
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 300 Session of
2001

INTRODUCED BY B. SMITH, SCHRODER, READSHAW, KREBS, STEELMAN,
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WILT, MARCH 26, 2001

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 26, 2001

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

1 horizontal plane through the lighting unit's lowest light-
2 emitting part.

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

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

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

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

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

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

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

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

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

30 "Roadway lighting." Permanent outdoor lighting units that

1 are specifically intended to illuminate roadways for automotive
2 vehicles.

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

7 Section 3. Outdoor lighting control.

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

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

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

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

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

30 (b) Exceptions.--The following instances shall be exempt

1 from the requirements of subsection (a):

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

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

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

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

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

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

30 Section 4. Light trespass.

1 (a) Unreasonable placement.--No person shall unreasonably
2 place or operate a lighting unit in a manner that causes
3 illumination or glare to be cast on the property of another
4 person with the effect of reducing privacy, hindering sleep or
5 creating an unattractive appearance to the area without the
6 permission of the owner, lessee or lawful occupant of the
7 property. The following factors shall be considered for purposes
8 of determining whether the placement or operation of a lighting
9 unit is reasonable:

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

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

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

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

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

20 Section 5. Dark areas.

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

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

1 Section 6. Applicability.

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

5 Section 7. Effective date.

6 This act shall take effect in 60 days.