Illuminance”, the luminous power incident per unit area of a surface

20 “Light trespass”, light that falls beyond the property it is intended to illuminate

21 “Lumen”, a standard unit of measurement of the quantity of light emitted from a source
22 of light

23 “Ornamental Roadway Lighting”, a roadway-lighting fixture that serves a decorative
24 function in addition to a roadway-lighting function and which has a historical period appearance
25 or decorative appearance.

26 “Parking-lot lighting”, permanent outdoor fixtures specifically intended to illuminate
27 uncovered vehicle-parking areas

28 “Part-night service”, a rate charged by a utility company to provide unmetered electricity
29 for permanent outdoor fixtures that operate for only a portion of each night’s dusk-to-dawn
30 cycle.

31 “Permanent outdoor fixture”, a fixture for use in an exterior environment installed with
32 mounting not intended for relocation

33 “Roadway lighting”, permanent outdoor fixtures specifically intended to illuminate
34 public roadways

35 “Sky glow”, scattered light in the atmosphere, caused by light directed upward or
36 sideways from fixtures, reducing one’s ability to view the natural night sky.

37 “State funds”, bond revenues or money appropriated or allocated by the General Court.

38 Section 39. (a) No state funds shall be used to install a new permanent outdoor fixture, or
39 to pay for the cost of operating such fixture, unless the following conditions are met:

40 (1) in the case of roadway lighting or parking-lot lighting; whether mounted to poles,
41 buildings, or other structures, the fixture is fully shielded.

42 (2) in the case of building-mounted fixtures not specifically intended for roadway
43 lighting, parking-lot lighting, or façade lighting, the fixture is fully shielded when its initial
44 fixture lumens is greater than 3000 lumens.

45 (3) in the case of façade lighting, the fixture is shielded to reduce glare, sky glow, and
46 light trespass to the greatest extent possible.

47 (4) in the case of ornamental roadway lighting fixtures, the fixture emits no more 700
48 lumens above a horizontal plane through the fixture’s lowest light-emitting part.

49 (5) for illumination by new permanent outdoor fixtures for applications covered in
50 Section 39(a), only the illuminance levels required for the intended purpose as defined in the

51 10th edition of The Lighting Handbook, published by the Illuminating Engineering Society
52 (IES), may be used. Where local city or county laws, ordinances, or regulations specify a
53 different requirement, only the illuminance levels required for the intended purpose by these
54 laws, ordinances, or regulations are to be used.

55 (6) the light emitted by the fixture shall have a correlated color temperature no greater
56 than 4000K.

57 (7) in the case of roadway lighting unassociated with intersections of two or more streets
58 or highways, the Department of Transportation has determined that the purpose of the fixture
59 installation or replacement cannot be achieved by installation of reflectorized roadway markers,
60 lines, warning or informational signs, or other passive means.

61 (b) This section shall not apply:

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

63 (2) if the outdoor lighting fixture is used temporarily for emergency procedures or for
64 road repair;

65 (3) to navigational and other lighting systems necessary for aviation and nautical safety;

66 (4) to lighting for an athletic playing area; provided, however, that the fixtures used
67 therefor shall be selected and installed so as to minimize glare, light trespass, and sky glow
68 outside the athletic playing area;

69 (5) to the replacement of previously installed permanent outdoor fixtures that are
70 destroyed, damaged, or inoperative; have experienced electrical failure due to failed components;
71 or require standard maintenance;

72 (6) to lighting intended for tunnels and roadway underpasses; or

73 (7) to special events or situations that might require additional illumination, including,
74 but not limited to, the illumination of historic structures, monuments, or flags; provided,
75 however, that all such illumination be selected and installed to minimize glare, light trespass, and
76 sky glow to the greatest extent possible.

77 (c) No public utility company shall install a permanent outdoor fixture for roadway
78 lighting or parking-lot lighting if the cost of operating such fixture is paid for by state funds,
79 unless the provisions specified for such uses under Sections 39(a) and (b) are met.

80 (d) The Department of Energy Resources, in consultation with the Department of
81 Transportation, shall develop and promulgate regulations to implement and enforce this section,
82 including a system to ensure that the use of state funds complies with the requirements set forth
83 herein.

84 SECTION 2. The Department of Transportation shall:

85 (a) review and update warranting and other criteria for roadway lighting, to comply with
86 current standards, procedures, and accepted best practices;

87 (b) make a study of lighting operational costs, and develop recommendations on cost
88 reduction through replacement of existing fixtures with lower-wattage, fully shielded fixtures,
89 and by removal of unnecessary roadway lighting and installation of passive safety measures
90 where possible.;

91 (c) issue the first report of its findings and recommendations as required in this section to
92 the Department of Energy Resources on or before August 31, 2016, and annually thereafter.

93 SECTION 3. The Department of Public Utilities shall, subject to its ratemaking
94 authority, develop a rate for part-night service for unmetered roadway or parking-lot lighting to
95 apply to each new electric utility rate case submitted after January 1, 2016.

96 SECTION 4. This act shall take effect on November 1, 2015.