

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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September 11, 2024

File No.: 60.15426.21449.062 2024 08053

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 August 12, 2024¹, Petition to Prohibit Supplemental LED Flashing Lights on Motor Vehicles.

Per the Soft Lights Foundation petition dated August 12, 2024:

Petitioner "request[s] that the Commissioner of the California Highway Patrol issue regulations to explicitly prohibit the use of supplemental Light Emitting Diode ("LED") flashing lights on motor vehicles to ensure the comfort, health, safety, and civil rights of all individuals, as authorized by California Vehicle Code Section 2402."

"Petitioner requests that the CHP issue regulations which explicitly prohibits the use of supplemental LED flashing lights on vehicles in the California Code of Regulations, Title 13, Division 2, Chapter 2 – Lighting Equipment."

The enclosed August 12, 2024, request was submitted pursuant to Section 11340.6 of the California Government Code (GC).

The Department appreciates the sentiment of the petition; however, after thorough review and careful consideration, the Department is denying the request, in whole, for the following reasons:

1). The Department believes that existing regulations pertaining to safety equipment and the safe operation of emergency vehicles during emergency operations, and to other vehicles required to display flashing lights, such as tow, utility, and garbage trucks, are necessary for the protection of public health and safety.

¹ CHP previously responded to a Petition for Rulemaking to Regulate Sirens and Flashing Lights on Ambulances submitted by Soft Lights Foundation on January 30, 2024.



2). The August 12, 2024, petition fails to comply with Government Code Section 11340.6 since it lacks sufficient clarity with respect to the specific action requested and affected regulation(s). Additionally, while it is true that Section 2402 of the California Vehicle Code (CVC) authorizes the Commissioner of the Department to “make and enforce such rules and regulations as may be necessary to carry out the duties of the [D]epartment,” Section 26103 CVC mandates that the Department “adopt regulations for lighting devices permitted by [the CVC]” The regulations under California Code of Regulations, Title 13, Division 2, Chapter 2 – Lighting Equipment, cite Section 26103 CVC as the authorizing statute, and any action taken with regards to these regulations would more appropriately be undertaken under the authority granted by Section 26103 CVC.

3). The petition *“requests that the CHP issue regulations which explicitly prohibits the use of supplemental LED flashing lights on vehicles in the California Code of Regulations, Title 13, Division 2, Chapter 2 – Lighting Equipment”* and *“request[s]... the California Highway Patrol issue regulations to explicitly prohibit the use of supplemental Light Emitting Diode (“LED”) flashing lights on motor vehicles to ensure the comfort, health, safety, and civil rights of all individuals, as authorized by California Vehicle Code Section 2402.”* Both proposals lack sufficient clarity as required by the California Code of Regulations, Title 1, Section 16, since the proposals 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 governing statute and would not be readily understandable by the regulated community.

4). The petition is inconsistent with the legislative intent of GC Section 11340 and seeks regulatory action which would be inconsistent with Division 12, Chapter 2, Article 7 (Flashing and Colored Lights), of the CVC. Specifically, the petitioner’s reliance on Section 25250 CVC to assert that all flashing lights are prohibited is misguided. Under Section 25250 CVC, flashing lights are prohibited, “except as otherwise permitted.” Sections 25251 (general exemptions), 25253 (tow truck exemption), 25256 (highway authority and bridge and highway district exemption), 25258 (emergency vehicle exemption), 25259 (emergency vehicle exemption), 25260 (public utility exemption), and 25280 (garbage, rubbish, or refuse vehicle exemption) CVC represent just a small sample of the various statutes in Article 7 that specifically authorize the use of flashing lights on specified vehicles. Therefore, the Petitioner’s request for regulations prohibiting the use of flashing lights “on vehicles” is inconsistent with the CVC. Furthermore, it is imperative to the safety of the public, as well as first responders, that emergency vehicles be highly visible to other drivers and pedestrians when engaged in emergency operations. The California Legislature authorizes the use of additional flashing and colored lights on authorized emergency vehicles expressly for the purpose of making those vehicles more easily recognizable and highly visible during emergency operations. Vehicles such as garbage, utility, and tow trucks also must be easily recognizable and highly visible when engaged in statutorily authorized activities on the roadway, when moving at a slower speed than the normal flow of traffic, or otherwise responding to situations requiring them to be in the roadway.

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. I appreciate the opportunity to assist you with this matter. The Department will make a copy of your petition and this denial available to any interested party.

Please contact our Commercial Vehicle Section with any questions regarding this letter or requests to obtain a copy of the petition, at (916) 843-3400.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. M. Davis". The signature is fluid and cursive, with the first name "K. M." and the last name "Davis" clearly distinguishable.

K. M. DAVIS, Chief
Enforcement and Planning Division

Enclosure

cc: Office of Administrative Law