

# HOUSE BILL 906

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By: **Delegates Carr, Barkley, Beidle, Bobo, Glenn, Gutierrez, Hucker, Jameson, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, A. Miller, Mizeur, Morhaim, Niemann, Norman, Reznik, B. Robinson, S. Robinson, Rosenberg, Schuh, Stein, Vitale, Waldstreicher, Wilson, and Zucker**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

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## 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, the Maryland  
4 Transportation Authority, or a political subdivision to install or replace a  
5 certain luminaire for highway lighting only if it determines that the concerns to  
6 be addressed by the lighting cannot be addressed by certain alternative means;  
7 authorizing the Administration, the Authority, a political subdivision, or an  
8 electric company to install or replace a certain luminaire for highway lighting  
9 only with a new or replacement luminaire that meets certain requirements;  
10 authorizing the Administration, the Authority, a political subdivision, or an  
11 electric company to install or replace a certain luminaire for highway lighting  
12 only if the new or replacement luminaire is of a certain type; authorizing the  
13 Administration, the Authority, or a political subdivision to waive a certain  
14 requirement for luminaires for highway lighting for certain reasons; requiring  
15 the Administration, the Authority, or a political subdivision to document certain  
16 information in writing for each waiver granted; requiring an electric company to  
17 provide certain written notice to the Administration, the Authority, or a  
18 political subdivision by a certain date to obtain a waiver authorized under this  
19 Act; requiring an electric company's written notice to include certain  
20 information; exempting highway lighting in a tunnel or underpass from certain  
21 requirements; exempting an electric cooperative from the requirements of this  
22 Act; providing that this Act only applies to highway lighting installed or  
23 replaced under certain circumstances; defining certain terms; and generally  
24 relating to highway lighting.

25 BY repealing and reenacting, without amendments,  
26 Article – Public Utilities

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–101(h)  
2 Annotated Code of Maryland  
3 (2010 Replacement Volume)

4 BY repealing and reenacting, without amendments,  
5 Article – Transportation  
6 Section 1–101(a) and (k) and 8–101(a), (b), (i), and (q)  
7 Annotated Code of Maryland  
8 (2008 Replacement Volume and 2010 Supplement)

9 BY adding to  
10 Article – Transportation  
11 Section 8–609.2  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2010 Supplement)

14 Preamble

15 WHEREAS, House Joint Resolution 14 of 2001 created the Task Force to Study  
16 Lighting Efficiency and Light Pollution in Maryland; and

17 WHEREAS, The purpose of the Task Force was to study the cost, extent, and  
18 consequences of inefficient public lighting and light pollution in the State, and the  
19 benefits of improvements; and

20 WHEREAS, The Task Force issued a report to the General Assembly in 2002  
21 that stated three objectives, including reducing or halting the spread of sky glow,  
22 reducing or halting the increase of light trespass or glare, and conserving energy and  
23 minimizing the State’s energy costs; and

24 WHEREAS, The Task Force and the resolution that established it found that  
25 State, county, and municipal roadway lighting consumes a significant amount of  
26 energy and public funds and contributes to light pollution, sky glow, glare, and light  
27 trespass; and

28 WHEREAS, It is the policy of the State that new and replacement roadway  
29 lighting be procured, designed, configured, and maintained in a manner that  
30 minimizes glare, light pollution, and unnecessary energy consumption, and maximizes  
31 safety for drivers, pedestrians, and bicyclists; now, therefore,

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

34 **Article – Public Utilities**

35 1–101.

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

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

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

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

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

10 (ii) any person who generates on-site generated electricity; or

11 (iii) a person who transmits or distributes electricity within a  
12 site owned by the person or the person’s affiliate that is incidental to a primarily  
13 landlord-tenant relationship.

#### 14 Article – Transportation

15 1–101.

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

17 (k) “Political subdivision” includes:

18 (1) Any county or municipal corporation; and

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

20 8–101.

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

22 (b) “Administration” means the State Highway Administration.

23 (i) “Highway” includes:

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

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

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

4 **8-609.2.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
6 MEANINGS INDICATED.

7 (2) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION  
8 AUTHORITY.

9 (3) "ELECTRIC COMPANY" HAS THE MEANING STATED IN § 1-101  
10 OF THE PUBLIC UTILITIES ARTICLE.

11 (4) "LAMP" MEANS THE COMPONENT OF A LUMINAIRE THAT  
12 PRODUCES THE LIGHT COMMONLY REFERRED TO AS THE LIGHT BULB.

13 (5) "LIGHT TRESPASS" MEANS LIGHT THAT FALLS BEYOND THE  
14 PROPERTY IT IS INTENDED TO ILLUMINATE.

15 (6) "LUMEN" MEANS A UNIT OF MEASUREMENT USED TO  
16 QUANTIFY THE AMOUNT OF LIGHT PRODUCED BY A LAMP OR EMITTED FROM A  
17 LUMINAIRE.

18 (7) "LUMINAIRE" MEANS THE COMPLETE LIGHTING UNIT OR  
19 FIXTURE, INCLUDING:

20 (I) THE LAMP;

21 (II) THE BALLAST (IF APPLICABLE);

22 (III) THE COMPONENTS DESIGNED TO DISTRIBUTE LIGHT,  
23 INCLUDING A REFLECTOR, LENS, OR DIFFUSER; AND

24 (IV) THE COMPONENTS DESIGNED TO POSITION AND  
25 PROTECT THE LAMP AND CONNECT THE LAMP TO THE POWER SUPPLY.

26 (8) "PERMANENT OUTDOOR LUMINAIRE" MEANS ANY LUMINAIRE  
27 OR SYSTEM OF LUMINAIRES THAT IS OUTDOORS AND INTENDED TO BE USED  
28 FOR 45 DAYS OR LONGER.

1           **(9) “RESTRICTED UPLIGHT LUMINAIRE” MEANS A LUMINAIRE**  
2 **THAT:**

3                   **(I) EXCEPT FOR A 0.5% MAXIMUM INCIDENTAL UPLIGHT**  
4 **FROM REFLECTION OFF MOUNTING HARDWARE, ALLOWS NO DIRECT LIGHT**  
5 **EMISSION ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE’S LOWEST**  
6 **LIGHT-EMITTING PART; AND**

7                   **(II) EMITS NO MORE THAN 10% OF THE TOTAL DIRECT**  
8 **LIGHT EMISSION AT OR ABOVE A VERTICAL ANGLE OF 80 DEGREES.**

9                   **(10) “VEILING LUMINANCE RATIO” MEANS A LUMINANCE**  
10 **SUPERIMPOSED ON THE RETINAL IMAGE WHICH REDUCES ITS CONTRAST AND**  
11 **RESULTS IN DECREASED VISIBILITY.**

12           **(B) (1) THIS SECTION APPLIES TO HIGHWAY LIGHTING:**

13                   **(I) INSTALLED ALONG A NEW HIGHWAY OR A SIDEWALK**  
14 **ALONG A NEW HIGHWAY;**

15                   **(II) REPLACED DUE TO THE RECONSTRUCTION OR**  
16 **UPGRADE OF A HIGHWAY OR A SIDEWALK ALONG A HIGHWAY; OR**

17                   **(III) REPLACED AS PART OF A PLANNED UPGRADE OF**  
18 **EXISTING LIGHTING ALONG A HIGHWAY OR A SIDEWALK ALONG A HIGHWAY.**

19                   **(2) THIS SECTION DOES NOT APPLY TO THE REPLACEMENT OF**  
20 **FIVE OR FEWER LUMINAIRES DUE TO A VEHICLE ACCIDENT, A CRIMINAL ACT, AN**  
21 **ACT OF GOD, OR ANY OTHER UNPLANNED EVENT.**

22           **(C) THE ADMINISTRATION, THE AUTHORITY, OR A POLITICAL**  
23 **SUBDIVISION MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE**  
24 **FOR HIGHWAY LIGHTING ONLY IF THE ADMINISTRATION, AUTHORITY, OR**  
25 **POLITICAL SUBDIVISION DETERMINES THAT THE SAFETY CONCERNS TO BE**  
26 **ADDRESSED BY THE LIGHTING CANNOT BE ADDRESSED BY INSTALLING**  
27 **REFLECTORIZED ROADWAY MARKERS, LINES, WARNINGS, INFORMATIONAL**  
28 **SIGNS, OR OTHER MEANS OF PASSIVE OR REFLECTIVE LIGHTING.**

29           **(D) THE ADMINISTRATION, THE AUTHORITY, OR A POLITICAL**  
30 **SUBDIVISION MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE**  
31 **FOR HIGHWAY LIGHTING ONLY WITH A NEW OR REPLACEMENT LUMINAIRE THAT**  
32 **IS DESIGNED TO MINIMIZE LIGHT POLLUTION, VEILING LUMINANCE RATIO, AND**  
33 **LIGHT TRESPASS.**

1           **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
2 **SUBSECTION AND SUBSECTION (H) OF THIS SECTION, THE ADMINISTRATION OR**  
3 **AUTHORITY MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE**  
4 **FOR LIGHTING A STATE HIGHWAY ONLY IF THE NEW OR REPLACEMENT**  
5 **LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.**

6           **(2) (I) THE ADMINISTRATION OR AUTHORITY MAY WAIVE THE**  
7 **REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS**  
8 **NECESSARY DUE TO SAFETY, FEDERAL LAW, HISTORICAL OR AESTHETIC**  
9 **CONCERNS, OR OTHER REASONS NOT RELATED TO COST DEEMED APPROPRIATE**  
10 **BY THE ADMINISTRATION OR AUTHORITY.**

11           **(II) FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,**  
12 **THE ADMINISTRATION OR AUTHORITY SHALL DOCUMENT IN WRITING EFFORTS**  
13 **MADE TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION AND THE**  
14 **REASONS FOR GRANTING THE WAIVER.**

15           **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
16 **SUBSECTION AND SUBSECTION (H) OF THIS SECTION, A POLITICAL SUBDIVISION**  
17 **MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING**  
18 **A HIGHWAY UNDER ITS JURISDICTION ONLY IF THE NEW OR REPLACEMENT**  
19 **LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.**

20           **(2) (I) A POLITICAL SUBDIVISION MAY WAIVE THE**  
21 **REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS**  
22 **NECESSARY DUE TO SAFETY, HISTORICAL OR AESTHETIC CONCERNS, OR OTHER**  
23 **REASONS NOT RELATED TO COST DEEMED APPROPRIATE BY THE POLITICAL**  
24 **SUBDIVISION.**

25           **(II) FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,**  
26 **THE POLITICAL SUBDIVISION SHALL DOCUMENT IN WRITING EFFORTS MADE TO**  
27 **COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION AND THE REASONS FOR**  
28 **GRANTING THE WAIVER.**

29           **(G) (1) THIS SUBSECTION DOES NOT APPLY TO AN ELECTRIC**  
30 **COOPERATIVE ORGANIZED UNDER TITLE 5, SUBTITLE 6 OF THE**  
31 **CORPORATIONS AND ASSOCIATIONS ARTICLE.**

32           **(2) AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A**  
33 **PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING ONLY WITH A NEW**  
34 **LUMINAIRE THAT IS DESIGNED TO MINIMIZE LIGHT POLLUTION, VEILING**  
35 **LUMINANCE RATIO, AND LIGHT TRESPASS.**

1           **(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
2 **SUBSECTION AND SUBSECTION (H) OF THIS SECTION, AN ELECTRIC COMPANY**  
3 **MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY**  
4 **LIGHTING ONLY IF THE NEW OR REPLACEMENT LUMINAIRE IS A RESTRICTED**  
5 **UPLIGHT LUMINAIRE.**

6           **(4) (i) THE ADMINISTRATION, THE AUTHORITY, OR A**  
7 **POLITICAL SUBDIVISION MAY WAIVE THE REQUIREMENT IN PARAGRAPH (3) OF**  
8 **THIS SUBSECTION IF A WAIVER IS NECESSARY DUE TO SAFETY, HISTORICAL OR**  
9 **AESTHETIC CONCERNS, OR OTHER REASONS NOT RELATED TO COST DEEMED**  
10 **APPROPRIATE BY THE ADMINISTRATION, THE AUTHORITY, OR A POLITICAL**  
11 **SUBDIVISION.**

12           **(ii) TO OBTAIN A WAIVER UNDER THIS PARAGRAPH, AN**  
13 **ELECTRIC COMPANY SHALL PROVIDE WRITTEN NOTICE TO THE**  
14 **ADMINISTRATION, AUTHORITY, OR POLITICAL SUBDIVISION THAT PAYS THE**  
15 **COST OF OPERATING THE LUMINAIRE AT LEAST 30 DAYS BEFORE INSTALLING**  
16 **OR REPLACING THE LUMINAIRE.**

17           **(iii) THE ELECTRIC COMPANY'S WRITTEN NOTICE SHALL**  
18 **DESCRIBE EFFORTS MADE TO COMPLY WITH PARAGRAPH (2) OF THIS**  
19 **SUBSECTION AND STATE THE REASONS THE WAIVER IS NECESSARY.**

20           **(H) THE PROVISIONS OF SUBSECTIONS (E)(1), (F)(1), AND (G)(3) OF**  
21 **THIS SECTION DO NOT APPLY TO HIGHWAY LIGHTING IN A TUNNEL OR AN**  
22 **UNDERPASS.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 June 1, 2011.