

HOUSE BILL 169

R1

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By: **Delegates Carr, Ali, Barkley, Beidle, Bronrott, Frush, Healey, Hecht, Howard, Hucker, Jameson, Kaiser, Levy, Love, Montgomery, Morhaim, Murphy, Reznik, Shewell, and Waldstreicher**

Introduced and read first time: January 20, 2010

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, 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; requiring an electric company to offer the Administration, the
21 Authority, or a political subdivision the opportunity to replace certain
22 luminaires for highway lighting with replacement luminaires owned and
23 maintained by the Administration, Authority, or political subdivision under
24 certain circumstances; defining certain terms; and generally relating to highway
25 lighting.

26 BY repealing and reenacting, without amendments,
27 Article – Public Utility Companies
28 Section 1–101(h)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2009 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Transportation
5 Section 1–101(a) and (k) and 8–101(a), (b), (g), (i), and (q)
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2009 Supplement)

8 BY adding to
9 Article – Transportation
10 Section 8–609.2
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

13 Preamble

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

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

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

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

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

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

33 **Article – Public Utility Companies**

34 1–101.

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

1 grade separation structures, railroad grade separations, tunnels, overpasses,
2 underpasses, interchanges, entrance plazas, approaches, and other structures forming
3 an integral part of a street, road, or highway, including bicycle and walking paths; and

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

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

7 **8-609.2.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED.

10 (2) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION
11 AUTHORITY.

12 (3) "ELECTRIC COMPANY" HAS THE MEANING STATED IN § 1-101
13 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

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

16 (5) "LIGHT TRESPASS" HAS THE MEANING STATED IN THE MOST
17 RECENT TECHNICAL MEMORANDUM PUBLISHED BY THE ILLUMINATING
18 ENGINEERING SOCIETY OF NORTH AMERICA IN WHICH THE TERM IS DEFINED.

19 (6) "LUMEN" MEANS A UNIT OF MEASUREMENT OF LUMINOUS
20 FLUX.

21 (7) "LUMINAIRE" HAS THE MEANING STATED IN THE MOST
22 RECENT VERSION OF THE ROADWAY LIGHTING DESIGN GUIDE PUBLISHED BY
23 THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION
24 OFFICIALS.

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

28 (9) "RESTRICTED UPLIGHT LUMINAIRE" MEANS A LUMINAIRE
29 THAT:

30 (I) EXCEPT FOR A 0.5% MAXIMUM INCIDENTAL UPLIGHT
31 FROM REFLECTION OFF MOUNTING HARDWARE, ALLOWS NO DIRECT LIGHT

1 EMISSION ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE'S LOWEST
2 LIGHT-EMITTING PART; AND

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

5 (10) "VEILING LUMINANCE RATIO" HAS THE MEANING STATED IN
6 THE MOST RECENT VERSION OF THE AMERICAN NATIONAL STANDARD
7 PRACTICE FOR ROADWAY LIGHTING (RP-8) PUBLISHED BY THE ILLUMINATING
8 ENGINEERING SOCIETY OF NORTH AMERICA.

9 (B) THE ADMINISTRATION, THE AUTHORITY, OR A POLITICAL
10 SUBDIVISION MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE
11 FOR HIGHWAY LIGHTING ONLY IF THE ADMINISTRATION, AUTHORITY, OR
12 POLITICAL SUBDIVISION DETERMINES THAT THE SAFETY CONCERNS TO BE
13 ADDRESSED BY THE LIGHTING CANNOT BE ADDRESSED BY INSTALLING
14 REFLECTORIZED ROADWAY MARKERS, LINES, WARNINGS, INFORMATIONAL
15 SIGNS, OR OTHER MEANS OF PASSIVE OR REFLECTIVE LIGHTING.

16 (C) THE ADMINISTRATION, THE AUTHORITY, OR A POLITICAL
17 SUBDIVISION MAY INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE
18 FOR HIGHWAY LIGHTING ONLY WITH A NEW OR REPLACEMENT LUMINAIRE THAT
19 IS DESIGNED TO MINIMIZE LIGHT POLLUTION, VEILING LUMINANCE RATIO, AND
20 LIGHT TRESPASS.

21 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
22 SUBSECTION, THE ADMINISTRATION OR AUTHORITY MAY INSTALL OR REPLACE
23 A PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING A STATE HIGHWAY ONLY IF
24 THE NEW OR REPLACEMENT LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.

25 (2) (I) THE ADMINISTRATION OR AUTHORITY MAY WAIVE THE
26 REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF A WAIVER IS
27 NECESSARY DUE TO SAFETY, FEDERAL LAW, HISTORICAL OR AESTHETIC
28 CONCERNS, OR OTHER REASONS NOT RELATED TO COST DEEMED APPROPRIATE
29 BY THE ADMINISTRATION OR AUTHORITY.

30 (II) FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,
31 THE ADMINISTRATION OR AUTHORITY SHALL DOCUMENT IN WRITING EFFORTS
32 MADE TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION AND THE
33 REASONS FOR GRANTING THE WAIVER.

34 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
35 SUBSECTION, A POLITICAL SUBDIVISION MAY INSTALL OR REPLACE A

1 PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING A COUNTY ROAD ONLY IF THE
2 NEW OR REPLACEMENT LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.

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

8 (II) FOR EACH WAIVER GRANTED UNDER THIS PARAGRAPH,
9 THE POLITICAL SUBDIVISION SHALL DOCUMENT IN WRITING EFFORTS MADE TO
10 COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION AND THE REASONS FOR
11 GRANTING THE WAIVER.

12 (F) (1) AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A
13 PERMANENT OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING ONLY WITH A NEW
14 LUMINAIRE THAT IS DESIGNED TO MINIMIZE LIGHT POLLUTION, VEILING
15 LUMINANCE RATIO, AND LIGHT TRESPASS.

16 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
17 SUBSECTION, AN ELECTRIC COMPANY MAY INSTALL OR REPLACE A PERMANENT
18 OUTDOOR LUMINAIRE FOR HIGHWAY LIGHTING ONLY IF THE NEW OR
19 REPLACEMENT LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.

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

26 (II) TO OBTAIN A WAIVER UNDER THIS PARAGRAPH, AN
27 ELECTRIC COMPANY SHALL PROVIDE WRITTEN NOTICE TO THE
28 ADMINISTRATION, AUTHORITY, OR POLITICAL SUBDIVISION THAT PAYS THE
29 COST OF OPERATING THE LUMINAIRE AT LEAST 30 DAYS BEFORE INSTALLING
30 OR REPLACING THE LUMINAIRE.

31 (III) THE ELECTRIC COMPANY'S WRITTEN NOTICE SHALL
32 DESCRIBE EFFORTS MADE TO COMPLY WITH PARAGRAPH (2) OF THIS
33 SUBSECTION AND STATE THE REASONS THE WAIVER IS NECESSARY.

34 (G) (1) THIS SUBSECTION ONLY APPLIES IF AN ELECTRIC COMPANY
35 INITIATES A PROJECT TO REMOVE AND REPLACE A GROUP OF 10 OR MORE

1 WORKING LUMINAIRES WITH NEW LUMINAIRES THAT USE A DIFFERENT TYPE OF
2 LIGHTING TECHNOLOGY.

3 (2) THE ELECTRIC COMPANY SHALL OFFER THE
4 ADMINISTRATION, AUTHORITY, OR POLITICAL SUBDIVISION THAT PAYS THE
5 COST OF OPERATING THE LUMINAIRES THE OPPORTUNITY TO INSTALL
6 REPLACEMENT LUMINAIRES OWNED AND MAINTAINED BY THE
7 ADMINISTRATION, AUTHORITY, OR POLITICAL SUBDIVISION.

8 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH, IF THE ELECTRIC COMPANY INSTALLS THE REPLACEMENT
10 LUMINAIRES, THE LUMEN OUTPUT OF EACH REPLACEMENT LUMINAIRE MAY
11 NOT BE MORE THAN 10% GREATER THAN THE LUMEN OUTPUT OF THE
12 LUMINAIRE BEING REPLACED.

13 (II) THE ELECTRIC COMPANY MAY INSTALL REPLACEMENT
14 LUMINAIRES THAT DO NOT COMPLY WITH SUBPARAGRAPH (I) OF THIS
15 PARAGRAPH IF THE ELECTRIC COMPANY:

16 1. OBTAINS THE EXPRESS WRITTEN CONSENT OF
17 THE ADMINISTRATION, AUTHORITY, OR POLITICAL SUBDIVISION THAT PAYS
18 THE COST OF OPERATING THE LUMINAIRES; AND

19 2. HAS OFFERED THE ADMINISTRATION,
20 AUTHORITY, OR POLITICAL SUBDIVISION THAT PAYS THE COST OF OPERATING
21 THE LUMINAIRES THE OPPORTUNITY TO CHOOSE REPLACEMENT LUMINAIRES
22 THAT COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF SUCH
23 LUMINAIRES ARE COMMERCIALY AVAILABLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2010.