

HOUSE BILL REPORT

HB 1069

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to light pollution.

Brief Description: Restricting light pollution.

Sponsors: Representatives Hunt, Kagi, Nelson, Van De Wege, Hasegawa, Williams, Dunshee, McCoy, Appleton, Liias, Takko, Simpson, Darneille, Rolfes, Dickerson, Kenney, White and Chase.

Brief History:

Committee Activity:

Local Government & Housing: 1/15/09, 2/5/09 [DPS].

Brief Summary of Substitute Bill

- Declares an intent to require the best technology available in all exterior lighting in order to reduce energy consumption and protect the nighttime environment.
- Requires the State Building Code Council to work with interested parties to develop recommendations to address light pollution and present findings to the Legislature.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Cox and Short.

Staff: Sara del Moral (786-7291) and Thamas Osborn (786-7129)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State Building Code Council.

The State Building Code Advisory Council (Council) was created by statute in 1974 to provide analysis and advice to the Legislature and the Office of the Governor on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements in Washington by reviewing, developing, and adopting the state building code.

Outdoor Lighting Regulations.

To conserve energy consumed by new and replacement exterior lighting, state law prohibits:

- signs illuminated by flashing or moving lights in commercial or industrial areas; and
- signs which cause glare or impair the vision of drivers of motor vehicles.

Summary of Substitute Bill:

The Director of the State Building Code Council (Council) must:

- work with interested parties to develop recommendations for a draft code to address light pollution from luminaires; and
- report these recommendations to the Legislature by November 25, 2009.

However, the Council is not required to develop recommendations addressing:

- temporary lighting for construction projects;
- temporary emergency lighting used by emergency services;
- hazard warning luminaires required by federal law and federal regulatory agencies;
- seasonal and decorative lighting displays using multiple low-wattage bulbs;
- navigation lights used for marine and aviation safety; or
- historical buildings.

Substitute Bill Compared to Original Bill:

The substitute bill:

- deletes all sections except the intent section, which is modified;
- lists types of lighting exempted from the council's consideration; and
- requires the State Building Code Council to:
 - work with interested parties to develop recommendations for a draft code addressing light pollution; and
 - present a report on findings to the Legislature by November 25, 2009.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 6, 2009.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Astronomy is a way to interest kids in science. The educational system is deficient in this area. Kids are amazed and interested when they see a planet for the first time. They can't see stars and planets in urban areas because of light pollution.

Large amounts of money are wasted each year illuminating the sky. The cost of shielded fixtures is minimal compared to the cost of energy to operate a fixture. Money already budgeted for energy costs could be used for installation of shielded fixtures.

Amateur astronomers have a hard time seeing the stars. Most Americans can't see the Milky Way. Skies are getting brighter and brighter. Without regulation, this won't stop.

Light pollution causes problems for wildlife. It disrupts migration and breeding, especially for birds. Compared to other pollution problems, this problem is easily remedied.

(With concerns) Standards shouldn't be overly restrictive. When lighting athletic facilities, park owners should also be community stewards. Large play areas in city parks would be hard to light under the proposed standards.

(Opposed) The Department of Transportation (DOT) is already taking steps to reduce energy use. Safety would be a concern. Lower levels of light are a problem for older drivers. It would cost the DOT over \$15 million to replace lighting to standards. There isn't enough time for the DOT to replace all lighting by 2020.

Ball parks have taken voluntary steps to reduce energy use. Upwardly directed lighting is necessary for safety and to keep light on the ball. Ads in ball parks require backlighting; ad money would be lost. Hours for games would be limited. Workers stay all night after games; they need light to work.

There would be a strong fiscal impact on city parks departments. In this recession, city parks departments don't have money to replace lights.

Construction and operating costs would increase for retail stores.

This would greatly increase costs for advertising sign companies. Fully shielded lights don't work on ad signs. The ad industry would lay off workers.

The state should adopt the International Conservation Energy Code, rather than its own energy code.

This would greatly increase costs for banks that light automated teller machines at night. Dim lighting would be unsafe for customers.

This issue is better addressed at the local level.

Persons Testifying: (In support) Representative Hunt, prime sponsor; Ray Stinson, Jim Pletsch and Dave Armstrong, Tacoma Astronomical Society; Chad Ellington, Pierce College; John Schneider, Acuity Lighting; Edward Mannery, Friends of Gas Works Park; Bruce Weertman, Dark Skies Northwest; Chris Fote, Sparling Seattle; and Miguel Perez-Gibson, Climate Solutions and Audubon Washington.

(With concerns) John Neff, Washington State Building Code Council; Mark Allen, Washington Association of Broadcasters; Bart Waldman, Seattle Mariners; Genesee Adkins, City of Seattle; and Andrea Clay, Washington Recreation and Parks Association.

(Opposed) Dillon Auyoung, Washington State Department of Transportation; Mark Johnson, Washington Retail Association; Olivia Voigts, Clear Channel; Michael Lane, Lighting Designs Lab; Paul Bevendt, Icone Group; Holly Chisen, Ski Washington; and Robin Appleford, First and Goal.

Persons Signed In To Testify But Not Testifying: None.