
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2825 Session of
2000

INTRODUCED BY B. SMITH, OCTOBER 11, 2000

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 11, 2000

AN ACT

1 Providing for management of outdoor night lighting and for a
2 penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Outdoor
7 Lighting Control Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Direct light." Light emitting generally in a downward
13 direction by a lamp, off a reflector or through a refractor of a
14 lighting unit.

15 "Full-cutoff lighting unit." A lighting unit in its mounted
16 form that allows no direct light from the lighting unit above a
17 horizontal plane through the lighting unit's lowest light-

1 emitting part.

2 "Glare." Direct light emitted by a lighting unit that causes
3 reduced visibility of objects or momentary blindness.

4 "Lamp." The component of a lighting unit that produces
5 light.

6 "Light pollution." General sky glow caused by the scattering
7 of artificial light in the atmosphere.

8 "Light trespass." Light emitted by a lighting unit that
9 shines beyond the boundaries of the property on which the
10 lighting unit is located.

11 "Lighting unit." A complete lighting unit, including a lamp
12 or lamps together with the parts designed to distribute the
13 light, to position and protect the lamps and to connect the
14 lamps to the power supply.

15 "Lumen." A specific standard unit of measurement of luminous
16 flux.

17 "Noncutoff lighting unit." A streetlight lighting unit in
18 which either the lamp and surrounding glass lens extend below
19 the horizontal plane of opaque shielding elements of the
20 lighting unit, or the lamp is situated on top of a post or on a
21 pivoting support on the side of a building, causing light to be
22 cast as glare outward and upward, beyond its useful range.

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

26 "Permanent outdoor lighting unit." Any fixed lighting unit
27 or system of lighting units that is outdoors and that is
28 intended to be used for seven days or longer.

29 "Roadway lighting." Permanent outdoor lighting units that
30 are specifically intended to illuminate roadways for automotive

1 vehicles.

2 "Semicutoff lighting unit." A lighting unit that allows no
3 more than 8% of the light from the lamp to be emitted above a
4 horizontal plane passing through the lighting unit's lowest
5 light-emitting part.

6 Section 3. Outdoor lighting control.

7 (a) Permanent outdoor lighting unit installation.--The
8 installation of any new or replacement permanent outdoor
9 lighting unit by or for a State agency shall meet the following
10 conditions:

11 (1) The new or replacement unit shall be a full-cutoff
12 lighting unit if the rated output of the lighting unit is
13 greater than 1,800 lumens.

14 (2) The minimum allowance specified by an applicable
15 recommendation or regulation shall be used. The average
16 minimum allowance adequate for the intended purpose shall be
17 used if no lighting recommendation or regulation is
18 applicable, giving full consideration to energy conservation,
19 glare and light trespass.

20 (3) Reflectorized roadway markers, lines, warning signs,
21 informational signs or other passive means shall be utilized
22 for roadway lighting except at intersections of two or more
23 streets or highways unless it is determined that the purpose
24 of the lighting installation or replacement cannot be
25 achieved by these means.

26 (4) Adequate consideration shall be given to conserving
27 energy and minimizing glare, light pollution and light
28 trespass.

29 (b) Exceptions.--The following instances shall be exempt
30 from the requirements of subsection (a):

1 (1) Where Federal laws, rules or regulations preempt
2 State regulations.

3 (2) Where fire, police, rescue or repair personnel need
4 light for temporary emergencies or road repair work.

5 (3) Where there are special requirements, such as sports
6 facilities, historic decorative considerations or flag
7 lighting. All such lighting shall be selected and installed
8 to shield the lamp or lamps from direct view to the greatest
9 extent possible and to minimize upward lighting and light
10 trespass.

11 (4) Where there is substantial nighttime pedestrian
12 traffic in an urban area and an engineer experienced in
13 outdoor lighting has deemed it necessary to permit the
14 installation of semicutoff lighting units in a quantity such
15 that the total number of new or replacement semicutoff
16 lighting units within a square mile of the lighting unit does
17 not exceed the total number of existing full-cutoff lighting
18 units.

19 (5) Where it has been determined that a compelling
20 safety interest exists that cannot be addressed by any other
21 method.

22 (c) Regulations.--The Department of Environmental
23 Protection, in consultation with the Department of
24 Transportation and the Department of General Services, shall
25 promulgate regulations to implement the provisions of this
26 section, including a system to ensure that the use of State
27 funds for street lighting complies with the requirements of this
28 section.

29 Section 4. Light trespass.

30 (a) Unreasonable placement.--No person shall unreasonably

1 place or operate a lighting unit in a manner that causes
2 illumination or glare to be cast on the property of another
3 person with the effect of reducing privacy, hindering sleep or
4 creating an unattractive appearance to the area without the
5 permission of the owner, lessee or lawful occupant of the
6 property. The following factors shall be considered for purposes
7 of determining whether the placement or operation of a lighting
8 unit is reasonable:

9 (1) The extent to which the lighting unit furthers a
10 lawful purpose.

11 (2) The severity of the effect upon the property of
12 another.

13 (3) The general character and use of the properties.

14 (4) The extent to which reasonable mitigation measures
15 are available.

16 (b) Penalty.--A person convicted of light trespass shall pay
17 a civil penalty of \$100 if the violation is not corrected within
18 ten days of the conviction.

19 Section 5. Dark areas.

20 (a) Designation.--The Department of Environmental Protection
21 may identify and designate as dark areas, areas of this
22 Commonwealth which are especially suitable for astronomical
23 observations or which provide nocturnal benefits to flora and
24 fauna due to their darkness.

25 (b) Proposed plan.--The Department of Environmental
26 Protection shall submit a proposed plan to preserve any areas
27 designated as dark areas to the Governor and the General
28 Assembly within 18 months of the designation of the area as a
29 dark area.

30 Section 6. Applicability.

1 The provisions of this act shall not supersede any other
2 Federal or State law controlling lighting, light fixtures or
3 units, signage, outdoor advertising, displays or devices.

4 Section 7. Effective date.

5 This act shall take effect in 60 days.