

HOUSE BILL 816

R1

9lr0943
CF SB 891

By: **Delegates Carr, Barkley, Beidle, Bronrott, Frush, Gilchrist, Haynes, Huckler, Kaiser, Lafferty, Levy, Montgomery, Morhaim, Schuh, Schuler, Shewell, Stein, Stull, Waldstreicher, and Walker**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Marilyn J. Praisner Safe and Earth-Friendly Roadway Act**

3 FOR the purpose of authorizing the State Highway Administration or a political
4 subdivision to install or replace a certain luminaire for highway lighting only if
5 it determines that the concerns to be addressed by the lighting cannot be
6 addressed by certain alternative means; authorizing the Administration, a
7 political subdivision, or an electric company to install or replace a certain
8 luminaire for highway lighting only with a new luminaire that meets certain
9 requirements; authorizing the Administration, a political subdivision, or an
10 electric company to install or replace a certain luminaire for highway lighting
11 with a new luminaire with a certain output only if the new luminaire is of a
12 certain type; authorizing the Administration or a political subdivision to waive a
13 certain requirement for luminaires for highway lighting for certain reasons;
14 requiring the Administration or a political subdivision to document certain
15 information in writing for each waiver granted; requiring an electric company to
16 provide certain written notice to the Administration or a political subdivision by
17 a certain date to obtain a waiver authorized under this Act; requiring an electric
18 company's written notice to include certain information; defining certain terms;
19 and generally relating to highway lighting.

20 BY repealing and reenacting, without amendments,
21 Article – Public Utility Companies
22 Section 1–101(h)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Transportation
27 Section 1–101(a) and (k) and 8–101(a), (b), (g), (i), and (q)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume)

3 BY adding to
4 Article – Transportation
5 Section 8–609.2
6 Annotated Code of Maryland
7 (2008 Replacement Volume)

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

10 **Article – Public Utility Companies**

11 1–101.

12 (h) (1) “Electric company” means a person who physically transmits or
13 distributes electricity in the State to a retail electric customer.

14 (2) “Electric company” does not include:

15 (i) the following persons who supply electricity and electricity
16 supply services solely to occupants of a building for use by the occupants:

17 1. an owner/operator who holds ownership in and
18 manages the internal distribution system serving the building; or

19 2. a lessee/operator who holds a leasehold interest in
20 and manages the internal distribution system serving the building;

21 (ii) any person who generates on–site generated electricity; or

22 (iii) a person who transmits or distributes electricity within a
23 site owned by the person or the person’s affiliate that is incidental to a primarily
24 landlord–tenant relationship.

25 **Article – Transportation**

26 1–101.

27 (a) In this article the following words have the meanings indicated.

28 (k) “Political subdivision” includes:

29 (1) Any county or municipal corporation; and

30 (2) Unless the context requires otherwise, any special taxing district.

1 8-101.

2 (a) In this title the following words have the meanings indicated.

3 (b) "Administration" means the State Highway Administration.

4 (g) "County road" means any public highway:

5 (1) The title to which or the easement for the use of which, is vested in
6 a public body or governmental agency; and

7 (2) That is not a State highway or located in Baltimore City.

8 (i) "Highway" includes:

9 (1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders,
10 median dividers, drainage facilities and structures, related stormwater management
11 facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway
12 grade separation structures, railroad grade separations, tunnels, overpasses,
13 underpasses, interchanges, entrance plazas, approaches, and other structures forming
14 an integral part of a street, road, or highway, including bicycle and walking paths; and

15 (2) Any other property acquired for the construction, operation, or use
16 of the highway.

17 (q) "State highway" means any public highway owned by this State.

18 **8-609.2.**

19 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 (2) **"ELECTRIC COMPANY" HAS THE MEANING STATED IN § 1-101**
22 **OF THE PUBLIC UTILITY COMPANIES ARTICLE.**

23 (3) **"FULLY SHIELDED LUMINAIRE" MEANS A LUMINAIRE THAT IS**
24 **DESIGNED AND INSTALLED SO THAT NO LIGHT IS EMITTED ABOVE THE**
25 **HORIZONTAL PLANE OF THE LUMINAIRE'S LOWEST LIGHT-EMITTING PART, AS**
26 **DETERMINED BY A PHOTOMETRIC REPORT PROVIDED BY THE MANUFACTURER**
27 **AND PREPARED BY AN INDEPENDENT TESTING LAB.**

28 (4) **"GLARE" MEANS DIRECT LIGHT EMITTING FROM A**
29 **LUMINAIRE THAT CAUSES REDUCED VISION OR MOMENTARY BLINDNESS.**

30 (5) **"LAMP" MEANS THE COMPONENT OF A LUMINAIRE THAT**
31 **PRODUCES THE LIGHT, COMMONLY REFERRED TO AS THE LIGHT BULB.**

1 **(6) “LIGHT TRESPASS” MEANS LIGHT EMITTED BY A LUMINAIRE**
2 **THAT SHINES BEYOND THE BOUNDARIES OF THE PROPERTY ON WHICH THE**
3 **LUMINAIRE IS LOCATED.**

4 **(7) “LUMEN” MEANS A UNIT OF MEASUREMENT OF LUMINOUS**
5 **FLUX.**

6 **(8) “LUMINAIRE” MEANS A COMPLETE LIGHTING UNIT,**
7 **INCLUDING THE LAMP AND THE COMPONENTS DESIGNED TO DISTRIBUTE THE**
8 **LIGHT, POSITION AND PROTECT THE LAMP, AND CONNECT THE LAMP TO THE**
9 **POWER SUPPLY.**

10 **(9) “PERMANENT OUTDOOR LUMINAIRE” MEANS ANY LUMINAIRE**
11 **OR SYSTEM OF LUMINAIRES THAT IS OUTDOORS AND INTENDED TO BE USED**
12 **FOR 7 DAYS OR LONGER.**

13 **(B) THE ADMINISTRATION OR A POLITICAL SUBDIVISION MAY INSTALL**
14 **OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING**
15 **ONLY IF THE ADMINISTRATION OR POLITICAL SUBDIVISION DETERMINES THAT**
16 **THE SAFETY CONCERNS TO BE ADDRESSED BY THE LIGHTING CANNOT BE**
17 **ADDRESSED BY:**

18 **(1) REDUCING THE SPEED LIMIT IN THE AREA TO BE LIGHTED; OR**

19 **(2) INSTALLING REFLECTORIZED ROADWAY MARKERS, LINES,**
20 **WARNINGS, INFORMATIONAL SIGNS, OR OTHER MEANS OF PASSIVE OR**
21 **REFLECTIVE LIGHTING.**

22 **(C) THE ADMINISTRATION OR A POLITICAL SUBDIVISION MAY INSTALL**
23 **OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING**
24 **ONLY WITH A NEW LUMINAIRE THAT IS DESIGNED TO MAXIMIZE ENERGY**
25 **CONSERVATION AND TO MINIMIZE LIGHT POLLUTION, GLARE, AND LIGHT**
26 **TRESPASS.**

27 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
28 **SUBSECTION, THE ADMINISTRATION MAY INSTALL OR REPLACE A PERMANENT**
29 **OUTDOOR LUMINAIRE FOR LIGHTING A STATE HIGHWAY WITH A NEW**
30 **LUMINAIRE WITH A RATED OUTPUT OF MORE THAN 1800 LUMENS ONLY IF THE**
31 **NEW LUMINAIRE IS A FULLY SHIELDED LUMINAIRE.**

32 **(2) (I) THE ADMINISTRATION MAY WAIVE THE REQUIREMENT**
33 **IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS NECESSARY DUE TO**

1 SAFETY, FEDERAL LAW, OR OTHER REASONS NOT RELATED TO COST DEEMED
2 APPROPRIATE BY THE ADMINISTRATION.

3 (II) FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,
4 THE ADMINISTRATION SHALL DOCUMENT IN WRITING THE LIGHTING PLAN,
5 EFFORTS MADE TO COMPLY WITH THE REQUIREMENT IN PARAGRAPH (1) OF
6 THIS SUBSECTION, AND THE REASONS FOR GRANTING THE WAIVER.

7 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
8 SUBSECTION, A POLITICAL SUBDIVISION MAY INSTALL OR REPLACE A
9 PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING A COUNTY ROAD WITH A NEW
10 LUMINAIRE WITH A RATED OUTPUT OF MORE THAN 1800 LUMENS ONLY IF THE
11 NEW LUMINAIRE IS A FULLY SHIELDED LUMINAIRE.

12 (2) (I) A POLITICAL SUBDIVISION MAY WAIVE THE
13 REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS
14 NECESSARY DUE TO SAFETY OR OTHER REASONS NOT RELATED TO COST
15 DEEMED APPROPRIATE BY THE POLITICAL SUBDIVISION.

16 (II) FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,
17 THE POLITICAL SUBDIVISION SHALL DOCUMENT IN WRITING THE LIGHTING
18 PLAN, EFFORTS MADE TO COMPLY WITH THE REQUIREMENT IN PARAGRAPH (1)
19 OF THIS SUBSECTION, AND THE REASONS FOR GRANTING THE WAIVER.

20 (F) (1) THIS SUBSECTION ONLY APPLIES TO A LUMINAIRE IF THE
21 COST OF OPERATING THE LUMINAIRE IS PAID BY THE STATE OR A POLITICAL
22 SUBDIVISION.

23 (2) AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A
24 PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING ONLY WITH A NEW
25 LUMINAIRE THAT IS DESIGNED TO MAXIMIZE ENERGY CONSERVATION AND TO
26 MINIMIZE LIGHT POLLUTION, GLARE, AND LIGHT TRESPASS.

27 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
28 SUBSECTION, AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A PERMANENT
29 OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING WITH A NEW LUMINAIRE WITH A
30 RATED OUTPUT OF MORE THAN 1800 LUMENS ONLY IF THE NEW LUMINAIRE:

31 (I) IS A FULLY SHIELDED LUMINAIRE; AND

32 (II) HAS A RATED LUMEN OUTPUT THAT DOES NOT EXCEED
33 THE OUTPUT OF THE LUMINAIRE BEING REPLACED, IF ANY.

1 (4) (I) THE ADMINISTRATION OR A POLITICAL SUBDIVISION
2 MAY WAIVE THE REQUIREMENT IN PARAGRAPH (3) OF THIS SUBSECTION IF A
3 WAIVER IS NECESSARY DUE TO SAFETY OR OTHER REASONS NOT RELATED TO
4 COST DEEMED APPROPRIATE BY THE ADMINISTRATION OR A POLITICAL
5 SUBDIVISION.

6 (II) TO OBTAIN A WAIVER UNDER THIS PARAGRAPH, AN
7 ELECTRIC COMPANY SHALL PROVIDE WRITTEN NOTICE TO THE
8 ADMINISTRATION OR POLITICAL SUBDIVISION THAT PAYS THE COST OF
9 OPERATING THE LUMINAIRE AT LEAST 30 DAYS BEFORE INSTALLING OR
10 REPLACING THE LUMINAIRE.

11 (III) THE ELECTRIC COMPANY'S WRITTEN NOTICE SHALL
12 INCLUDE THE LIGHTING PLAN, EFFORTS MADE TO COMPLY WITH THE
13 REQUIREMENT IN PARAGRAPH (3) OF THIS SUBSECTION, AND THE REASONS THE
14 WAIVER IS NECESSARY.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.