

May 29, 2025

BY WEBFORM

Sean Duryee, Commissioner
California Highway Patrol
SDuryee@chp.ca.gov

Re: Appeal - Petition to Regulate Auxiliary LED Flashing Lights

Dear Sean Duryee,

On April 28, 2025, the Soft Lights Foundation and Mark Baker jointly submitted a Petition to Regulate Auxiliary LED Flashing Lights ("Petition") to the California Highway Patrol ("CHP") pursuant to Cal. Gov. Code § 11340.6. The petition was denied by the CHP on May 20, 2025, asserting that the petition did not clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested. We disagree with the CHP's reasoning for the denial and submit this request for reconsideration pursuant to Cal. Gov. Code § 11340.7(c).

The Petition stated "Petitioner requests that the CHP develop and publish limits on luminance, radiance, and digital flashing characteristics for auxiliary LED flashing lights on vehicles in the California Code of Regulations Title 13, Division 2, Section 2, Article 22, Section 817 – Photometric Test Requirements within 365 days of receipt of this petition."

Government Code 11340.6 states that a Petitioner must state the following clearly and concisely: (a) The substance or nature of the regulation, amendment, or repeal requested. (b) The reason for the request. (c) Reference to the authority of the state agency to take the action requested. The CHP denial letter does not explain how Petitioner's request is not clear and concise.

- (a) The substance of the petition is a request for regulation of auxiliary LED flashing lights on vehicles.
- (b) The reasons for the request are: 1) auxiliary LED flashing lights that impair the effectiveness of federally required vehicle lighting equipment are illegal under 49 C.F.R. § 571.108(S6.2.1); 2) Cal. Veh. Code § 25250 prohibits flashing lights on vehicles unless explicitly permitted; 3) the CHP has not established photometric test requirements for auxiliary LED flashing lights to ensure first responder and public safety; 4) Auxiliary LED flashing lights have been reported to cause seizures, migraines, panic attacks, eye pain, impaired vision, and reduced cognitive abilities; 5) Research shows that auxiliary LED flashing lights increase the risk of injury or death to first responders and the public.
- (c) Cal. Veh. Code § 2402 provides the authority of the CHP to promulgate rules.

In Cal. Code Regs. Tit. 13 § 817, the CHP has established photometric requirements for five technologies: a) Steady Burning, b) Flashing Warning Controlled by Electrical Current, c) Revolving

Warning, d) Oscillating Warning Lamps, e) Gaseous Discharge Lamps. Cal. Veh. Code § 25250 prohibits flashing lights on vehicles unless explicitly permitted. Since the CHP has not explicitly permitted LED technology via photometric test requirements, the use of flashing LED light technology is currently prohibited. The CHP has provided no explanation as to why the CHP has not established photometric test requirements for LED technology.

The Petitioner therefore respectfully requests either approval of the Petition or a detailed explanation using reasoned decision making as to why the CHP chooses not to establish photometric requirements for LED technology to ensure first responder and public safety and to ensure compliance with 49 C.F.R. § 571.108(S6.2.1) and Cal. Veh. Code § 25250.

Sincerely,

/s/ Mark Baker
Individual

/s/ Mark Baker
President
Soft Lights Foundation
mbaker@softlights.org