

**ASSEMBLY, No. 1652**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Benson and Assemblywoman Murphy**

**SYNOPSIS**

Requires State to use certain energy-efficient outdoor lighting fixtures.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/30/2018)**

1 AN ACT regulating certain outdoor lighting fixtures and  
2 supplementing chapter 34 of Title 52 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. The Legislature finds and declares that:

8 a. Unnecessary outdoor lighting squanders money and energy.

9 b. Unshielded outdoor lights are responsible for emitting  
10 pollutants, including carbon dioxide and wasted light.

11 c. Over-lighting during non-daylight hours neither improves  
12 visibility nor increases nighttime safety.

13 d. Removing unnecessary lighting and utilizing efficient light  
14 sources saves money and improves the nighttime environment,  
15 often at minimal expense.

16 e. It is in the public interest to minimize misdirected and  
17 upward light from luminaires to promote the State's fiscal health  
18 and to preserve New Jersey's natural nighttime environment.

19 f. It is necessary to regulate the State's outdoor lighting to  
20 conserve energy and resources to the greatest extent possible while  
21 permitting reasonable uses of outdoor lighting for nighttime safety,  
22 utility, security, commerce, and enjoyment.

23

24 2. As used in P.L. , c. (C. ) (pending before the  
25 Legislature as this bill):

26 "Cutoff luminaire" means a luminaire whose luminous intensity  
27 in candelas at or above an angle of 90 degrees above nadir does not  
28 numerically exceed 2.5 percent of the luminous flux, in lumens, of  
29 the lamp or lamps in the luminaire, and the luminous intensity, in  
30 candelas, at or above a vertical angle of 80 degrees above nadir  
31 does not numerically exceed 10 percent of the luminous flux of the  
32 lamp or lamps in the luminaire.

33 "Energy conservation" means the reduction of energy costs and  
34 resources by use of methods including, but not limited to, the use of  
35 light fixtures with the lowest feasible wattage or a photo-sensitive  
36 or timer switch.

37 "Lumen" means an international standard unit of luminous flux  
38 representing the quantity of visible light output.

39 "Luminaire" means the complete lighting unit fixture consisting  
40 of a lamp, or lamps and ballasts, together with the parts designed to  
41 distribute light, including, but not limited to, a reflector, lens, and  
42 diffuser, to position and protect the lamps, and to connect the lamps  
43 to the power supply.

44 "Luminous flux" means the measure of the perceived power of  
45 the light in lumens.

46 "Outdoor lighting fixture" means any type of fixed or movable  
47 lighting equipment that is designed or used for illumination  
48 outdoors, including street lights, searchlights, and area lighting.

1 “Outdoor lighting fixture” shall not include lighting equipment that  
2 is required by law to be installed on motor vehicles, lighting  
3 required for the safe operation of aircraft, or lighting used for  
4 advertising purposes.

5 “State” means the State of New Jersey and any office,  
6 department, division, bureau, board, commission, authority, agency,  
7 or instrumentality of the State, but does not include counties,  
8 municipalities, school districts, and county or municipal authorities.  
9

10 3. a. The State shall install, replace, or maintain an outdoor  
11 lighting fixture by using State funds only if:

12 (1) any outdoor lighting fixture with a rated output greater than  
13 1,800 lumens is installed or replaced with a cutoff luminaire;

14 (2) the minimum illuminance adequate for the intended purpose  
15 is used with consideration given to nationally recognized standards;

16 (3) for lighting of a designated highway of the State highway  
17 system, the Department of Transportation determines that the  
18 purpose of the outdoor lighting fixture cannot be achieved by the  
19 installation of reflective road markers, lines, warning or  
20 informational signs, or other effective passive methods; and

21 (4) full consideration has been given to energy conservation,  
22 reducing glare, minimizing light pollution, and preserving the  
23 natural night environment.

24 b. Subsection a. of this section shall not apply if:

25 (1) the outdoor lighting fixture is used on a temporary basis  
26 because emergency personnel require additional illumination for  
27 emergency procedures;

28 (2) the outdoor lighting fixture is used on a temporary basis for  
29 nighttime work;

30 (3) the outdoor lighting fixture is used for a special event or  
31 situation requiring additional illumination that cannot be produced  
32 by another method;

33 (4) a compelling safety interest exists that cannot be addressed  
34 by another method;

35 (5) the replacement of outdoor lighting fixtures constitutes less  
36 than 30 percent of an entire outdoor lighting system at a New Jersey  
37 Transit Corporation facility, or an outdoor lighting fixture at a New  
38 Jersey Transit Corporation facility that was approved by the New  
39 Jersey Historic Preservation Office in the Department of  
40 Environmental Protection;

41 (6) a federal law supersedes or is inconsistent with the  
42 requirements of subsection a. of this section ; or

43 (7) the outdoor lighting fixture is used on a historic property as  
44 that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or  
45 any building, site, or area designated historic by a historic  
46 preservation commission pursuant to sections 21 through 26 of  
47 P.L.1985, c.516 (40:55D-107 et seq.).

1 c. This section shall not be construed to require the State to  
2 replace properly functioning outdoor lighting fixtures and shall only  
3 apply to the replacement of deficient outdoor lighting fixtures or the  
4 installation of outdoor lighting fixtures constructed on or after the  
5 effective date of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill).

7 d. The provisions of 1 section 9 of P.L.2009, c.4 (C.52:34-25)  
8 shall apply to P.L. , c. (C. ) (pending before the Legislature as  
9 this bill) if the State, as part of implementing an energy savings  
10 improvement program, enters into an energy savings services  
11 contract with an energy services company to install, replace, or  
12 maintain an outdoor lighting fixture.

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14 4. This act shall take effect on the first day of the thirteenth  
15 month next following the date of enactment.

16  
17 STATEMENT  
18

19 This bill requires the State to install, replace, or maintain outdoor  
20 lighting fixtures that comply with design requirements stated in the bill  
21 that are intended to minimize wasted light and State funds. The bill  
22 does not require the State to replace outdoor lighting fixtures that  
23 function properly as of the bill's effective date, but only applies to the  
24 replacement of deficient outdoor lighting fixtures.

25 Under the bill, the State is to install, replace, or maintain an  
26 outdoor lighting fixture if: an outdoor lighting fixture with a rated  
27 output greater than 1,800 lumens is installed or replaced with a cutoff  
28 luminaire; the minimum illuminance adequate for the intended purpose  
29 is used with consideration given to nationally recognized standards;  
30 for fixtures used for lighting a designated highway of the State  
31 highway system, the Department of Transportation determines that  
32 that purpose of the outdoor lighting fixture cannot be achieved by the  
33 installation of reflective road markers, lines, warning or informational  
34 signs, or other effective methods; and full consideration has been  
35 given to energy conservation, reducing glare, minimizing light  
36 pollution, and preserving the natural light environment.

37 Under this bill, the State is not required to install, replace, or  
38 maintain an outdoor lighting fixture if: the outdoor lighting fixture is  
39 used on a temporary basis because emergency personnel require it; the  
40 outdoor lighting fixture is used on a temporary basis for nighttime  
41 work; the outdoor lighting fixture is used for a special event or  
42 situation; a compelling safety interest exists; the replacement of  
43 outdoor lighting fixtures constitutes less than 30 percent of an entire  
44 outdoor lighting system at a New Jersey Transit (NJT) Corporation  
45 facility, or an outdoor lighting fixture at a NJT Corporation facility  
46 was approved by the New Jersey Historic Preservation Office; a  
47 federal law supersedes or is inconsistent with the bill; or the outdoor  
48 lighting fixture is used on a historic property or any building, site, or  
49 area designated historic by a historic preservation commission.