

CHAPTER 203

GOVERNMENT - STATE

HOUSE BILL 01-1160

BY REPRESENTATIVE(S) Romanoff, Plant, Borodkin, Boyd, Coleman, Larson, Mace, Madden, Ragsdale, Scott, Sinclair, Smith, Stafford, Williams S., Witwer, Bacon, Daniel, Garcia, Groff, Hodge, Jameson, Marshall, Weddig, and Jahn; also SENATOR(S) Gordon, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Linkhart, Pascoe, Phillips, Reeves, Tate, and Tupa.

AN ACT

CONCERNING ENERGY-EFFICIENT STANDARDS FOR CERTAIN NEW OUTDOOR LIGHTING FIXTURES FUNDED BY THE STATE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Energy costs in the state have been on the rise in recent years due in part to increased energy consumption and decreased energy efficiency and conservation.

(b) Properly directed lighting can save up to fifty percent in operation costs, resulting in a more efficient use of tax dollars to pay for state-funded light fixtures.

(c) Improperly aimed lighting can produce unsafe conditions such as glare and deep shadows and can contribute to light pollution of the night sky.

(d) Properly aimed lighting can minimize light trespass and pollution, reduce glare, and improve the view of the night sky, thereby preserving one of Colorado's natural resources.

(e) It is the declared policy of the state of Colorado to conserve energy, reduce glare, and minimize light trespass and pollution, and requiring state agencies and encouraging local governments and commercial entities, when installing new outdoor lighting fixtures, to use certain types of outdoor lighting fixtures that conserve energy, reduce glare, and minimize light trespass and pollution is necessary to advance such policy.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Article 82 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 9
OUTDOOR LIGHTING FIXTURES**

24-82-901. Definitions. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ENERGY CONSERVATION" MEANS REDUCING ENERGY COSTS AND RESOURCES USED AND INCLUDES USING A LIGHT WITH LOWER WATTAGE OR A TIMER SWITCH.

(2) "FULL CUTOFF LUMINAIRE" MEANS A LUMINAIRE THAT ALLOWS NO DIRECT LIGHT EMISSIONS ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE'S LOWEST LIGHT-EMITTING PART.

(3) "GLARE" MEANS DIRECT LIGHT EMITTING FROM A LUMINAIRE THAT CAUSES REDUCED VISION OR MOMENTARY BLINDNESS.

(4) "LIGHT POLLUTION" MEANS THE NIGHT SKY GLOW CAUSED BY THE SCATTERING OF ARTIFICIAL LIGHT IN THE ATMOSPHERE.

(5) "LIGHT TRESPASS" MEANS LIGHT EMITTED BY A LUMINAIRE THAT SHINES BEYOND THE BOUNDARIES OF THE PROPERTY ON WHICH THE LUMINAIRE IS LOCATED.

(6) "LUMINAIRE" MEANS THE COMPLETE LIGHTING SYSTEM, INCLUDING THE LAMP AND THE FIXTURE.

(7) (a) "OUTDOOR LIGHTING FIXTURE" MEANS ANY TYPE OF FIXED OR MOVABLE LIGHTING EQUIPMENT THAT IS DESIGNED OR USED FOR ILLUMINATION OUTDOORS AND INCLUDES:

(I) AREA LIGHTING; AND

(II) BILLBOARD LIGHTING, STREET LIGHTS, SEARCHLIGHTS, AND OTHER LIGHTING USED FOR ADVERTISING PURPOSES.

(b) "OUTDOOR LIGHTING FIXTURE" DOES NOT INCLUDE LIGHTING EQUIPMENT THAT IS REQUIRED BY LAW TO BE INSTALLED ON MOTOR VEHICLES OR LIGHTING REQUIRED FOR THE SAFE OPERATION OF AIRCRAFT OR WATERCRAFT.

(8) "SPECIAL EVENT OR SITUATION" INCLUDES, BUT IS NOT LIMITED TO, SPORTING EVENTS AND THE ILLUMINATION OF MONUMENTS, HISTORIC STRUCTURES, OR FLAGS.

24-82-902. Outdoor lighting fixtures funded by the state - standards. (1) ON OR AFTER JULY 1, 2002, ANY NEW OUTDOOR LIGHTING FIXTURE INSTALLED BY OR ON BEHALF OF THE STATE USING STATE FUNDS SHALL MEET AT LEAST THE FOLLOWING REQUIREMENTS:

(a) FOR OUTDOOR LIGHTING FIXTURES WITH A RATED OUTPUT GREATER THAN THREE THOUSAND TWO HUNDRED LUMENS, THE FIXTURE IS A FULL CUTOFF LUMINAIRE;

(b) THE MINIMUM ILLUMINANCE ADEQUATE FOR THE INTENDED PURPOSE IS USED WITH CONSIDERATION GIVEN TO RECOGNIZED STANDARDS, INCLUDING, BUT NOT LIMITED TO, RECOMMENDED PRACTICES ADOPTED BY THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA);

(c) FULL CONSIDERATION HAS BEEN GIVEN TO COSTS, ENERGY CONSERVATION, GLARE REDUCTION, THE MINIMIZATION OF LIGHT POLLUTION, AND THE PRESERVATION OF THE NATURAL NIGHT ENVIRONMENT; AND

(d) FOR PURPOSES OF LIGHTING A DESIGNATED HIGHWAY IN THE STATE HIGHWAY SYSTEM, THE DEPARTMENT OF TRANSPORTATION DETERMINES THAT THE PURPOSE OF THE OUTDOOR LIGHTING FIXTURE CANNOT BE ACHIEVED BY THE INSTALLATION OF REFLECTIVE ROAD MARKERS, LINES, WARNING OR INFORMATIONAL SIGNS, OR OTHER EFFECTIVE METHODS THAT DO NOT REQUIRE THE USE OF ARTIFICIAL LIGHT.

(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY IF:

(a) A FEDERAL LAW OR REGULATION PREEMPTS STATE LAW;

(b) THE OUTDOOR LIGHTING FIXTURE IS USED ON A TEMPORARY BASIS TO PROVIDE ILLUMINATION FOR EMERGENCY PERSONNEL IN AN EMERGENCY SITUATION;

(c) THE OUTDOOR LIGHTING FIXTURE IS USED ON A TEMPORARY BASIS FOR NIGHTTIME WORK;

(d) ADDITIONAL ILLUMINATION IS REQUIRED FOR A SPECIAL EVENT OR SITUATION; EXCEPT THAT ANY ADDITIONAL ILLUMINATION REQUIRED FOR A SPECIAL EVENT OR SITUATION SHALL BE INSTALLED SO AS TO SHIELD THE OUTDOOR LIGHTING FIXTURES FROM DIRECT VIEW AND TO MINIMIZE UPWARD LIGHTING AND LIGHT POLLUTION;

(e) THE OUTDOOR LIGHTING FIXTURE IS USED SOLELY TO ENHANCE THE AESTHETIC BEAUTY OF AN OBJECT; OR

(f) A COMPELLING SAFETY INTEREST EXISTS THAT CANNOT BE ADDRESSED BY ANOTHER METHOD.

(3) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL SERVE ONLY AS GUIDELINES FOR AND SHALL NOT BE BINDING ON ANY STATE PRISON FACILITY OR ANY PRIVATE CONTRACT PRISON IN THE STATE.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 30, 2001