



MEMORANDUM IN SUPPORT

A.7281 Rosenthal

S.2714 Thompson

AN ACT to amend the environmental conservation law and the public service law, in relation to enacting the healthy, safe and energy efficient outdoor lighting act.

JUSTIFICATION

The purpose of this bill is to reduce unnecessary or excessive outdoor illumination to provide numerous environmental, economic, public health and safety benefits including:

- **Energy conservation:** Most electricity in New York and the United States is generated by the combustion of fossil fuels or nuclear fission. Energy conservation not only slows the depletion of the finite resources upon which these technologies depend but also reduces harmful emissions that cause acid rain and contribute to asthma, heart failure and global warming. Also, the mining associated with these extractive industries has devastating environmental consequences, which often disproportionately impact underprivileged and minority communities.
- **Ecological impact reductions:** In addition to acid rain and climate change, excessive or unnecessary lighting can have direct negative impacts on beneficial insects, bird populations, sea turtles, plant growth and other fauna and flora
- **Glare Reduction:** Glare occurs when you see directly into the light bulb. The glare from poorly designed or positioned lighting hampers the vision of drivers and pedestrians, especially among the elderly. Glare producing lighting fixtures were intended to increase the sense of safety, but actually this glare reduces lighting effectiveness and creates an unnecessary hazard.
- **Sky glow reduction and astronomical observation enhancement:** A large proportion of poorly designed lighting shines directly upward, creating sky glow above population centers adversely affecting the view of the night sky.
- **Fiscal advantages:** An estimated \$3 to \$4.5 billion is wasted in the United States each year by the unintended lighting of the sky rather than the streets, walkways and outdoor spaces for which the lighting was designed.
- **Grandfathers existing lighting fixtures:** Applicable only to new or substantially renovated lighting structures, this bill does not burden businesses by forcing existing lighting structures upgrades that have met local ordinance requirements.

SUMMARY OF PROVISIONS:

1. Restricts installation of new or replacement lighting by state agencies and public corporation to fully-shielded luminaries with the minimum luminance adequate for intended purpose or necessary to meeting applicable lighting recommendations or regulations. Also requires adequate consideration to be given for conserving energy and minimizing glare and light pollution.
2. Exempts:
 - Fire, police, rescue or repair personnel requiring light for temporary emergencies or road repair;
 - ATM and other security lighting, pursuant to applicable regulations
 - Historic decorative lighting emitting up to 2% above the horizontal plane;
 - Sound agricultural practices, under the Right the Farm Law
 - Existing lighting structures that have met local ordinances
 - Continuous roadway lighting replacement luminaries;
 - Situations with special requirements provided that selected or installed lighting shield lamps from direct view to the greatest extent possible and minimize upward lighting; or where
 - Federal laws, rules and regulations take precedence.
3. Authorizes the DEC Commissioner to identify and nominate “Dark Areas” of the state which are especially suitable for astronomical observations and/or which provide nocturnal benefits to flora and fauna. The DEC Commissioner is required to prepare and submit a proposed plan to preserve “Dark Areas” to the Governor and legislature within eighteen months of such designation
4. Requires the DEC Commissioner in consultation with the Secretary of State and the Chair of the New York State Energy Research and Development Authority (NYSERDA) to prepare and distribute a model comprehensive outdoor lighting ordinance for the purpose of saving energy, reducing unnecessary glare and sky glow to municipalities.
5. Requires the DEC Commissioner in consultation with NYSERDA and considering Illuminating Engineering Society of North America (IESNA) standards to develop and distribute a pamphlet describing this law to every municipality and electric corporation to be further distributed to electric customers in their bills.

**CITIZENS CAMPAIGN FOR THE ENVIRONMENT STRONGLY SUPPORTS
ADOPTION OF A.7281/S.2714**

May 8, 2009