

HOUSE BILL 336

P2

5lr1487

By: **Delegates Carr, Cassilly, Chang, and Platt**

Introduced and read first time: February 5, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – State Funds – Energy Efficient Outdoor Lighting Fixtures**

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

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 14–412
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2014 Supplement)

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

21 **Article – State Finance and Procurement**

22 14–412.

23 (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.



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

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

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

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

11 **[(2)] (6) “Lamp” means the component of a luminaire that produces the**
12 **light.**

13 **(7) “LIGHT TRESPASS” MEANS LIGHT THAT FALLS BEYOND THE**
14 **PROPERTY IT IS INTENDED TO ILLUMINATE.**

15 **[(3)] (8) “Lumen” means a unit of measurement of luminous flux.**

16 **[(4)] (9) “Luminaire” means the complete lighting unit, including the**
17 **lamp or other component that produces light and the assembly that holds the lamp,**
18 **including an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast,**
19 **a reflector or mirror, and a refractor or lens.**

20 **(10) “PARKING LOT LIGHTING” MEANS PERMANENT OUTDOOR**
21 **LUMINAIRES SPECIFICALLY INTENDED TO ILLUMINATE UNCOVERED VEHICLE**
22 **PARKING AREAS.**

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

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

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

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

1 **(12) “ROADWAY LIGHTING” MEANS PERMANENT OUTDOOR**
2 **LUMINAIRES SPECIFICALLY INTENDED TO ILLUMINATE ROADWAYS.**

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

5 **[(6)] (14) “State building” means a building owned or leased by the State**
6 **or a unit of the State.**

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

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

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

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

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

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

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

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

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

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

23 **(X) USED TO ILLUMINATE TUNNELS AND ROADWAY**
24 **UNDERPASSES.**

25 **(2) THIS SECTION DOES NOT APPLY TO:**

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

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

1 **(III) A PROJECT FOR WHICH FUNDING IS PROVIDED IN THE**
2 **CAPITAL BUDGET AS A GRANT TO A NONPROFIT OR A LOCAL GOVERNMENT.**

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

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

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

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

11 **(2) THE LUMINAIRE PROVIDES SURFACE LIGHTING LEVELS THAT DO**
12 **NOT EXCEED THE MINIMUM LIGHTING LEVELS:**

13 **(I) ADOPTED BY THE ILLUMINATING ENGINEERING SOCIETY;**

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

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

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

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

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

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

- 1 (i) a description of the lighting plan;
- 2 (ii) a description of the efforts made to comply with the requirements
3 of this section; [and]
- 4 (iii) the reason a waiver is necessary; AND
- 5 (IV) ANY OTHER REQUIREMENTS DETERMINED BY THE BOARD
6 OF PUBLIC WORKS.

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2015.