



# House of Representatives

General Assembly

**File No. 380**

January Session, 2003

Substitute House Bill No. 5686

*House of Representatives, April 15, 2003*

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 HAZARDOUS ROAD 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, 2003*) (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 fitted with a lamp having an  
10 output greater than one thousand eight hundred lumens intended for

11 private area lighting and mounted on a utility pole within the state  
12 right-of-way;

13 (5) "Light pollution" means direct light emitted above the horizontal  
14 plane running through the lowest point on the luminaire;

15 (6) "Light trespass" means light emitted by a luminaire that shines  
16 beyond the boundaries of the property intended for illumination;

17 (7) "State highway" has the same meaning as in subsection (a) of  
18 section 13a-1 of the general statutes;

19 (8) "Direct light" means light that can be seen directly from the light  
20 source and other light-emitting or reflecting elements of the luminaire;

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

25 (10) "Illuminance" is the density of the luminous flux incident on a  
26 surface represented by the quotient of the luminous flux by the area of  
27 the surface when the surface is uniformly illuminated.

28 (b) No floodlight intended for private property illumination shall be  
29 located within the state right-of-way on any state highway unless (1)  
30 the luminaire is designed to maximize energy efficiency and to  
31 minimize light pollution, glare and light trespass, (2) the maintained  
32 illuminance levels produced by the luminaire are equal to the  
33 minimum maintained levels recommended by the Illuminating  
34 Engineering Society of North America for the lighting application, (3)  
35 the luminaire is sufficiently shielded and aimed so that no direct light  
36 from the luminaire is visible at any point in the highway where the  
37 viewing height is four feet or greater and the distance from the  
38 mounting pole is seventy feet or greater, and (4) the luminaire is  
39 sufficiently shielded and aimed to prevent light trespass onto  
40 properties other than the property intended for illumination and so  
41 that no direct light is visible at a viewing height of five feet or greater

42 at any point along the adjacent property line.

43 (c) No floodlight intended for private property illumination shall be  
44 located within the state right-of-way if the structure or object intended  
45 for illumination is across a public highway from the utility pole on  
46 which the floodlight would be mounted.

47 (d) Any luminaire in violation of any provision of subsection (b) or  
48 (c) of this section operating prior to October 1, 2003, shall be brought  
49 into compliance with the requirements in subsection (b) of this section  
50 no later than October 1, 2005.

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

This act shall take effect as follows:	
Section 1	October 1, 2003

**TRA**      *Joint Favorable Subst.*

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:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type
Transportation, Dept.	TF - See Below

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

There is a potential future revenue impact to the Transportation Fund beginning with FY 05 but anticipated to be minimal as a result of penalties to electric utility companies not correcting violations of light pollution from private areas onto state right-of-ways. The Department of Transportation (DOT) currently forwards any complaint regarding floodlight glare or related issues to electric utility companies for them to correct. The bill requires DOT that on or after October 1, 2005 to impose a civil penalty of \$100 per day after ninety days of receipt of notice if the electric utility company fails to correct the violation. The bill prohibits electric utility companies from passing on expense charges for such penalties to ratepayers and instead requires that such expenses be paid out of shareholders' equity.

**OLR Bill Analysis**

sHB 5686

**AN ACT REQUIRING REDUCTION IN HAZARDOUS ROAD 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 a floodlight from being located in a state highway right-of-way if the private property it is intended to illuminate is across the highway from the utility pole on which it would be 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, 2003

**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 maintained illuminance levels it produces are equal to the minimum levels recommended by the Illuminating Engineering Society of North America for the lighting application; and (3) the luminaire is sufficiently shielded and aimed so that (a) its direct light is not visible at any point on the highway where the viewing height is four feet or more and the distance from the pole is 70 feet or more and (b) there is no light trespass onto properties adjacent to the one for which the

illumination is intended and its direct light is not visible at a viewing height of five feet or more at any point along the adjacent property line.

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; "light pollution" is direct light emitted above the horizontal plane running through the lowest point on the luminaire; "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; and "illuminance" is the density of luminous flux incident on a surface that is represented by the luminous flux divided by the area of the surface when it is uniformly illuminated.

**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 Substitute  
Yea 26    Nay 0