

ASSEMBLY, No. 3998

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 17, 2018

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Requires municipalities, public utilities, and State to use LED technology in certain street lights.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain street lights, supplementing various
2 parts of the statutory law, and amending P.L.1999, c.23.

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

6
7 1. (New section) The Legislature finds and declares that:

8 a. Street lights that use light-emitting diode (LED) technology,
9 are the most efficient means to light our streets and public spaces
10 because of their energy efficiency, using 15 percent of the energy of
11 an incandescent bulb while generating more light per watt and
12 longevity, with bulbs lasting up to 100,000 hours;

13 b. Street lighting can account for as much as 40 percent of a
14 municipal electric utility bill; however, studies show that street
15 lighting costs can be reduced by as much as 65 percent when
16 switched to LED street lights, and even more if advanced lighting
17 controls are incorporated; and

18 c. Maintenance costs associated with LED street lights can also
19 contribute to savings because of their longevity and overall
20 diminished maintenance requirements, when compared to
21 traditional street lights.

22

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

25 "Energy conservation" means the reduction of energy costs and
26 resources by the use of methods that include, but are not limited to,
27 the use of light fixtures with the lowest feasible wattage or a photo-
28 sensitive or timer switch.

29 "LED technology" means a light-emitting diode that is a two-
30 lead semiconductor light source.

31

32 3. (New section) a. Within five years of the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 each municipality in this State shall install or replace each street
35 light in the municipality, as the municipal budget permits, only if:

36 (1) the street light being installed or replaced uses LED
37 technology;

38 (2) the minimum illuminance adequate for the intended purpose
39 of the street light is used with consideration given to nationally
40 recognized standards;

41 (3) for lighting of a designated highway of the State highway
42 system, the Department of Transportation determines that the
43 purpose of the street light cannot be achieved by the installation of
44 reflective road markers, lines, warning or informational signs, or
45 other effective passive methods; and

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

- 1 b. Subsection a. of this section shall not apply if:
- 2 (1) the street light is used on a temporary basis because
- 3 emergency personnel require additional illumination for emergency
- 4 procedures;
- 5 (2) the street light is used on a temporary basis for nighttime
- 6 work;
- 7 (3) the street light is used for a special event or situation
- 8 requiring additional illumination that cannot be produced by
- 9 another method;
- 10 (4) a compelling safety interest exists that cannot be addressed
- 11 by another method;
- 12 (5) a federal law supersedes or is inconsistent with the
- 13 requirements of subsection a. of this section; or
- 14 (6) the street light is used on a historic property as that term is
- 15 defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or any building,
- 16 site, or area designated historic by a historic preservation
- 17 commission pursuant to sections 21 through 26 of P.L.1985, c.516
- 18 (C.40:55D-107 et seq.).
- 19
- 20 4. (New section) As used in P.L. , c. (C.) (pending
- 21 before the Legislature as this bill):
- 22 "Energy conservation" means the reduction of energy costs and
- 23 resources by the use of methods that include, but are not limited to,
- 24 the use of light fixtures with the lowest feasible wattage or a photo-
- 25 sensitive or timer switch.
- 26 "LED technology" means a light-emitting diode that is a two-
- 27 lead semiconductor light source.
- 28
- 29 5. (New section) a. Within five years of the effective date of
- 30 P.L. , c. (C.) (pending before the Legislature as this bill), a
- 31 public utility, as defined in R.S.48:2-13, shall install or replace each
- 32 street light owned by the public utility in this State only if:
- 33 (1) the street light being installed or replaced uses LED
- 34 technology;
- 35 (2) the minimum illuminance adequate for the intended purpose
- 36 of the street light is used with consideration given to nationally
- 37 recognized standards;
- 38 (3) for lighting of a designated highway of the State highway
- 39 system, the Department of Transportation determines that the
- 40 purpose of the street light cannot be achieved by the installation of
- 41 reflective road markers, lines, warning or informational signs, or
- 42 other effective passive methods; and
- 43 (4) full consideration has been given to energy conservation,
- 44 reducing glare, minimizing light pollution, and preserving the
- 45 natural night environment.
- 46 b. Subsection a. of this section shall not apply if:

1 (1) the street light is used on a temporary basis because
2 emergency personnel require additional illumination for emergency
3 procedures;

4 (2) the street light is used on a temporary basis for nighttime
5 work;

6 (3) the street light is used for a special event or situation
7 requiring additional illumination that cannot be produced by
8 another method;

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

11 (5) a federal law supersedes or is inconsistent with the
12 requirements of subsection a. of this section; or

13 (6) the street light is used on a historic property as that term is
14 defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or any building,
15 site, or area designated historic by a historic preservation
16 commission pursuant to sections 21 through 26 of P.L.1985, c.516
17 (C.40:55D-107 et seq.).

18
19 6. (New section) As used in P.L. , c. (C.) (pending
20 before the Legislature as this bill):

21 "Energy conservation" means the reduction of energy costs and
22 resources by the use of methods that include, but are not limited to,
23 the use of light fixtures with the lowest feasible wattage or a photo-
24 sensitive or timer switch.

25 "LED technology" means a light-emitting diode that is a two-
26 lead semiconductor light source.

27 "State" means the State of New Jersey and any office,
28 department, division, bureau, board, commission, authority, agency,
29 or instrumentality of the State, but does not include any other
30 political subdivision of the State.

31
32 7. (New section) a. Within five years of the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 the State shall install or replace each street light in this State using
35 State or federal funds only if:

36 (1) the street light being installed or replaced uses LED
37 technology;

38 (2) the minimum illuminance adequate for the intended purpose
39 of the street light is used with consideration given to nationally
40 recognized standards;

41 (3) for lighting of a designated highway of the State highway
42 system, the Department of Transportation determines that the
43 purpose of the street light cannot be achieved by the installation of
44 reflective road markers, lines, warning or informational signs, or
45 other effective passive methods; and

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

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

2 (1) the street light is used on a temporary basis because
3 emergency personnel require additional illumination for emergency
4 procedures;

5 (2) the street light is used on a temporary basis for nighttime
6 work;

7 (3) the street light is used for a special event or situation
8 requiring additional illumination that cannot be produced by
9 another method;

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

12 (5) a federal law supersedes or is inconsistent with the
13 requirements of subsection a. of this section; or

14 (6) the street light is used on a historic property as that term is
15 defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or any building,
16 site, or area designated historic by a historic preservation
17 commission pursuant to sections 21 through 26 of P.L.1985, c.516
18 (C.40:55D-107 et seq.).

19 c. The provisions of section 9 of P.L.2009, c.4 (C.52:34-25)
20 shall apply to P.L. , c. (C.) (pending before the Legislature
21 as this bill) if the State, as part of implementing an energy savings
22 improvement program, enters into an energy savings services
23 contract with an energy services company to install, replace, or
24 maintain a street light.

25

26 8. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read
27 as follows:

28 12. a. Simultaneously with the starting date for the
29 implementation of retail choice as determined by the board pursuant
30 to subsection a. of section 5 of **[this act]** P.L.1999, c.23 (C.48:3-
31 53), the board shall permit each electric public utility and gas public
32 utility to recover some or all of the following costs through a
33 societal benefits charge that shall be collected as a non-bypassable
34 charge imposed on all electric public utility customers and gas
35 public utility customers, as appropriate:

36 (1) The costs for the social programs for which rate recovery
37 was approved by the board prior to April 30, 1997. For the purpose
38 of establishing initial unbundled rates pursuant to section 4 of **[this**
39 **act]** P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall
40 be set to recover the same level of social program costs as is being
41 collected in the bundled rates of the electric public utility on the
42 effective date of this act. The board may subsequently order,
43 pursuant to its rules and regulations, an increase or decrease in the
44 societal benefits charge to reflect changes in the costs to the utility
45 of administering existing social programs. Nothing in **[this act]**
46 P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to abolish or
47 change any social program required by statute or board order or rule
48 or regulation to be provided by an electric public utility. Any such

1 social program shall continue to be provided by the utility until
2 otherwise provided by law, unless the board determines that it is no
3 longer appropriate for the electric public utility to provide the
4 program, or the board chooses to modify the program;

5 (2) Nuclear plant decommissioning costs;

6 (3) The costs of demand side management programs that were
7 approved by the board pursuant to its demand side management
8 regulations prior to April 30, 1997. For the purpose of establishing
9 initial unbundled rates pursuant to section 4 of **[this act]** P.L.1999,
10 c.23 (C.48:3-52), the societal benefits charge shall be set to recover
11 the same level of demand side management program costs as is
12 being collected in the bundled rates of the electric public utility on
13 the effective date of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.).

14 Within four months of the effective date of **[this act]** P.L.1999,
15 c.23 (C.48:3-49 et al.), and every four years thereafter, the board
16 shall initiate a proceeding and cause to be undertaken a
17 comprehensive resource analysis of energy programs, and within
18 eight months of initiating such proceeding and after notice,
19 provision of the opportunity for public comment, and public
20 hearing, the board, in consultation with the Department of
21 Environmental Protection, shall determine the appropriate level of
22 funding for energy efficiency and Class I renewable energy
23 programs that provide environmental benefits above and beyond
24 those provided by standard offer or similar programs in effect as of
25 the effective date of this act; provided that the funding for such
26 programs be no less than 50**[%]** percent of the total Statewide
27 amount being collected in public electric and gas utility rates for
28 demand side management programs on the effective date of **[this act]**
29 P.L.1999, c.23 (C.48:3-49 et al.) for an initial period of four
30 years from the issuance of the first comprehensive resource analysis
31 following the effective date of this act, and provided that 25**[%]**
32 percent of this amount shall be used to provide funding for Class I
33 renewable energy projects in the State. In each of the following
34 fifth through eighth years, the Statewide funding for such programs
35 shall be no less than 50 percent of the total Statewide amount being
36 collected in public electric and gas utility rates for demand side
37 management programs on the effective date of **[this act]** P.L.1999,
38 c.23 (C.48:3-49 et al.), except that as additional funds are made
39 available as a result of the expiration of past standard offer or
40 similar commitments, the minimum amount of funding for such
41 programs shall increase by an additional amount equal to 50 percent
42 of the additional funds made available, until the minimum amount
43 of funding dedicated to such programs reaches \$140,000,000 total.
44 After the eighth year the board shall make a determination as to the
45 appropriate level of funding for these programs. Such programs
46 shall include a program to provide financial incentives for the
47 installation of Class I renewable energy projects in the State, and

1 the board, in consultation with the Department of Environmental
2 Protection, shall determine the level and total amount of such
3 incentives as well as the renewable technologies eligible for such
4 incentives which shall include, at a minimum, photovoltaic, wind,
5 and fuel cells. The board shall simultaneously determine, as a result
6 of the comprehensive resource analysis, the programs to be funded
7 by the societal benefits charge, the level of cost recovery and
8 performance incentives for old and new programs and whether the
9 recovery of demand side management programs' costs currently
10 approved by the board may be reduced or extended over a longer
11 period of time. The board shall make these determinations taking
12 into consideration existing market barriers and environmental
13 benefits, with the objective of transforming markets, capturing lost
14 opportunities, making energy services more affordable for low
15 income customers and eliminating subsidies for programs that can
16 be delivered in the marketplace without electric public utility and
17 gas public utility customer funding;

18 (4) Manufactured gas plant remediation costs, which shall be
19 determined initially in a manner consistent with mechanisms in the
20 remediation adjustment clauses for the electric public utility and gas
21 public utility adopted by the board; **and**

22 (5) The cost, of consumer education, as determined by the
23 board, which shall be in an amount that, together with the consumer
24 education surcharge imposed on electric power supplier license fees
25 pursuant to subsection h. of section 29 of **[this act]** P.L.1999, c.23
26 (C.48:3-78) and the consumer education surcharge imposed on gas
27 supplier license fees pursuant to subsection g. of section 30 of **[this**
28 **act]** P.L.1999, c.23 (C.48:3-79), shall be sufficient to fund the
29 consumer education program established pursuant to section 36 of
30 **[this act]** P.L.1999, c.23 (C.48:3-85); and

31 (6) The cost of installing or replacing street lights, pursuant to
32 section 5 of P.L. , c. (C.) (pending before the Legislature as
33 this bill).

34 b. There is established in the Board of Public Utilities a
35 nonlapsing fund to be known as the "Universal Service Fund." The
36 board shall determine: the level of funding and the appropriate
37 administration of the fund; the purposes and programs to be funded
38 with monies from the fund; which social programs shall be provided
39 by an electric public utility as part of the provision of its regulated
40 services which provide a public benefit; whether the funds
41 appropriated to fund the "Lifeline Credit Program" established
42 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'
43 Lifeline Assistance Program" established pursuant to P.L.1981,
44 c.210 **[(C.48:2-29.31 et seq.)]** (C.48:2-29.30 et seq.), the funds
45 received pursuant to the Low Income Home Energy Assistance
46 Program established pursuant to 42 U.S.C. s.8621 et seq., and funds
47 collected by electric and **[natural]** gas public utilities, as authorized

1 by the board, to offset uncollectible electricity and natural gas bills
2 should be deposited in the fund; and whether new charges should be
3 imposed to fund new or expanded social programs.
4 (cf: P.L.1999, c.23, s.12)

5
6 9. This act shall take effect immediately.
7
8

9 STATEMENT
10

11 This bill requires municipalities, public utilities, and the State to
12 install or replace each street light owned by the municipality, public
13 utility or State with LED, or light-emitting diode, technology within
14 five years of the effective date of this bill. Public utilities are to
15 recover the cost of installing or replacing these street lights through
16 the societal benefits charge. Municipalities are required to install or
17 replace each street light within the municipality as the municipal
18 budget permits.

19 The Legislature finds that LED street lights, or street lights that
20 use light-emitting diode technology, are the most efficient means to
21 light our streets and public spaces because of their energy
22 efficiency, using 15 percent of the energy of an incandescent bulb
23 while generating more light per watt and longevity, with bulbs
24 lasting up to 100,000 hours. Street lighting can account for as much
25 as 40 percent of an electric utility bill; however, studies show that
26 street lighting costs can be reduced by as much as 65 percent when
27 switched to LED street lights, and even more if advanced lighting
28 controls are incorporated. Maintenance costs associated with LED
29 street lights can also contribute to savings because of their
30 longevity and overall diminished maintenance requirements, when
31 compared to traditional street lights.

32 Under the bill, municipalities, public utilities, and the State are
33 not required to install or replace a street light if: the street light is
34 used on a temporary basis because emergency personnel require it;
35 the street light is used on a temporary basis for nighttime work; the
36 street light is used for a special event or situation; a compelling
37 safety interest exists; a federal law supersedes or is inconsistent
38 with the bill; or the street light is used on a historic property.