

**§708. Highway lighting**

**1. Definitions.** All definitions in Title 5, section 1769, subsection 1 apply in this section. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Transportation. [PL 1991, c. 481, §2 (NEW).]

B. "Roadway lighting" means lighting that is specifically intended to illuminate roadways for automobiles but does not mean lighting intended to illuminate roadways only for pedestrian purposes. [PL 1991, c. 481, §2 (NEW).]

[RR 1995, c. 1, §12 (COR).]

**2. Permanent outdoor luminaires.** A person may not use any state funds to install or replace any permanent outdoor luminaire unless:

A. The luminaire is a full cutoff luminaire when the rated output of the luminaire is greater than 1,800 lumens; [PL 1991, c. 481, §2 (NEW).]

B. The illuminance from a luminaire or a system of luminaires does not exceed the minimum illuminance recommended by the federal Department of Transportation for that purpose; [PL 1991, c. 481, §2 (NEW).]

C. For roadway lighting, the commissioner determines that the purpose of the lighting installation or replacement can not be achieved by any of the following means:

(1) Reduction of the speed limit in the area to be lighted; or

(2) Installation of reflectorized roadway markers, lines, warnings or informational signs; and [PL 1991, c. 481, §2 (NEW).]

D. The commissioner ensures that consideration is given to minimizing glare and light trespass. [PL 1991, c. 481, §2 (NEW).]

[PL 1991, c. 481, §2 (NEW).]

**3. Exceptions.** Exceptions from the provisions of this section are permitted only when:

A. Federal laws, rules and regulations take precedence over these provisions; [PL 2005, c. 482, §1 (AMD).]

B. The commissioner determines that there is a compelling safety interest that can not be addressed by any other method; or [PL 2005, c. 482, §1 (AMD).]

C. The commissioner determines that a lighting installation is related to a department bridge project of state and regional significance and is supported by municipalities directly affected by the installation. [PL 2005, c. 482, §1 (NEW).]

[PL 2005, c. 482, §1 (AMD).]

**SECTION HISTORY**

RR 1991, c. 1, §31 (RNU). PL 1991, c. 481, §2 (NEW). RR 1995, c. 1, §12 (COR). PL 2005, c. 482, §1 (AMD).

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