

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 300 Session of 2001

INTRODUCED BY B. SMITH, SCHRODER, READSHAW, KREBS, STEELMAN, HERSHEY, YOUNGBLOOD, J. EVANS, HARHAI, HORSEY, HUTCHINSON, R. MILLER, S. MILLER, RUBLEY, SANTONI, WALKO, WANSACZ, WILT, HENNESSEY, ARMSTRONG, COSTA AND HARPER, MARCH 26, 2001

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 23, 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. FINDINGS. <—

9 THE GENERAL ASSEMBLY FINDS THAT FULLY SHIELDED LIGHTING UNITS
10 CONSIDERABLY REDUCE LIGHT POLLUTION. THE GENERAL ASSEMBLY
11 FURTHER FINDS THAT THE REPLACEMENT OF UNSHIELDED LIGHTING UNITS
12 WITH FULLY SHIELDED LIGHTING UNITS CAN RESULT IN SUBSTANTIAL
13 LOWERING IN THE WATTAGE OF THE LAMP NEEDED TO MAINTAIN AN
14 EQUIVALENT LEVEL OF LIGHTING ON THE GROUND, THEREBY REALIZING A
15 CONSIDERABLE ENERGY SAVINGS TO THE COMMONWEALTH. THEREFORE, IT
16 IS IN THE PUBLIC INTEREST TO REQUIRE THE USE OF FULLY SHIELDED

1 LIGHTING UNITS TO THE MAXIMUM EXTENT POSSIBLE.

2 Section 2 3. Definitions. <—

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

6 "Direct light." Light emitting generally in a downward
7 direction by a lamp, off a reflector or through a refractor of a
8 lighting unit.

9 ~~"Full cutoff lighting unit." A lighting unit in its mounted <—~~
10 ~~form that allows no direct light from the lighting unit above a~~
11 ~~horizontal plane through the lighting unit's lowest light-~~
12 ~~emitting part.~~

13 "FULLY SHIELDED LIGHTING UNIT." A LIGHTING UNIT THAT IS <—
14 CONSTRUCTED IN SUCH A MANNER THAT ALL LIGHT EMITTED, EITHER
15 DIRECTLY FROM THE LAMP OR INDIRECTLY BY REFLECTION OR REFRACTION
16 FROM ANY PART OF THE LIGHTING UNIT, IS PROJECTED BELOW THE
17 HORIZONTAL.

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

20 "Lamp." The component of a lighting unit that produces
21 light.

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

24 ~~"Light trespass." Light emitted by a lighting unit that <—~~
25 ~~shines beyond the boundaries of the property on which the~~
26 ~~lighting unit is located.~~

27 "Lighting unit." A complete lighting unit, including a lamp
28 or lamps together with the parts designed to distribute the
29 light, to position and protect the lamps and to connect the
30 lamps to the power supply.

1 "Lumen." A specific standard unit of measurement of luminous
2 flux.

3 ~~"Noncutoff lighting unit." A streetlight lighting unit in~~ <—
4 ~~which either the lamp and surrounding glass lens extend below~~
5 ~~the horizontal plane of opaque shielding elements of the~~
6 ~~lighting unit, or the lamp is situated on top of a post or on a~~
7 ~~pivoting support on the side of a building, causing light to be~~
8 ~~cast as glare outward and upward, beyond its useful range.~~

9 "Outdoor light fixtures." Outdoor artificial illuminating
10 devices, installed or portable, used for flood-lighting, roadway
11 and area lighting, general illumination or advertisement.

12 "PARTIALLY SHIELDED LIGHTING UNIT." A LIGHTING UNIT THAT IS <—
13 CONSTRUCTED IN SUCH A MANNER THAT MORE THAN ZERO BUT LESS THAN
14 10% OF THE LIGHT EMITTED, EITHER DIRECTLY FROM THE LAMP OR
15 INDIRECTLY BY REFLECTION OR REFRACTION FROM ANY PART OF THE
16 LIGHTING UNIT, IS PROJECTED ABOVE THE HORIZONTAL.

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

20 "Roadway lighting." Permanent outdoor lighting units that
21 are specifically intended to illuminate roadways for automotive
22 vehicles.

23 ~~"Semicutoff lighting unit." A lighting unit that allows no~~ <—
24 ~~more than 8% of the light from the lamp to be emitted above a~~
25 ~~horizontal plane passing through the lighting unit's lowest~~
26 ~~light emitting part.~~

27 "UNSHIELDED LIGHTING UNIT." A LIGHTING UNIT THAT IS <—
28 CONSTRUCTED IN SUCH A MANNER THAT MORE THAN 10% OF THE LIGHT
29 EMITTED, EITHER DIRECTLY FROM THE LAMP OR INDIRECTLY BY
30 REFLECTION OR REFRACTION FROM ANY PART OF THE LIGHTING UNIT, IS

1 PROJECTED ABOVE THE HORIZONTAL.

2 Section 3 4. Outdoor lighting control. <—

3 (a) Permanent outdoor lighting unit installation.--The
4 installation of any new or replacement permanent outdoor
5 lighting unit by or for a State agency shall meet the following
6 conditions:

7 (1) The new or replacement unit shall be a ~~full-cutoff~~ <—
8 FULLY SHIELDED lighting unit if the rated output of the <—
9 lighting unit is greater than 1,800 lumens.

10 (2) The minimum allowance specified by an applicable
11 recommendation or regulation shall be used. The average
12 minimum allowance adequate for the intended purpose shall be
13 used if no lighting recommendation or regulation is
14 applicable, giving full consideration to energy conservation, <—
15 ~~glare and light trespass~~ AND GLARE. <—

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

22 (4) Adequate consideration shall be given to conserving
23 energy and minimizing glare, ~~light pollution and light~~ <—
24 ~~trespass~~ AND LIGHT POLLUTION. <—

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

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

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

1 (3) Where there are special requirements, such as sports
2 facilities, historic decorative considerations or flag
3 lighting. All such lighting shall be selected and installed
4 to shield the lamp or lamps from direct view to the greatest
5 extent possible and to minimize upward lighting and light
6 ~~trespass~~ POLLUTION. <—

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

15 ~~(5) Where it has been determined that a compelling~~
16 ~~safety interest exists that cannot be addressed by any other~~
17 ~~method.~~

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

25 PARTIALLY SHIELDED LIGHTING UNITS. <—

26 (5) WHERE IT HAS BEEN DETERMINED THAT A REASONABLE
27 SAFETY AND SECURITY INTEREST EXISTS THAT CANNOT BE ADDRESSED
28 BY ANOTHER METHOD WITHOUT INCREASING THE COST OR REDUCING THE
29 EFFECTIVENESS OF THE LIGHTING.

30 (C) IMPLEMENTATION.--THE GOVERNOR SHALL BE RESPONSIBLE FOR

1 THE IMPLEMENTATION OF THIS SECTION.

2 ~~Section 4. Light trespass.~~ <—

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

12 ~~(1) The extent to which the lighting unit furthers a~~
13 ~~lawful purpose.~~

14 ~~(2) The severity of the effect upon the property of~~
15 ~~another.~~

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

17 ~~(4) The extent to which reasonable mitigation measures~~
18 ~~are available.~~

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

22 ~~Section 5. Dark areas.~~

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

28 ~~(b) Proposed plan. The Department of Environmental~~
29 ~~Protection shall submit a proposed plan to preserve any areas~~
30 ~~designated as dark areas to the Governor and the General~~

1 ~~Assembly within 18 months of the designation of the area as a~~
2 ~~dark area.~~

3 SECTION 5. DARK SKY PRESERVE. ←

4 (A) DESIGNATION.--THE DEPARTMENT OF CONSERVATION AND NATURAL
5 RESOURCES SHALL IDENTIFY AND DESIGNATE CHERRY SPRINGS STATE PARK
6 IN POTTER COUNTY AS A DARK SKY PRESERVE.

7 (B) MANAGEMENT.--THE DEPARTMENT OF CONSERVATION AND NATURAL
8 RESOURCES SHALL MANAGE CHERRY SPRINGS STATE PARK IN A MANNER TO
9 ELIMINATE OR PREVENT LIGHT POLLUTION AND PRESERVE THE
10 EXCEPTIONAL CONDITIONS NECESSARY FOR ASTRONOMICAL OBSERVATIONS.

11 Section 6. Applicability.

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

15 Section 7. Effective date.

16 This act shall take effect in 60 days.