

# SENATE BILL 891

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CF 9lr0943

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By: **Senator Forehand**

Introduced and read first time: February 6, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Highways - Lighting**

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 only with a new luminaire with a certain output 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; limiting the application  
19 of this Act if the Administration makes a certain determination based on a  
20 certain analysis; defining certain terms; and generally relating to highway  
21 lighting.

22 BY repealing and reenacting, without amendments,  
23 Article - Public Utility Companies  
24 Section 1-101(h)  
25 Annotated Code of Maryland  
26 (2008 Replacement Volume and 2008 Supplement)

27 BY repealing and reenacting, without amendments,  
28 Article - Transportation  
29 Section 1-101(a) and (k) and 8-101(a), (b), (g), (i), and (q)

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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) (I) **"FIXTURE" MEANS THE ASSEMBLY THAT HOLDS A LAMP.**

24 (II) **"FIXTURE" INCLUDES:**

25 1. **AN ASSEMBLY HOUSING;**

26 2. **A MOUNTING BRACKET OR POLE SOCKET;**

27 3. **A LAMP HOLDER;**

28 4. **A BALLAST;**

1                   **5. A REFLECTOR OR MIRROR; OR**

2                   **6. A REFRACTOR OR LENS.**

3                   **(4) “FULL CUTOFF LUMINAIRE” MEANS A LUMINAIRE THAT**  
4 **ALLOWS NO DIRECT LIGHT EMISSIONS ABOVE A HORIZONTAL PLANE THROUGH**  
5 **THE LUMINAIRE’S LOWEST LIGHT-EMITTING PART.**

6                   **(5) “GLARE” MEANS DIRECT LIGHT EMITTING FROM A**  
7 **LUMINAIRE THAT CAUSES REDUCED VISION OR MOMENTARY BLINDNESS.**

8                   **(6) “ILLUMINANCE” MEANS THE LEVEL OF LIGHT MEASURED AT A**  
9 **SURFACE.**

10                  **(7) “LAMP” MEANS THE COMPONENT OF A LUMINAIRE THAT**  
11 **PRODUCES THE LIGHT.**

12                  **(8) “LIGHT TRESPASS” MEANS LIGHT EMITTED BY A LUMINAIRE**  
13 **THAT SHINES BEYOND THE BOUNDARIES OF THE PROPERTY ON WHICH THE**  
14 **LUMINAIRE IS LOCATED.**

15                  **(9) “LUMEN” MEANS A UNIT OF MEASUREMENT OF LUMINOUS**  
16 **FLUX.**

17                  **(10) “LUMINAIRE” MEANS THE COMPLETE LIGHTING SYSTEM,**  
18 **INCLUDING THE LAMP AND THE FIXTURE.**

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

22                  **(B) THIS SECTION DOES NOT APPLY IF THE ADMINISTRATION**  
23 **DETERMINES, BASED ON A LIFE-CYCLE COST ANALYSIS, THAT A LUMINAIRE**  
24 **THAT SATISFIES THE REQUIREMENTS OF THIS SECTION IS LESS COST**  
25 **EFFECTIVE THAN A LUMINAIRE THAT DOES NOT SATISFY THE REQUIREMENTS**  
26 **OF THIS SECTION.**

27                  **(C) THE ADMINISTRATION OR A POLITICAL SUBDIVISION MAY INSTALL**  
28 **OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING**  
29 **ONLY IF THE ADMINISTRATION OR POLITICAL SUBDIVISION DETERMINES THAT**  
30 **THE SAFETY CONCERNS TO BE ADDRESSED BY THE LIGHTING CANNOT BE**  
31 **ADDRESSED BY:**

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

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

5           (D)    **THE ADMINISTRATION OR A POLITICAL SUBDIVISION MAY INSTALL**  
6 **OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING**  
7 **ONLY WITH A NEW LUMINAIRE THAT:**

8           (1)    **IS DESIGNED TO MAXIMIZE ENERGY CONSERVATION AND TO**  
9 **MINIMIZE LIGHT POLLUTION, GLARE, AND LIGHT TRESPASS; AND**

10          (2)    **HAS AN ILLUMINANCE EQUAL TO THE MINIMUM ILLUMINANCE**  
11 **ADEQUATE FOR THE INTENDED PURPOSE OF THE LIGHTING.**

12          (E)    (1)    **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
13 **SUBSECTION, THE ADMINISTRATION MAY INSTALL OR REPLACE A PERMANENT**  
14 **OUTDOOR LUMINAIRE FOR LIGHTING A STATE HIGHWAY ONLY WITH A NEW**  
15 **LUMINAIRE WITH A RATED OUTPUT OF MORE THAN 1800 LUMENS IF THE NEW**  
16 **LUMINAIRE IS A FULL CUTOFF LUMINAIRE.**

17          (2)    (I)    **THE ADMINISTRATION MAY WAIVE THE REQUIREMENT**  
18 **IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS NECESSARY DUE TO**  
19 **SAFETY, COST, FEDERAL LAW, OR OTHER REASONS DEEMED APPROPRIATE BY**  
20 **THE ADMINISTRATION.**

21                (II)   **FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,**  
22 **THE ADMINISTRATION SHALL DOCUMENT IN WRITING THE LIGHTING PLAN,**  
23 **EFFORTS MADE TO COMPLY WITH THE REQUIREMENT IN PARAGRAPH (1) OF**  
24 **THIS SUBSECTION, AND THE REASONS FOR GRANTING THE WAIVER.**

25          (F)    (1)    **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
26 **SUBSECTION, A POLITICAL SUBDIVISION MAY INSTALL OR REPLACE A**  
27 **PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING A COUNTY ROAD ONLY WITH**  
28 **A NEW LUMINAIRE WITH A RATED OUTPUT OF MORE THAN 1800 LUMENS IF THE**  
29 **NEW LUMINAIRE IS A FULL CUTOFF LUMINAIRE.**

30          (2)    (I)    **A POLITICAL SUBDIVISION MAY WAIVE THE**  
31 **REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS**  
32 **NECESSARY DUE TO SAFETY, COST, OR OTHER REASONS DEEMED APPROPRIATE**  
33 **BY THE POLITICAL SUBDIVISION.**

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

5           **(G) (1) THIS SUBSECTION ONLY APPLIES TO A LUMINAIRE IF THE**  
6 **COST OF OPERATING THE LUMINAIRE IS PAID BY THE STATE OR A POLITICAL**  
7 **SUBDIVISION.**

8                   **(2) AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A**  
9 **PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING ONLY WITH A NEW**  
10 **LUMINAIRE THAT:**

11                   **(I) IS DESIGNED TO MAXIMIZE ENERGY CONSERVATION**  
12 **AND TO MINIMIZE LIGHT POLLUTION, GLARE, AND LIGHT TRESPASS; AND**

13                   **(II) HAS AN ILLUMINANCE EQUAL TO THE MINIMUM**  
14 **ILLUMINANCE ADEQUATE FOR THE INTENDED PURPOSE OF THE LIGHTING.**

15                   **(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
16 **SUBSECTION, AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A PERMANENT**  
17 **OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING ONLY WITH A NEW LUMINAIRE**  
18 **WITH A RATED OUTPUT OF MORE THAN 1800 LUMENS IF THE NEW LUMINAIRE IS**  
19 **A FULL CUTOFF LUMINAIRE.**

20                   **(4) (I) THE ADMINISTRATION OR A POLITICAL SUBDIVISION**  
21 **MAY WAIVE THE REQUIREMENT IN PARAGRAPH (3) OF THIS SUBSECTION IF A**  
22 **WAIVER IS NECESSARY DUE TO SAFETY, COST, OR OTHER REASONS DEEMED**  
23 **APPROPRIATE BY THE ADMINISTRATION OR A POLITICAL SUBDIVISION.**

24                   **(II) TO OBTAIN A WAIVER UNDER THIS PARAGRAPH, AN**  
25 **ELECTRIC COMPANY SHALL PROVIDE WRITTEN NOTICE TO THE**  
26 **ADMINISTRATION OR POLITICAL SUBDIVISION THAT CONTROLS THE HIGHWAY**  
27 **WHERE THE LUMINAIRE IS LOCATED AT LEAST 30 DAYS BEFORE INSTALLING OR**  
28 **REPLACING THE LUMINAIRE.**

29                   **(III) THE ELECTRIC COMPANY'S WRITTEN NOTICE SHALL**  
30 **INCLUDE THE LIGHTING PLAN, EFFORTS MADE TO COMPLY WITH THE**  
31 **REQUIREMENT IN PARAGRAPH (3) OF THIS SUBSECTION, AND THE REASONS THE**  
32 **WAIVER IS NECESSARY.**

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