

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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February 29, 2024

File No.: 1.15584.21449.062 2024 02034

Mr. Mark Baker, President
Soft Lights Foundation
9450 SW Gemini Drive PMB 44671
Beaverton, OR 97008

Dear Mr. Baker,

This letter is in response to your January 30, 2024, Petition for Rulemaking to Regulate Sirens and Flashing Lights on Ambulances (Petition), submitted pursuant to Section 11340.6 of the California Government Code (GC), which requests the California Highway Patrol (Department) promulgate regulations to prohibit the use of flashing lights and limit the performance of sirens used on ambulances by adopting proposed California Code of Regulations (CCR), Title 13, Section 1110. Attachment A is a copy of the full Petition. The commissioner's authority to promulgate regulations as determined necessary for the public health and safety regarding the operation, equipment, and certification of drivers of all ambulances used for emergency services is per Section 2512 of the California Vehicle Code (CVC). Specifically, the Soft Lights Foundation is requesting the Department "*to prohibit or restrict the use of high intensity flashing lights and loud sirens to ensure first responder, patient, and public comfort, health, safety, and civil rights.*"

Per the Petition:

Soft Lights Foundation "*request[s] that the California Highway Patrol adopt and publish the following regulations to protect the comfort, health, safety, and civil rights of patients, first responders, and the public:*

CCR, Title 13, Division 2, Chapter 5, Article 1, Section 1110 – Lights and Sirens

1110(a): Sirens

- (1) The use of ambulance sirens shall be limited to a maximum of 80 decibels.*
- (2) Sirens shall be directed towards the front of the vehicle, restricting sound to the sides and rear of the vehicle. Omni-directional sirens are prohibited.*
- (3) Siren use shall be limited to a specific need during travel; continuous operation during travel or while stationary is prohibited.*

1110(b): Emergency Lights

- (1) Ambulance warning lights shall be static. Flashing lights are prohibited.*



(2) Lights that trigger seizures, migraines, panic attacks or other adverse neurological impacts, which impair vision or cognitive functioning, or which create a discriminatory barrier, are prohibited."

The Department appreciates the sentiment of the petition; however, after thorough review and careful consideration, the Department is denying the request because the Department believes that existing regulations pertaining to safety equipment and the safe operation of ambulances by emergency medical service providers are necessary for the protection of public health and safety. The proposed regulations also lack sufficient clarity as required by CCR, Title 1, Section 16, and are inconsistent with the legislative intent of Section 11340 GC and Section 2512 CVC. The operation of an ambulance responding to an emergency call, or otherwise operating during an emergency, is an inherently dangerous endeavor, sometimes requiring an operator to drive in a manner which may conflict with traffic laws. Consequently, it is imperative to the safety of the public, as well as the occupants in the ambulance, that an ambulance operating in this manner be highly visible to other drivers and pedestrians. Section 21055 CVC exempts authorized emergency vehicles, including ambulances, from following specified traffic laws when responding during emergencies, provided the "driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians." Additionally, the California Legislature authorizes the use of additional flashing and colored lights on authorized emergency vehicles, including ambulances, expressly for the purpose of making those vehicles more easily recognized and highly visible during emergency operations.

Notwithstanding the need for an ambulance to be highly visible, the Department believes that the use of lights and sirens on ambulances should not be indiscriminate. This sentiment is reflected in existing regulations, previously promulgated under CCR, Title 13, Section 1105, which place restrictions on the use of lights and sirens on ambulances. An ambulance driver is prohibited from using a siren and red warning light when traffic is congested to the point that "increased ambulance speed and right-of-way cannot be gained thereby." (See Cal. Code of Regs., Title 13, Section 1105.) Additionally, the use of sirens and red warning lights are limited only to those instances when "responding to an emergency call or when engaged in emergency services...and when speed in transporting the patient to an emergency medical care facility appears essential to prevent loss of life, undue suffering, or to reduce or prevent disability." (See Cal. Code of Regs., Title 13, Section 1105.)

The Department is committed to providing the highest level of Safety, Service, and Security, and has sought to achieve a balance between the essential duty of first responders to preserve life and the need to protect the public. Pursuant to these considerations, the Department has adopted regulations, as authorized by Section 2512 CVC, to promote public health and safety while enabling emergency medical responders to fulfill their duty to the people of California.

The legislature provides in Section 2512 CVC, "[i]t is the intent of the Legislature that regulations adopted by the commissioner pursuant to this section shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas." Consistent with the legislature's intent, the Department is also mindful about taking action that may have an effect of

limiting the availability of compliant emergency medical service providers who are essential to providing necessary life-saving measures for members of the public.

The proposed regulations lack clarity because the regulations use terms which do not have meanings generally familiar to those who are legally required to comply with the regulations and those terms are neither in the regulations nor in the governing statute and would not be readily understandable by the licensed ambulance industry who would be directly affected by the regulations proposed in the petition. The complexity and lack of clarity could place privately operated ambulance companies at a distinct disadvantage since it would require the expenditure of resources to hire technical experts to advise on subjective terms in the proposed regulations. Placing small businesses at a distinct disadvantage through the imposition of unclear or unnecessarily complex regulations is inconsistent with the intent of Section 11340 GC et. seq. Additionally, ambiguities in the proposed regulations would be subject to broad interpretation by industry consultants and would likely cause inconsistencies in industry light and siren practices. Inconsistent ambulance industry practices, which do not meet or achieve minimum light and siren standards, pose a public health and safety concern if the motoring public may be unable to recognize and respond appropriately to ambulances operating in an emergency.

I appreciate the opportunity to assist you with this matter. The Department will make a copy of your petition available to any interested party. Please contact our Commercial Vehicle Section with any questions regarding this letter, and any request to obtain a copy of the petition, at (916) 843-3400.

Sincerely,

A handwritten signature in black ink that reads "K. M. Davis". The signature is written in a cursive, flowing style.

K. M. DAVIS, Chief
Enforcement and Planning Division

Enclosures

cc: Office of Administrative Law