

SENATE, No. 334

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

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District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

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

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

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

17 (6) the street light is used on a historic property as that term is
18 defined in section 3 of P.L.1999, c.152 (C.13:8C-3) or any building,
19 site, or area designated historic by a historic preservation
20 commission pursuant to sections 21 through 26 of P.L.1985, c.516
21 (C.40:55D-107 et seq.).
22

23 4. (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 5. (New section) a. Within five years of the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill), a
34 public utility, as defined in R.S.48:2-13, shall install or replace each
35 street light owned by the public utility in this State 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 6. (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 "State" means the State of New Jersey and any office,
29 department, division, bureau, board, commission, authority, agency,
30 or instrumentality of the State, but does not include any other
31 political subdivision of the State.

32

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

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

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

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

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

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

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

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

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

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

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

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

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

28

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

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

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

1 P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to abolish or
2 change any social program required by statute or board order or rule
3 or regulation to be provided by an electric public utility. Any such
4 social program shall continue to be provided by the utility until
5 otherwise provided by law, unless the board determines that it is no
6 longer appropriate for the electric public utility to provide the
7 program, or the board chooses to modify the program;

8 (2) Nuclear plant decommissioning costs;

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

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

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

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

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

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

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

1 received pursuant to the Low Income Home Energy Assistance
2 Program established pursuant to 42 U.S.C. s.8621 et seq., and funds
3 collected by electric and **【natural】** gas public utilities, as authorized
4 by the board, to offset uncollectible electricity and natural gas bills
5 should be deposited in the fund; and whether new charges should be
6 imposed to fund new or expanded social programs.
7 (cf: P.L.1999, c.23, s.12)

8
9 9. This act shall take effect immediately.

10
11
12 STATEMENT

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

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

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