



House of Representatives

General Assembly

File No. 138

February Session, 2002

Substitute House Bill No. 5532

House of Representatives, March 25, 2002

The Committee on Transportation reported through REP. COCCO of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING REDUCTION IN GLARE AND LIGHT POLLUTION FROM PRIVATE AREA FLOODLIGHTING LOCATED WITHIN THE STATE RIGHT-OF-WAY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) For the purposes of
2 this section:

3 (1) "Fixture" means the assembly that holds a lamp and may include
4 an assembly housing, a mounting bracket or pole socket, a lamp
5 holder, a ballast, a reflector or mirror and a refractor or lens;

6 (2) "Luminaire" means the complete lighting system, including the
7 lamp and the fixture;

8 (3) "Lumen" means a unit of measurement of luminous flux;

9 (4) "Floodlight" means any luminaire with an output greater than
10 one thousand eight hundred lumens intended for private area lighting

11 and mounted within the state right-of-way;

12 (5) "Light trespass" means light emitted by a luminaire that shines
13 beyond the boundaries of the property designed for illumination;

14 (6) "State highway" shall have the same meaning as in subsection (a)
15 of section 13a-1 of the general statutes;

16 (7) "Direct light" means light that can be seen directly from the light
17 source and other light-emitting or reflecting elements of the luminaire;
18 and

19 (8) "Glare" means the sensation produced by the illuminance of a
20 luminaire within the visual field that is sufficiently greater than the
21 illuminance to which the eyes are adapted causing annoyance,
22 discomfort or loss in visual performance and visibility.

23 (b) No floodlight intended for private property illumination shall be
24 located within the state right-of-way on any state highway unless (1)
25 the luminaire is designed to maximize energy conservation and to
26 minimize light pollution, glare and light trespass, (2) the luminaire's
27 illuminance is equal to the minimum illuminance adequate for the
28 intended purpose, (3) the luminaire is sufficiently shielded to eliminate
29 light trespass and prevent any direct glare from any part of the
30 luminaire from being visible from the state highway or adjacent
31 property, and (4) the placement and shielding of the luminaire is in
32 strict compliance with any zoning regulations of the municipality in
33 which the luminaire is located.

34 (c) No luminaire shall be erected for illuminating any area of private
35 property if the area intended for illumination is located across the state
36 highway from the utility pole used to mount the luminaire.

37 (d) Any luminaire in violation of any provision of subsection (b) or
38 (c) of this section operating prior to October 1, 2002, shall be brought
39 into compliance with the requirements in subsection (b) of this section
40 no later than October 1, 2005.

41 (e) On and after October 1, 2005, the Commissioner of
 42 Transportation shall notify an electric distribution company of any
 43 reported violation of the requirements in subsection (b) of this section.
 44 Any company receiving such notice shall correct the violation not later
 45 than ninety days after the date of receipt of the notice. In the event an
 46 electric distribution company fails to correct such violation before such
 47 ninety-day period expires, the Commissioner of Transportation shall
 48 impose a civil penalty of one hundred dollars per day for each day the
 49 violation continues after such ninety-day period. Any penalty imposed
 50 on an electric distribution company shall be paid from shareholders'
 51 profits and shall not be included by the Department of Public Utility
 52 Control when determining rates for such company.

This act shall take effect as follows:	
Section 1	October 1, 2002

Statement of Legislative Commissioners:

In the second sentence of subsection (e) of section 1, the phrase "not later than" was substituted for "within" and the word "after" was substituted for "from" for clarity. In the third sentence of said subsection, the word "before" was substituted for "within" and the word "expires" was added after the first occurrence of the word "period" for clarity.

TRA *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03	FY 04	FY 06
TF - Cost	Transportation, Dept.	Potential Significant	Potential Significant	Potential Significant
TF - Revenue Gain	Transportation, Dept.	None	None	Potential Minimal

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill could result in potentially significant costs to the Department of Transportation (DOT) beginning in FY 03, and in a potential minimal revenue gain to the state’s Transportation Fund beginning in FY 06. The bill establishes several prohibitions and standards concerning the installation and use of floodlights located within state highway rights-of way. It requires all existing floodlights to comply with these standards by October 1, 2005 and also requires the commissioner of DOT to impose a civil penalty of \$110 per day on any electric distribution company he notifies of a violation that fails to correct it within 90 days.

The department estimates that there are several thousand floodlights in state rights-of-way. The bill requires DOT to monitor and review reported violations. Since this must occur at night, significant overtime costs could be incurred. Beginning in FY 06, the department could impose a civil penalty of \$100 per day for any violation that is not corrected. This is expected to result in a potential minimal revenue gain to the state.

OLR Bill Analysis

sHB 5532

AN ACT REQUIRING REDUCTION IN GLARE AND LIGHT POLLUTION FROM PRIVATE AREA FLOODLIGHTING LOCATED WITHIN THE STATE RIGHT-OF-WAY**SUMMARY:**

This bill (1) prohibits floodlights intended to illuminate private property from being located in a state highway right-of-way unless they meet certain light pollution reduction and other requirements; (2) prohibits any luminaire, regardless of its light output, from being erected to illuminate private property if the intended area for illumination is across a state highway from the utility pole on which it is mounted; (3) requires any existing luminaire that violates either of the above requirements to be brought into compliance with the bill's floodlight restrictions by October 1, 2005; and (4) beginning October 1, 2005, requires the transportation commissioner to impose a civil penalty on any electric distribution company he notifies of a floodlight violation that fails to correct the violation within 90 days. The bill defines a floodlight as a luminaire with an output greater than 1,800 lumens and a luminaire as the complete lighting system, including the lamp and fixture.

EFFECTIVE DATE: October 1, 2002

RESTRICTIONS ON FLOODLIGHTS USED TO ILLUMINATE PRIVATE PROPERTY

The bill prohibits a luminaire intended for private property illumination from being located on a state highway right-of-way unless (1) it is designed to maximize energy conservation and minimize light pollution, glare, and light trespass; (2) the illumination it provides is the minimum adequate for the intended purpose; (3) it is sufficiently shielded to eliminate light trespass and prevent direct glare from any part of it to be visible from the state highway or adjacent property; and (4) its placement and shielding strictly comply with the municipal zoning regulations where it is located.

Under the bill, "light trespass" is light from the luminaire that shines beyond the boundaries of the property meant for illumination; "direct light" is light that can be seen directly from the light source and other light-emitting or reflecting parts of the luminaire; and "glare" is the sensation produced by the illumination within the visual field that is sufficiently greater than the illumination to which the eyes are adapted and thus causes annoyance, discomfort, or loss in visual performance and visibility. The bill does not appear to use the defined term "direct light" anywhere in its provisions.

CORRECTION OF REPORTED FLOODLIGHT VIOLATIONS AND CIVIL PENALTIES

The bill requires the transportation commissioner, beginning October 1, 2005, to notify an electric distribution company of a reported violation of the requirements pertaining to floodlights. The company must correct the violation within 90 days of getting the notice. If it fails to do so, the commissioner must impose a civil penalty of \$100 per day as long as the violation continues after the 90-day period. The bill requires civil penalties to be paid from shareholders' profits and prohibits the Department of Public Utility Control from including them when determining the company's rates.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Report
Yea 22 Nay 6