



## **CITY OF ANN ARBOR, MICHIGAN**

**Public Services Area / Engineering**  
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*Transmitted by Email*

Mark Baker, President  
Soft Lights Foundation  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

Dear Mr. Baker:

This letter is in response to your January 7, 2024 email communication requesting an accommodation under the Americans with Disabilities Act (ADA). You indicate that you are concerned that the City of Ann Arbor's LED streetlight Conversion Project discriminates against you because you have a qualified disability, Autism Spectrum Disorder, and LED streetlights will cause you neurological harm. You request that the City accommodate you by not installing LED streetlights.

The American with Disabilities Act requires that the City provide reasonable accommodations for people with disabilities to have access to its programs, services, and activities. Your request for the City to discontinue the LED Streetlight Conversion Project does not provide any specific information of how the Project will deny you any such access so that the City might consider a reasonable accommodation. In other words, how will the installation of these specific LED lights prevent you from participation in or benefitting from the services, programs, or activities of the City? The City is denying your request for an accommodation, as we have not been provided sufficient information to consider such a request.

Furthermore, the ADA requires that although a public entity must generally make reasonable accommodations to avoid discrimination against persons with disabilities, it need not modify a policy if it would fundamentally alter the nature of the program, service, or activity. Fundamental alteration is something that would change the essential nature of the entity's programs or services. The City's LED Streetlight Conversion Project is a project that advances the City's long-term goals outlined in the City's A2Zero Action Plan in response to Ann Arbor City Council's declaration of a climate emergency. Halting the project would require the City to fundamentally alter the nature

of its program. LED replacement is an important component of the City's overall plan to reduce greenhouse gas emissions, while maintaining lighting for visibility and safety. Converting to LED's provides additional benefits such as reduced maintenance costs, reduced light pollution and wildlife impacts, and energy savings.

For your information, the City previously replaced all of its traffic signals with LEDs, as well as a majority of its streetlights. The lights that are being converted now, as part of the LED Streetlight Conversion Project, are owned and maintained by DTE Energy, who responded to your concerns about LEDs previously in their September 25, 2023 letter, which stated: "DTE is in full compliance with all applicable laws and regulations including those promulgated by the FDA."

The City of Ann Arbor is committed to providing accommodations where they are warranted consistent with the ADA. Should you need a reasonable, specific, disability-related accommodation to a program, service, or activity in Ann Arbor, we would be happy to evaluate your request to determine an appropriate accommodation.

Sincerely,

Cyrus Naheedy

Project Manager

cc: Tracy Byrd, Accessibility Coordinator

Kevin McDonald, Chief Deputy City Attorney