



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2538

Introduced 2/18/2005, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Outdoor Lighting Control Act. Provides that the installation of any new or replacement permanent outdoor lighting unit by or for a State agency shall meet specified conditions (with certain exceptions). Provides that the Environmental Protection Agency, in consultation with the Department of Transportation and the Department of Central Management Services, shall adopt rules to implement those requirements, including a system to ensure that the use of State funds for street lighting complies with the requirements. Provides that no person may unreasonably place or operate a lighting unit in a manner that causes illumination or glare to be cast on the property of another person with the effect of reducing privacy, hindering sleep, or creating an unattractive appearance to the area without the permission of the owner, lessee, or lawful occupant of the property. Provides that a person convicted of light trespass commits a petty offense and is subject to a fine of \$100 if the violation is not corrected within 10 days of the conviction. Provides that the Environmental Protection Agency may identify and designate, as dark areas, areas that are especially suitable for astronomical observations or which provide nocturnal benefits to flora and fauna due to their darkness; and shall submit a proposed plan to preserve areas designated as dark areas.

LRB094 06022 RXD 36082 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Outdoor Lighting Control Act.

6 Section 5. Definitions. In this Act:

7 "Direct light" means light emitting generally in a downward  
8 direction by a lamp, off a reflector or through a refractor of  
9 a lighting unit.

10 "Full-cutoff lighting unit" means a lighting unit in its  
11 mounted form that allows no direct light from the lighting unit  
12 above a horizontal plane through the lighting unit's lowest  
13 light-emitting part.

14 "Glare" means a direct light emitted by a lighting unit  
15 that causes reduced visibility of objects or momentary  
16 blindness.

17 "Lamp" means the component of a lighting unit that produces  
18 light.

19 "Light pollution" means general sky glow caused by the  
20 scattering or artificial light in the atmosphere.

21 "Light trespass" means light emitted by a lighting unit  
22 that shines beyond the boundaries of the property on which the  
23 lighting unit is located.

24 "Lighting unit" means a complete lighting unit, including a  
25 lamp or lamps together with the parts designed to distribute  
26 the light, to position and protect the lamps and to connect the  
27 lamps to the power supply.

28 "Lumen" means a specific standard unit of measurement of  
29 luminous flux.

30 "Non-cutoff lighting unit" means a streetlight lighting  
31 unit in which either the lamp and surrounding glass lens extend  
32 below the horizontal plane of opaque shielding elements of the

1 lighting unit, or the lamp is situated on top of a post or on a  
2 pivoting support on the side of a building, causing light to  
3 cast as glare outward and upward, beyond its useful range.

4 "Outdoor light fixtures" means outdoor artificial  
5 illuminating devices, installed or portable, used for  
6 flood-lighting, roadway and area lighting, general  
7 illumination or advertisement.

8 "Permanent outdoor lighting unit" means any fixed lighting  
9 unit or system of lighting units that is outdoors and that is  
10 intended to be used for 7 days or longer.

11 "Roadway lighting" means permanent outdoor lighting units  
12 that are specifically intended to illuminate roadways for  
13 automotive vehicles.

14 "Semi-cutoff lighting unit" means a lighting unit that  
15 allows no more than 8% of the light from the lamp to be emitted  
16 above a horizontal plane passing through the lighting unit's  
17 lowest light emitting part.

18 Section 10. Outdoor lighting control.

19 (a) Permanent outdoor lighting unit installation. The  
20 installation of any new or replacement permanent outdoor  
21 lighting unit by or for a State agency shall meet the following  
22 conditions:

23 (1) The new or replacement unit shall be a full-cutoff  
24 lighting unit if the rated output of the lighting unit is  
25 greater than 1,800 lumens.

26 (2) The minimum allowance specified by an applicable  
27 recommendation or regulation shall be used. The average  
28 minimum allowance adequate for the intended purpose shall  
29 be used if no lighting recommendation or regulation is  
30 applicable, giving full consideration to energy,  
31 conservation, glare, and light trespass.

32 (3) Reflectorized roadway markers, lines, warning  
33 signs, informational signs, or other passive means shall be  
34 utilized for roadway lighting except at intersections of 2  
35 or more streets or highways unless it is determined that

1 the purpose of the lighting installation or replacement  
2 cannot be achieved by these means.

3 (4) Adequate consideration shall be given to  
4 conserving energy and minimizing glare, light pollution,  
5 and light trespass.

6 (b) Exceptions. The following instances shall be exempt  
7 from the requirements of subsection (a):

8 (1) Where federal laws, rules, or regulations preempt  
9 State rules.

10 (2) Where fire, police, rescue, or repair personnel  
11 need light for temporary emergencies or road repair work.

12 (3) Where there are special requirements, such as  
13 sports facilities, historic decorative considerations, or  
14 flag lighting. All such lighting shall be selected and  
15 installed to shield the lamp or lamps from direct view to  
16 the greatest extent possible and to minimize upward  
17 lighting and light trespass.

18 (4) Where there is substantial nighttime pedestrian  
19 traffic in an urban area and an engineer experienced in  
20 outdoor lighting has deemed it necessary to permit the  
21 installation of semi-cutoff lighting units in a quantity  
22 such that the total number of new or replacement  
23 semi-cutoff lighting units within a square mile of the  
24 lighting unit does not exceed the total number of existing  
25 full-cutoff lighting units.

26 (5) Where it has been determined that a compelling  
27 safety interest exists that cannot be addressed by any  
28 other method.

29 (c) Rules. The Environmental Protection Agency, in  
30 consultation with the Department of Transportation and the  
31 Department of Central Management Services, shall adopt rules to  
32 implement this Section, including a system to ensure that the  
33 use of State funds for street lighting complies with the  
34 requirements of this Section.

35 Section 15. Light trespass.

1 (a) Unreasonable placement. No person may unreasonably  
2 place or operate a lighting unit in a manner that causes  
3 illumination or glare to be cast on the property of another  
4 person with the effect of reducing privacy, hindering sleep, or  
5 creating an unattractive appearance to the area without the  
6 permission of the owner, lessee, or lawful occupant of the  
7 property. The following factors shall be considered for  
8 purposes of determining whether the placement or operation of a  
9 lighting unit is reasonable:

10 (1) The extent to which the lighting unit furthers a  
11 lawful purpose.

12 (2) The severity of the effect upon the property of  
13 another.

14 (3) The general character and use of the properties.

15 (4) The extent to which reasonable mitigation measures  
16 are available.

17 (b) A person convicted of light trespass is guilty of a  
18 petty offense. The penalty is a fine of \$100 if the violation  
19 is not corrected within 10 days of the conviction.

20 Section 20. Dark areas.

21 (a) Designation. The Environmental Protection Agency may  
22 identify and designate, as dark areas, areas of this State  
23 which are especially suitable for astronomical observations or  
24 which provide nocturnal benefits to flora and fauna due to  
25 their darkness.

26 (b) Proposed plan. The Environmental Protection Agency  
27 shall submit a proposed plan to preserve any areas designated  
28 as dark areas to the Governor and the General Assembly within  
29 18 months of the designation of the area as a dark area.