

SENATE No. 2102**The Commonwealth of Massachusetts**

PRESENTED BY:

Cynthia Stone Creem*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 to improve outdoor lighting, conserve energy, and increase dark-sky visibility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>1/23/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>1/23/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/27/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/23/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/27/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/10/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/29/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>4/12/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/6/2023</i>

SENATE No. 2102

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2102) of Cynthia Stone Creem, Edward J. Kennedy, Paul W. Mark, Joanne M. Comerford and other members of the Senate for legislation to promote energy efficient lighting, conserve energy, regulate outdoor night lighting, and reduce light pollution. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2147 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to improve outdoor lighting, conserve energy, and increase 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 is hereby amended by adding the following
2 section:

3 Section 38. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Correlated color temperature” or “CCT”, the apparent hue of the light emitted by a
6 fixture, expressed in kelvins (K).

7 “Façade lighting”, illumination of exterior surfaces of buildings for the enhancement of
8 their nighttime appearance, achieved by shining light onto building surfaces, or by internal or

external illumination of translucent building surfaces, or with fixtures solely for decorative function.

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

“Fully shielded fixture”, a fixture that in its mounted position has an uplight value of U0 as defined by the Illuminating Engineering Society’s standards publication TM-15-20 (Luminaire Classification System for Outdoor Luminaires).

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

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

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

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

“Municipal funds”, bond revenues or money appropriated or allocated by the governing body of a town or city within the commonwealth.

“Ornamental lighting”, a lighting fixture that has a historical or decorative appearance and that serves a decorative function in addition to serving to light a roadway, parking lot, walkway, plaza, or other area.

“Parking-lot lighting”, a permanent outdoor fixture specifically intended to illuminate an uncovered vehicle-parking area.

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

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

“Roadway lighting”, a permanent outdoor fixture specifically intended to illuminate a public roadway.

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

“State funds”, bond revenues or money appropriated or allocated by the general court.

“Uplight,” direct light emitted above a horizontal plane through the fixture’s lowest light-emitting part in its mounted position

(b) State or municipal funds must not be used to install or cause to be installed a new permanent outdoor fixture or to pay for the cost of operating a new permanent outdoor fixture, for the specific purposes listed below, unless the following conditions are met:

(i) Fixtures used for roadway lighting or parking-lot lighting, whether mounted to poles, buildings or other structures, must be fully shielded unless they are ornamental lighting fixtures, or are fixtures used to light tunnels or roadway underpasses;

(ii) Ornamental lighting fixtures must emit fewer than 500 lumens of uplight;

(iii) “Fixtures used for roadway lighting must not be more numerous than is necessary for adequate vehicular and pedestrian safety, as determined by the current lighting-needs criteria published by the Federal Highway Administration and the Illuminating Engineering Society;”

(iv) Building-mounted fixtures must be fully shielded unless they are façade lighting fixtures;

(v) Façade lighting fixtures must be selected and installed to direct the light onto the intended target, and must be shielded, so that glare, sky glow, and light trespass are minimized;

(vi) Fixtures used to light historic structures, flags, monuments, statuary and works of art must be selected and installed to direct the light onto the intended target, and must be shielded, so that glare, sky glow, and light trespass are minimized;

(vii) Fixtures used to light athletic playing areas must be selected and installed so as to minimize glare, light trespass and sky glow outside the athletic playing area;

(viii) Fixtures installed for any purpose must have a correlated color temperature that is not greater than 3000 K unless (1) an exemption up to 4000 K is granted, in which case a public safety need must be demonstrated; or (2) the fixtures are used exclusively for the decorative illumination through color of certain building façade or landscape features; or (3) the fixtures are used to illuminate athletic playing areas.

(ix) Lighting installed for any purpose should provide maintained illuminance levels equal to the minimum values recommended by the Illuminating Engineering Society for the intended application and may not exceed those recommended minimum values by more than 50

percent unless a demonstrated and verified need exists for higher levels to ensure safety or security.

(c) This section shall not apply: (i) if it is preempted by federal law; (ii) if the outdoor lighting fixture is used temporarily for emergency, repair, construction or similar activities; (iii) to navigational and other lighting systems necessary for aviation and nautical safety; (iv) if a compelling and bona fide safety or security need exists that cannot be addressed by another reasonable method; (v) to the replacement of a previously installed permanent outdoor fixture that is destroyed, damaged or inoperative, has experienced electrical failure due to failed components, or requires standard maintenance; (vi) to festoon lighting as defined in the NFPA 70 National Electrical Code, or (vii) to fixtures installed for any specific purpose that is not listed in (b) above.

(d) The department of energy resources, in consultation with the department of transportation, shall:

(i) develop and promulgate regulations to implement and enforce this section; provided, however, that if a municipal or county ordinance or regulation specifies lower illuminance levels, the illuminance level required for the intended purpose by the ordinance or regulation shall be used; and

(ii) develop and promulgate regulations to ensure that the use of state or municipal funds, including, but not limited to, operating costs for new permanent outdoor fixtures for roadway lighting or parking-lot lighting installed by electric distribution companies and municipal aggregators, comply with this section.

SECTION 2. The department of transportation shall review and issue a report on existing roadway lighting and lighting operational costs. The report shall include a review of standards and other criteria for roadway lighting and an analysis of lighting operational costs; a review of roadway lighting's impact on human health, human safety, and environmental impact; actions taken by the department to comply with current standards; procedures and accepted best practices relative to roadway lighting; and a plan to reduce lighting operational costs through the replacement of existing high-wattage, unshielded fixtures with lower-wattage, fully shielded fixtures and the replacement of unnecessary roadway lighting with the installation of passive safety measures. The department shall issue its report to the department of energy resources and the clerks of senate and the house of representatives not later than January 1, 2024.

SECTION 3. The department of public utilities shall, subject to its ratemaking authority:

(a) develop a rate for part-night service that applies to dimmable and controls-operated fixtures used for unmetered roadway or parking-lot lighting.

(b) develop a rate for unmetered roadway or parking-lot lighting fixtures utilizing less than 25 watts of electricity.

SECTION 4. Sections 1 and 2 shall take effect on January 1, 2024.