

HOUSE BILL 69

P2
HB 1295/13 – HGO

(PRE-FILED)

4lr0340

By: **Delegate Carr**

Requested: July 23, 2013

Introduced and read first time: January 8, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Procurement – State Funds – Energy Efficient Outdoor Lighting Fixtures

FOR the purpose of expanding the prohibition on the use of State funds to install or replace certain luminaires by applying the prohibition to all permanent outdoor luminaires unless the luminaires meet certain requirements; establishing certain requirements for luminaires intended for certain lighting purposes; establishing certain circumstances that require the use of certain fully shielded luminaires; providing that certain requirements do not apply to certain public work contracts; adding to certain requirements that the Board is authorized to waive; requiring the Board of Public Works to adopt certain regulations to establish a certain process and schedule for certain waiver requests; defining certain terms; repealing a certain definition; and generally relating to the use of State funds and energy efficient outdoor lighting fixtures.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14-412
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14-412.

(a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) “DIRECT LIGHT” MEANS THE LIGHT EMITTED BY A LUMINAIRE FROM THE LAMP OR A REFLECTOR OR THROUGH A REFRACTOR.

(3) “FACADE LIGHTING” MEANS PERMANENT OUTDOOR LUMINAIRES THAT ARE SPECIFICALLY INTENDED TO ILLUMINATE THE EXTERIOR SURFACES OF BUILDINGS OR STRUCTURES.

(4) “FULLY SHIELDED LUMINAIRE” MEANS A LUMINAIRE THAT ALLOWS NO DIRECT LIGHT EMISSION ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE’S LOWEST LIGHT-EMITTING PART FROM ITS MOUNTED POSITION.

(5) “GLARE” MEANS LIGHT EMITTED BY A LUMINAIRE THAT CAUSES DISCOMFORT OR REDUCED VISIBILITY.

(6) “ILLUMINANCE” MEANS THE LUMINOUS POWER INCIDENT PER UNIT AREA OF A SURFACE.

[(2)] (7) “Lamp” means the component of a luminaire that produces the light.

(8) “LIGHT TRESPASS” MEANS LIGHT THAT FALLS BEYOND THE PROPERTY IT IS INTENDED TO ILLUMINATE.

[(3)] (9) “Lumen” means a unit of measurement of luminous flux.

[(4)] (10) “Luminaire” means the complete lighting unit, including the lamp or other component that produces light and the assembly that holds the lamp, including an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

(11) “PARKING LOT LIGHTING” MEANS PERMANENT OUTDOOR LUMINAIRES SPECIFICALLY INTENDED TO ILLUMINATE UNCOVERED VEHICLE PARKING AREAS.

(12) “PERMANENT OUTDOOR LUMINAIRE” MEANS A LUMINAIRE FOR USE IN AN EXTERIOR ENVIRONMENT THAT IS INSTALLED WITH A MOUNTING NOT INTENDED FOR RELOCATION.

[(5)] “Restricted uplight luminaire” means a luminaire that:

(i) except for a 0.5% maximum incidental uplight from reflection off mounting hardware, allows no direct light emission above a horizontal plane through the luminaire’s lowest light-emitting part; and

(ii) emits no more than 10% of the total direct light emission at or above a vertical angle of 80 degrees.]

(13) “ROADWAY LIGHTING” MEANS PERMANENT OUTDOOR LUMINAIRES SPECIFICALLY INTENDED TO ILLUMINATE ROADWAYS.

(14) “SKY GLOW” MEANS A CONDITION CAUSED BY LIGHT DIRECTED UPWARDS OR SIDEWAYS THAT REDUCES THE ABILITY TO VIEW THE NIGHT SKY.

[(6)] (15) “State building” means a building owned or leased by the State or a unit of the State.

(b) **(1)** This section does not apply to a luminaire:

[(1)] (I) located on the grounds of a correctional facility;

[(2)] (II) required by federal regulation;

[(3)] (III) required for storm operation activities performed by the Department of Transportation;

[(4)] (IV) required to illuminate the State flag or the flag of the United States;

[(5)] (V) used for sign illumination; [or]

[(6)] (VI) **REPLACED** in a lighting plan where less than 25% of the luminaires are to be replaced;

(VII) USED TO ILLUMINATE THE FIELD OF PLAY AT A SPORTS FACILITY;

(VIII) USED ON A TEMPORARY BASIS TO PROVIDE OUTDOOR LIGHTING FOR EMERGENCY PROCEDURES OR NIGHTTIME WORK;

(IX) USED FOR NAVIGATIONAL LIGHTING SYSTEMS AND OTHER LIGHTING NECESSARY FOR AVIATION AND NAUTICAL SAFETY; OR

(X) USED TO ILLUMINATE TUNNELS AND ROADWAY UNDERPASSES.

(2) THIS SECTION DOES NOT APPLY TO:

HOUSE BILL 69

(I) A PUBLIC WORK CONTRACT OF LESS THAN \$500,000; OR

(II) A PUBLIC WORK CONTRACT FOR WHICH 50% OR LESS OF THE FUNDS USED FOR THE PROJECT ARE STATE FUNDS.

(c) State funds may not be used to install or replace a permanent outdoor luminaire [for lighting on the grounds of any State building or facility] unless:

(1) the luminaire is designed to maximize energy conservation and to minimize light pollution, glare, and light trespass;

[(2) the illumination produced by the luminaire is the minimum illumination necessary for the intended purpose of the lighting; and

(3) for a luminaire with an output of more than 1,800 lumens, the luminaire is a restricted upright luminaire.]

(2) THE LUMINAIRE HAS ILLUMINANCE LEVELS THAT COMPLY WITH THE APPROPRIATE RECOMMENDED PRACTICES:

(I) ADOPTED BY THE ILLUMINATING ENGINEERING SOCIETY;

(II) ESTABLISHED BY THE MODEL OUTDOOR LIGHTING ORDINANCE AS ADOPTED JOINTLY BY THE ILLUMINATING ENGINEERING SOCIETY AND THE DARK SKY ASSOCIATION; OR

(III) OTHERWISE RECOGNIZED AS NATIONAL STANDARDS IN THE FIELD OF LIGHTING;

(3) FOR A LUMINAIRE INTENDED FOR ROADWAY LIGHTING OR PARKING LOT LIGHTING THAT IS MOUNTED TO A POLE, BUILDING, OR ANY OTHER STRUCTURE, THE LUMINAIRE IS A FULLY SHIELDED LUMINAIRE; AND

(4) FOR A LUMINAIRE INTENDED FOR FACADE LIGHTING, THE LUMINAIRE IS SHIELDED TO REDUCE GLARE, SKY GLOW, AND LIGHT TRESPASS TO THE GREATEST EXTENT POSSIBLE.

(d) (1) The Board of Public Works or the Board's designee may waive the requirement of subsection [(c)(3)] (C) of this section if, after a request for a waiver has been made, the Board of Public Works or the Board's designee determines that the waiver is necessary for the lighting application.

(2) [The Board of Public Works shall establish the requirements for a] A waiver request [under paragraph (1) of this subsection, including] **SHALL INCLUDE:**

- (i) a description of the lighting plan;
- (ii) a description of the efforts made to comply with the requirements of this section; [and]
- (iii) the reason a waiver is necessary; **AND**

(IV) ANY OTHER REQUIREMENTS DETERMINED BY THE BOARD OF PUBLIC WORKS.

(3) In reviewing a waiver request, the Board of Public Works or the Board's designee shall consider design safety, costs, and any other factors the Board or the Board's designee determines are appropriate.

(4) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR SUBMITTING A WAIVER REQUEST AND A SCHEDULE FOR THE TIMELY RESPONSE TO A WAIVER REQUEST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.