

ELECTRONICALLY FILED

Superior Court of California
County of Sacramento

06/30/2025

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Pro Se

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
SACRAMENTO COUNTY

MARK BAKER,

Petitioner,

vs.

CALIFORNIA DEPARTMENT OF

TRANSPORTATION AND DOES 1-20

Respondents.

Case No.: 25WM000122

PETITION FOR DECLARATORY RELIEF
AND WRIT OF MANDATE

Cal Veh. Code §§ 25250, 24005, Cal. Code
Regs. Tit. 13 § 817, Cal. Civ. Proc.1085

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I. INTRODUCTION

1. California Vehicle Code Section 25250 states, “Flashing lights are prohibited on vehicles except as otherwise permitted.” California Code of Regulations, Title 13 Section 817 establishes the photometric requirements for those flashing light technologies that are “otherwise permitted”. Flashing lights that use Light Emitting Diodes (“LEDs”) that alternate on and off by controlling the voltage are not listed in Cal. Code Reg. title 13 § 817, and thus the use of auxiliary LED flashing lights on vehicles has not been “otherwise permitted” and is thus prohibited under Cal. Veh. Code § 25250.

2. Cal. Veh. Code § 24005 states that it is unlawful to install or replace lighting equipment that is not in conformity with regulations. Despite the clarity of these regulations prohibiting the installation and use of auxiliary LED flashing lights on vehicles, the California Department of Transportation (“Caltrans”) purchases, installs, and operates illegal auxiliary LED flashing lights on Caltrans vehicles.

3. This petition seeks to have the Court declare that auxiliary LED flashing lights on vehicles have not been “otherwise permitted” and to compel Caltrans to refrain from installing and operating auxiliary LED flashing lights on Caltrans vehicles.

II. PARTIES

4. Petitioner MARK BAKER is the Founder and President of the Soft Lights Foundation, a registered 501(c)(3) non-profit corporation dedicated to the protection of individuals and the environment from the harms of LED lights and is a resident of California. Petitioner files this complaint In Pro Per.

5. Petitioner suffers severe trauma when exposed to LED flashing lights and has submitted multiple requests for accommodation to Caltrans under the Americans with

1 Disabilities Act, all of which have been denied by Caltrans. Petitioner has also submitted
2 multiple injury claims to Caltrans, all of which have either been denied or ignored. Thus,
3 the Petitioner has exhausted all administrative remedies, and Petitioner therefore seeks this
4 extraordinary relief through the Court via this Petition.

5 6. Respondent CALIFORNIA DEPARTMENT OF TRANSPORTATION is a State of
6 California public agency.

7 7. Petitioner does not know the true names and capacities, whether individual,
8 corporate, associate, or otherwise, of Respondents DOE 1 through DOE 20, inclusive, and
9 therefore sues said Respondents under fictitious names. Petitioner will amend this Petition
10 to show their true names and capacities when they are known.

11 **III. JURISDICTION AND VENUE**

12 8. This Court has jurisdiction over the matters alleged in this Petition pursuant to Code
13 of Civil Procedure section 1085(a) which states, "A writ of mandate may be issued by any
14 court to any inferior tribunal, corporation, board, or person, to compel the performance of
15 an act which the law specially enjoins, as a duty resulting from an office, trust, or station,
16 or to compel the admission of a party to the use and enjoyment of a right or office to which
17 the party is entitled, and from which the party is unlawfully precluded by that inferior
18 tribunal, corporation, board, or person."

19 9. Because this is an action or proceeding against an agency that operates in
20 Sacramento County, venue is proper in this Court.

21 10. Petitioner has performed any and all conditions precedent to filing this instant
22 action and has exhausted any and all available administrative remedies to the extent
23 required by law.

11. Petitioner has no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to compel Caltrans to comply with its ministerial duties under the law. In the absence of such remedies, Caltrans employees, the public, and individuals with disabilities, including Petitioner, will suffer irreparable harm.

12. The maintenance of this action is for the purpose of enforcing important public policies of the State of California with respect to protecting the health, safety, and civil rights of employees, first responders, the public, and individuals with disabilities. The maintenance and prosecution of this action will confer a substantial benefit upon the Petitioner and the public by protecting the public from health and safety harms and discrimination alleged in this Petition. The Petitioner is acting as a private attorney general, under the private attorney general doctrine, to enforce these public policies and prevent such harm.

IV. STANDING

13. California recognizes, through case law and statute, citizen standing. Citizen standing is the doctrine that the illegal action of a governmental entity injures a citizen's interest in the laws being observed, and that this interest can form the basis of an action seeking to correct the illegality. (*Common Cause v. Bd. of Supervisors* (1989) 49 Cal. 3d 440)

14. The Petitioner is a resident of California and has traveled extensively throughout California. The Petitioner has suffered severe neurological and psychological trauma

1 numerous times from exposure to auxiliary LED flashing lights on vehicles. Thus, the
2 Petitioner has a beneficial interest in this issue. (Cal. Code of Civ. Proc., § 1086).

3 15. The maintenance of this action is for the purpose of enforcing important public
4 policies of the State of California with respect to the protection of public health, safety, and
5 civil rights. The maintenance and prosecution of this action will confer a substantial public
6 benefit by protecting the public from the adverse impacts of illegal auxiliary LED flashing
7 lights. The Petitioner is the President of the Soft Lights Foundation and advocates for the
8 protection of individuals who are adversely impacted by LED light. Thus, the Petitioner
9 has standing for this case due to the Public Interest Exception. (*Board of Social Welfare v.*
10 *County of Los Angeles* (1945) 27 Cal. 2d 101, *Green v. Obledo* (1981), *Dix v. Superior*
11 *Court* (1991), *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011))

12 16. The Petitioner has taxpayer standing under Code of Civil Procedure § 526a.

13 17. The Petitioner is acting as a private attorney general under California Code of
14 Regulations § 1021.5 to enforce these public policies.

15 16 **V. STATEMENT OF FACTS**

17 18 **A. Light Emitting Diodes**

19 18. A Light Emitting Diode (“LED”) is a device that emits Visible Light radiation from a
20 semiconductor. LEDs can have far higher intensity than traditional light sources such as a
21 tungsten filament light bulb. The U.S. Department of Energy states that LEDs are a
22
23

1 “radically new technology” that emit a “directional” light with “unique characteristics.”¹

2 LEDs can be made to flash by turning the voltage on and off. Since LEDs turn on and off
3 almost instantly, the resulting flashing is digital in nature. It is an LED’s small size, high
4 intensity, and digital flashing that makes LED flashing lights on vehicles hazardous,
5 dangerous, and discriminatory.

6 19. The US Food and Drug Administration is the responsible agency for regulating LED
7 products as per 21 U.S.C. Part C. However, the FDA has failed to comply with the
8 requirements of 21 U.S.C. Part C and thus there are no federal performance standards for
9 LED products. The FDA has not tested or evaluated LED products, and the FDA has not
10 published any limits on luminance, radiance, spectral power distribution, spatial
11 distribution, square wave flicker, or digital flashing characteristics to ensure that LED light
12 is safe for humans and the environment.

13 20. Figure 1 shows an example of intense LED flashing lights on a Caltrans vehicle. The
14 intensity of the source light from an LED is called luminance, which is measured in
15 candela per square meter or nit. The human eye has a bi-convex lens that recreates the
16 intensity of the light onto the retina, which in turn sends these intensity and flashing signals
17 to the brain. A direct view of the high intensity and digital flashing interferes with vision
18 and cognitive functioning and interferes with the effectiveness of federally required vehicle
19 lighting equipment by obscuring the required lighting equipment.

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23
¹ https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl_lessons-learned_2014.pdf



Figure 1 – CalTrans LED Flashing Lights²

B. Auxiliary Flashing Light Codes and Regulations

21. The federal government under the National Highway Traffic Safety Administration (“NHTSA”) does not directly regulate auxiliary flashing lights on vehicles. However, NHTSA has published multiple Letters of Interpretation (RJN, Exhibit A, NHTSA letter of interpretation) which expresses that NHTSA believes that auxiliary flashing lights are a safety hazard and not legal because of 49 C.F.R. § 571.108(S6.2.1) which states, “No additional lamp, reflective device, or other motor vehicle equipment is permitted to be installed that impairs the effectiveness of lighting equipment required by this standard.”

² <https://www.youtube.com/watch?v=JCUISeTmAF4>

1 22. The California Vehicle Code is even more explicit. Cal. Veh. Code § 25250 states,
2 “Flashing lights are prohibited on vehicles except as otherwise permitted.” Thus, in
3 California, the only instance where a flashing light is not prohibited is when there is an
4 explicit reference in the codes that “otherwise permit” a flashing light on a vehicle.

5 23. The California Highway Patrol (“CHP”) has evaluated and published photometric
6 requirements for five technology categories for warning lamps in Cal. Code Regs. Tit. 13 §
7 817. The photometric requirements for warning lamps are as follows: (a) Steady Burning
8 or Flashing Warning Controlled by Electrical Current, b) Revolving Warning Lamps, c)
9 Oscillating Warning Lamps, d) Gaseous Discharge Lamps.

10 24. Cal. Code Regs. Tit. 13 § 817(e) states, “Alternative Technologies. Nothing in this
11 standard shall be construed to prohibit the use of any appropriate technology for light
12 sources **provided the appropriate photometric and other requirements for the type of**
13 **lamp are met.** Steady-burning warning lamps, and flashing lamps which alternate between
14 on and off by interrupting the electrical current to the lamp, shall meet the photometric
15 requirements of Class A, B, C or D as shown in Table I. Warning lamps which approximate
16 or simulate the appearance of revolving warning lamps shall meet the photometric
17 requirements of Table II. Warning lamps which approximate or simulate the appearance of
18 oscillating warning lamps shall meet the photometric requirements of Table III.”
19 [emphasis added.]

20 25. As is clear from Cal. Code Regs. Tit. 13 § 817, the CHP does recognize that
21 alternative technologies such as LEDs may be invented from time to time, but any
22 alternative technology must meet the appropriate photometric requirements. The CHP has
23 not established any photometric requirements for any technology which turns on and off by

1 voltage and has not established any photometric requirements for LED technology.

2 Therefore, LED technology has not been “otherwise permitted” under Cal. Veh. Code §
3 25250, and thus the use of auxiliary LED flashing lights on vehicles is prohibited.

4 26. As per the legal maxim *Expressio Unius Est Exclusio Alterius*, the existence of
5 photometric requirements for Steady Burning, Flashing Warning Controlled by Electrical
6 Current, Revolving Warning, Oscillating, and Gaseous Discharge Lamps permits those
7 technologies for use as auxiliary flashing lights, but excludes technologies for which no
8 performance standards have been established, such as LED technology.

9 27. If Caltrans wishes to use LED auxiliary LED flashing light technology, then Caltrans
10 may petition the CHP under Cal. Gov. Code Title 2 § 11340.6. If the CHP accepts the
11 petition, proposes and then publishes new regulations to permit auxiliary LED flashing
12 lights on California vehicles, then Caltrans would be able to use auxiliary LED flashing
13 lights. However, until that process occurs, auxiliary LED flashing lights on vehicles have
14 not been “otherwise permitted” and their use is a violation of Cal. Veh. Code § 25250.

16 **C. Adverse Impacts of LED Flashing Lights**

17 28. The April 17, 2024 research paper titled “High visual salience of alert signals can
18 lead to a counterintuitive increase of reaction times” demonstrates why using intense LED
19 flashing lights is a safety hazard.³ Quote: “However, increasing visual salience did not
20 yield similar benefits: instead, it increased the time between fixating the alert and
21 responding, as high-salience alerts interfered with alert-task execution.”

22
23 ³ <https://www.nature.com/articles/s41598-024-58953-4>

29. On June 23, 2025, an officer with the Los Angeles Police Department was killed while using rear amber lights.⁴ On June 17, 2024, a Tesla vehicle in self-driving mode crashed into a police vehicle that was operating flashing lights.⁵ On April 27, 2024, an officer in Louisiana was killed while using flashing lights.⁶

30. It is likely that the lights that were in use when the officers were killed were high-luminance LED lights that were turning on and off using voltage. Thus, there is good reason to prohibit the use of intense, flashing lights that alternate between on and off using voltage until such lights have been vetted for safety, photometric standards established, and then legally permitted for use in the California codes.

D. Petitioner Injuries

31. The Petitioner has suffered repeated severe psychological and neurological trauma from exposure to auxiliary LED flashing lights on vehicles, some of which have been reported to the US Food and Drug Administration via the Soft Lights Foundation. (EXHIBIT A).

E. Petitioner Administrative Actions

32. On October 10, 2023, Petitioner notified Caltrans of a severe psychological event involving Caltrans auxiliary LED flashing lights and Petitioner requested ADA

⁴ <https://www.cbsnews.com/losangeles/news/southbound-405-freeway-brentwood-deadly-crash/>

⁵ <https://www.fox5dc.com/news/tesla-self-drive-mode-crashes-police-vehicle-california>

⁶ <https://lsp.org/community-outreach/news/commercial-motor-vehicle-strikes-and-kills-dubach-police-officer-on-us-167/>

1 accommodation. (EXHIBIT B). On October 18, 2023, Caltrans denied the request for ADA
2 accommodation. (EXHIBIT C).

3 33. On June 17, 2024, Petitioner submitted an injury claim form to Caltrans (EXHIBIT
4 D). On September 30, 2024, Caltrans denied another Petitioner ADA request for
5 accommodation (EXHIBIT E).

6 34. On November 6, 2024, Petitioner submitted another injury claim form to Caltrans
7 (EXHIBIT F). Caltrans rejected this claim on November 20, 2024 (EXHIBIT G).

8 35. On January 8, 2025, Petitioner, as President of the Soft Lights Foundation, notified
9 Caltrans that auxiliary LED flashing lights are prohibited. (EXHIBIT H).

10 36. On February 2, 2025, Petitioner submitted another injury claim form to Caltrans
11 (EXHIBIT I).

12 37. On April 25, 2025, Caltrans denied Petitioner's ADA claims with a Final Decision.
13 (EXHIBIT J).

14 38. The Petitioner has exhausted all administrative remedies with Caltrans prior to filing
15 this Petition for Writ of Mandate.

16 17 **VI. FIRST CAUSE OF ACTION**

18 **Declaratory Relief (Code Civ. Proc., § 1060; Cal. Veh. Code § 25250; Cal.** 19 **Code Regs. Title 13 § 817)**

20 39. Petitioner incorporates by reference each and every allegation of the preceding
21 paragraphs.

22 40. Cal. Veh. Code § 25250 states, "Flashing lights are prohibited on vehicles except as
23 otherwise permitted."

41. Cal. Code of Regs. Title 13 § 817 – Photometric Test Requirements ((RJN, EXHIBIT B, Photometric Test Requirements) explicitly permits the following:

Table I: **MINIMUM CANDELA FOR STEADY-BURNING WARNING LAMPS AND FLASHING WARNING LAMPS WHICH ALTERNATE BETWEEN ON AND OFF BY ELECTRICALLY CONTROLLING THE CURRENT**

Table II: **MINIMUM CANDELA FOR REVOLVING WARNING LAMPS**

Table III: **MINIMUM CANDELA FOR OSCILLATING WARNING LAMPS**

Table IV: **MINIMUM CANDELA-SECONDS FOR GASEOUS DISCHARGE WARNING LAMPS**

There is no table for LED warning lamps that alternate between on and off by controlling the voltage and thus there is no permission for LED flashing lights on vehicles.

42. Neither the California Legislature nor the California Highway Patrol have “otherwise permitted” LED flashing light technology which turns on and off by controlling the voltage for use on California vehicles, and thus their use is prohibited by Cal. Veh. Code § 25250.

43. Caltrans has refused to acknowledge that auxiliary LED flashing lights have not been “otherwise permitted”.

44. Therefore, the Petitioner requests a declaration from this Court that auxiliary LED flashing lights on vehicles have not been “otherwise permitted.”

VII. SECOND CAUSE OF ACTION

Writ of Mandate (Code Civ. Proc., § 1085; Violation of Cal. Veh. Code § 24005)

45. Petitioner incorporates by reference each and every allegation of the preceding paragraphs.

1 46. Under state law, Caltrans is prohibited from installing lighting equipment that does
2 not comply with state regulations.

3 47. Caltrans installs illegal auxiliary LED flashing lights on Caltrans vehicles, in
4 violation of Cal. Veh. Code § 24005.

5 48. Accordingly, a writ of mandate should be issued compelling Caltrans to refrain from
6 installing auxiliary LED flashing lights on Caltrans vehicles.

7 8 **VIII. THIRD CAUSE OF ACTION**

9 **Writ of Mandate (Code Civ. Proc., § 1085; Violation of Cal. Veh. Code §** 10 **25250)**

11 49. Petitioner incorporates by reference each and every allegation of the preceding
12 paragraphs.

13 50. Under state law, flashing lights on vehicles which have not been “otherwise
14 permitted” are prohibited.

15 51. Caltrans operates illegal auxiliary LED flashing lights on Caltrans vehicles, in
16 violation of Cal. Veh. Code § 25250.

17 52. Accordingly, a writ of mandate should be issued directing Caltrans to cease operating
18 auxiliary LED flashing lights on Caltrans vehicles.

19 20 **IX. RELIEF REQUESTED**

21 53. Petitioner respectfully requests that the Court enter judgment:

22 54. A) Declaring that auxiliary LED flashing lights have not been “otherwise permitted”
23 under Cal. Veh. Code § 25250.

1 55. B) Issuing a writ of mandate compelling the California Department of Transportation,
2 under Cal. Veh. Code § 24005, to refrain from installing auxiliary LED flashing lights on
3 Caltrans vehicles.

4 56. C) Issuing a writ of mandate directing Caltrans to comply with Cal. Veh. Code §
5 25250 and cease operating auxiliary LED flashing lights on Caltrans vehicles.

6 57. D) For costs of the suit;

7 58. E) For Petitioner's attorneys' fees as authorized by Code of Civil Procedure section
8 1021.5 and/or other provisions of law; and

9 59. F) For such other and further relief as the Court deems just and proper.

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12 Dated: June 28, 2025

13 Respectfully Submitted,

14 By: /s/ Mark Baker
15 In Pro Per
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Exhibit A

LED Incident Reports Submitted by Mark Baker

The following injuries to Mark Baker caused by exposure to LED flashing lights on vehicles have been reported to the U.S. Food and Drug Administration via the Soft Lights Foundation website.

February 17, 2025 – Yolo County, CA – Autism

I was driving east on Hwy 16 towards Woodland, when I noticed intense amber LED flashing lights close to a mile ahead. I started to slow down. As I reached the LED flashing lights, the intensity and digital pulsing was unbearable. There were multiple vehicles. The panic started to set in. I covered my eyes with my hands and slowed to less than 20mph, basically trapped by the LED lights.

I crept forward in my car, blocking nearly everything from my sight except for a narrow sliver of road near the center line that I could see. Major panic started to set in as I passed the vehicles, which turned out to be about 3 Yolo County Sheriff's vehicles. After I passed, I glanced back in my rear view mirror and was struck by red and blue LED flashing lights. I let out a scream of agony. I suffered significant emotional trauma from this event.

October 27, 2024 – Los Angeles, CA – Autism

My partner and I took turns driving from Sacramento to San Diego during the day. For the most part, the drive was without incident. At about 4pm, we were in the Los Angeles area.

First, we witnessed the result of a fatality crash, with about 6 emergency vehicles with red LED flashing lights. I was the passenger, and was forced to shield my eyes from the flashing LEDs. Then I was struck at close range by the blue LED lights on a highway patrol car further down the freeway, causing me pain and anxiety.

Around 5pm, the blue-rich LED headlights started appearing, causing me to have to look out the passenger window. Then the blue-rich LED streetlights started turning on, causing me to flinch with each exposure. Then there were blue-rich LED wall packs and floodlights on my right and left which increased my agitation at each exposure.

As the sun set, we exited on a ramp, and tiny yellow LED flashing lights on multiple curve signs struck me directly at close range. After dark, we were inundated with blue-rich LED headlights, blue-rich LED streetlights, blue-rich flood lights, LED business signs, parking lot

lighting, and intense LED red taillights. A commercial truck had red LEDs wrapped around the entire back of the truck.

When we arrived at my mother's house, a place I know well, I was hyper vigilant. Every light was now too bright. Every light was a danger. Everything was too bright. For the first time in my life, I was unable to greet my mother with enthusiasm. I was in shock.

My mother turned off all but one incandescent lamp, but when she asked me if she could turn on one more lamp, I broke down crying. I am now on edge. I am on hyper alert. Every light is an enemy.

October 12, 2024 – Esparto, CA – Autism

I was driving behind a vehicle when it suddenly pulled to the side of the road. Coming towards us was an ambulance with LED flashing lights. I felt like I was electrocuted and was going to go unconscious. I instantly closed my eyes and stopped my car. After a few seconds, a car behind me honked, and when I opened my eyes, the ambulance was already gone. Now I'm suffering the psychological after-effects.

October 11, 2024 – Yolo County, CA – Autism

I was driving East on a County road in the day when a vehicle came towards me with intense, rapidly flashing amber LED lights. I felt panic rushing in and put my arms up to block the assault. Since I now couldn't see the road, I came to a full stop. Then somebody honked a horn. I moved my arms, and saw that the lead truck had passed, but a wide-load mobile home on a truck was inches from the left side of my car. These LED flashing lights are a menace and violation of our civil rights. My anxiety ran high for 30 minutes after the encounter.

September 14, 2024 – Vacaville, CA – Autism

I was driving at dusk when a fire truck or ambulance suddenly appeared with LED lights flashing. I immediately threw both of my arms in front of my face and hit the brakes to stop the car. I thought that this might be the end of my life. The LED flashing lights are sheer terror and I can't function. After the fire truck/ambulance passed by, I felt like I was going to cry from the emotional trauma. My brain then feels like it's dead even hours later.

August 6, 2024 – Winters, CA – Autism

I was driving on a country road in the daytime. Over 1 mile ahead of me was a utility truck on the side of the road with amber LED flashing lights. For the entire mile, I was either glued to these LED flashing lights, or forcing myself to look away. As I approached the truck, the LED strobe lights were overwhelming and I could not see through the lights. I stopped my car in the road and started to panic. I put my hand in front of my right eye, and then tried to use my left eye to navigate around the truck. It is impossible for me to think or see with these LED flashing lights blasting me and I suffer extreme anxiety and panic.

4/21/2024 – Beaverton, OR – Autism

LED flashing lights cause me to suffer severe anxiety, panic attacks, and fear.

From: **Mark Baker** <mbaker@softlights.org>
Date: Tue, Oct 10, 2023 at 7:46 PM
Subject: Fwd: ADA Access Request Received
To: Mark Baker <mbaker@softlights.org>

On October 10, 2023 I was severely emotionally harmed by two CalTrans vehicles on Highway 395 Southbound about 5-10 miles south of Bridgeport which were flashing exceedingly intense LED lights into my eyes. The LED flashing lights so severely impaired my vision that I yelled out to my partner, "I can't see!". I involuntarily closed my eyes. I tried to open them again, but my vision was reduced by about 95%. My cognitive functioning was also severely impaired by the flashing lights. I began suffering a panic attack and started screaming in fear and anger. I contemplated driving off the cliff to commit suicide, but chose not to because of my concern for my partner. I request an accommodation. The accommodation that I request is the Caltrans only use warning lights that are safe for individuals with disabilities such as those with autism, PTSD, migraines, and epilepsy and/or to stop using LED flashing lights. My request is readily achievable because the CalTrans Director can send a letter to CalTrans employees directing them to stop using LED flashing lights and instead use only the OEM flashing lights that come with the OEM vehicle. My request is reasonable because acting to protect CalTrans workers and the public is a reasonable thing to do and because the FDA has not issued performance regulations for LED lights. My request is not an undue cost burden because the cost to implement my request is negligible in comparison to CalTrans annual budget. If CalTrans denies my request, then I request that the denial letter state, "CalTrans offers no recourse for you when being subjected to LED flashing lights on CalTrans vehicles."

From: **ADA Compliance Office@DOT** <ada.compliance.office@dot.ca.gov>
Date: Wed, Oct 18, 2023 at 8:24 AM
Subject: #11270-ADA Access Request
To: mbaker@softlights.org <mbaker@softlights.org>

Dear Mark Baker:

Caltrans ADA Infrastructure Office has completed its investigation of your ADA access request for an accommodation regarding the flashing warning lights on Caltrans vehicles. We have determined that your request does not fall within the purview of ADA infrastructure matters. This office primarily handles complaints related to accessibility barriers such as non-compliant pedestrian facilities which are missing curb ramps, sidewalks that are too narrow for wheelchairs to pass, a lack of detectable warning surface for vision impaired individuals, and inaccessible pedestrian push buttons at traffic signals located on the State Highway System. Therefore, we have forwarded your request to the Caltrans District 9 Public Information Office for further attention to address your concerns. They will be better equipped to assist you with this matter. Should you have further questions on regarding to this matter, we have included contact information of Caltrans District 9 Public Information Office.

Caltrans District 9 Public Information Office
500 S. Main Street
Bishop, Ca. 93514
760-872-5206

Sincerely,

MICHELE BONK
ADA Infrastructure Program Analyst
Caltrans ADA Infrastructure Program

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (Section 552 et seq.) and the Information Practices Act of 1977 (IPA) (Civil Code Sections 1798 et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular.

Use this form to file a claim of \$10,000 or less against the California Department of Transportation for death or personal injury, or for injury to personal property or growing crops. (Government Code sections 911.2, 935.7)

PLEASE: Complete electronically or print or use a typewriter when filling out this form.
Sign and date claim form.
(UNSIGNED AND UNDATED FORMS WILL NOT BE ACCEPTED)

WARNING: GOVERNMENT CODE § 911.2 PROVIDES SIX MONTHS FROM THE DATE OF INCIDENT TO FILE A CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE.

				STATE USE ONLY	
1. NAME: LAST	FIRST	MIDDLE	FILE NUMBER		
Baker	Mark	D.			
HOME ADDRESS		CONTACT PHONE NUMBER	E-MAIL ADDRESS		
17809 County Road 85C		408-455-9233	mbaker@softlights.org		
CITY		STATE	ZIP CODE		
Esparto		CA	95627		
2. IDENTIFY THE SPECIFIC TIME AND DATE FOR THE INCIDENT CAUSING YOUR DAMAGE		TIME OF INCIDENT <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	DATE OF INCIDENT		
		6:00	10-10-2023		
3. STATE THE LOCATION OF THE INCIDENT (COUNTY, HIGHWAY, NEAREST OFF-RAMP, CROSS STREET, OR POSTMILE).					
COUNTY	ROUTE	DIRECTION	POSTMILE	CROSS STREET	
Mono	395	south			

DESCRIBE THE INCIDENT LOCATION (FOR EXAMPLE: "JUST NORTH OF 1ST STREET, IN THE NUMBER 1 LANE")

Mono Lake Vista Point

4. EXPLAIN HOW THE INJURY OR DAMAGE OCCURRED

Two CalTrans vehicles were using intense, digitally flashing LED lights.

5. WHAT DO YOU CLAIM CALTRANS OR ITS CONTRACTOR DID TO CAUSE YOUR INJURY OR DAMAGE?

LED flashing light products are unregulated and are known to cause seizure reactions, impair vision, and interfere with cognitive functioning.

6. WHAT INJURY OR DAMAGE ARE YOU CLAIMING HAPPENED?

Seizure reaction, neurological and psychological trauma, including thoughts of suicide, severely impaired vision and cognitive functioning.

7. WHAT IS THE DOLLAR AMOUNT OF YOUR CLAIM? (SUBMIT TWO ESTIMATES OR ONE PAID RECEIPT)

\$ 12,499

8. INSURANCE INFORMATION	NAME OF INSURER	POLICY NUMBER

HAVE YOU SUBMITTED A CLAIM TO YOUR INSURANCE CARRIER?

☐ YES

☒ NO

IF YES, WERE YOU PAID?

☐ YES

☐ NO

HOW MUCH DID INSURANCE PAY?

\$

9. ARE YOU THE REGISTERED OWNER OF THE VEHICLE/DAMAGED PROPERTY?

☐ YES

☐ NO

MAKE OF VEHICLE	MODEL	COLOR	YEAR	VEHICLE LICENSE NO.

I HEREBY CERTIFY UNDER PENALTY OF PERJURY, THAT THE FOREGOING FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



10. SIGNATURE OF CLAIMANT

Mark David Baker

DATE

6/17/2024

REVERSE SIDE FOR STATE USE AND FILING INFORMATION ON CLAIMS.
INSTRUCTIONS FOR FILLING OUT THIS FORM ARE ON PAGE 3.

**ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (279) 234-2284, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

FOR STATE USE ONLY (BELOW)

DATE CLAIM RECEIVED		REVIEWED BY: DISTRICT CLAIMS OFFICER			AMOUNT APPROVED \$ _____ <input type="checkbox"/>	
<input type="checkbox"/> STATE RESPONSIBILITY	<input type="checkbox"/> TORT FUND/ CONTRACT CONTINGENCY	<input type="checkbox"/> CONTRACTOR RESPONSIBILITY		DENIED <input type="checkbox"/> DENIAL DATE _____		
LOCATION CODING						
DISTRICT		COUNTY		ROUTE	POSTMILE	
COST CODING						
DEPARTMENT	FUND	UNIT	OBJECT	PROJECT NUMBER		PHASE
ITEM		CHAPTER	STATUTES	FISCAL YEAR	SCHEDULE NUMBER	
I hereby certify upon my own personal knowledge that the budgeted funds are available for the period and purpose of the			ACCOUNTING OFFICER SIGNATURE		DATE	

FOR CLAIMS TEN THOUSAND DOLLARS (\$10,000) OR LESS[Select District](#)[Address](#)

CLAIMS OFFICER

District 9

California Department of Transportation

FOR CLAIMS OVER TEN THOUSAND DOLLARS (\$10,000)

You must file a claim with the Government Claims Program in West Sacramento, California.
If you have any questions about claims of more than ten thousand dollars (\$10,000), contact:

Government Claims Program
Office of Risk and Insurance Management
Department of General Services
P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052
Phone: 1-800-955-0045
E-mail: gcinfo@dgs.ca.gov
Website: <http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>

The fact that this brief statement of the initial procedure to be followed in submitting a claim against the State of California, or against any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, has been furnished to you or that an investigation of any claim is undertaken is not to be taken as an admission of liability in any respect on the part of the State of California, or by any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, nor is the fact that this informational statement has been furnished to you to be construed as a waiver of any requirements imposed by the law or of any defense which may be available to the State of California or to any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, in connection with any claim that may be filed.

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

INSTRUCTIONS FOR FORM LD-0274

Please note that failure to complete all sections of the claim form may delay the processing of your claim or result in the return of your claim.

- 1. Claimant's Name and Contact Information:** State the full name, mailing address, e-mail address, and contact telephone number(s) of the person or entity claiming property damage, personal injury, or other loss.
- 2. Date and Time When the Injury/Damage First Occurred:** State the exact month, day, year, and time of the incident giving rise to the claim.
- 3. Location of Incident:** Specify the county, highway number, direction of travel, post mile, nearest exit(s), cross-streets, and any additional information indicating where the incident giving rise to the claim occurred. Providing a map is optional, but advised. The more information you provide, the easier it is for us to assist you. You should also attach a copy of the police report (if one exists) of the incident.
- 4. How Your Injury/Damage Occurred:** Provide complete details about what happened to cause your injury/damages. If you need more space, you may attach additional pages.
- 5. What Do You Claim Caltrans or Its Contractor Did to Cause Your Injury or Damage?** State in detail all facts in support of your claim. Identify all persons or entities involved and why you believe Caltrans or its contractor is liable. If applicable, provide the name of the Caltrans employee or contractor, and the State of California vehicle license plate/ID number. If you need more space, you may attach additional pages.
- 6. What Injury or Damage Are You Claiming Happened?** Specify the exact injury or damage for which you are claiming, including all alleged injuries, property damage, and/or loss. If you need more space, you may attach additional pages. You can attach photographs and any additional supporting documents. If you do, be sure the photographs show the damage and its size relative to the vehicle. More than one photograph provides more information to assist the evaluation of your claim.
- 7. What Is the Dollar Amount of Your Claim?** State the total dollar amount for which you are claiming. Leaving the dollar amount blank will result in your claim being deemed incomplete, and your claim will be returned without further action. Please submit two (2) written estimates and/or one (1) paid receipt for all damages claimed. If you are submitting proof of payment, copies of credit card statements or copies of the front and back of cancelled checks are required. Invoices will not be accepted as actual proof of payment. All invoices must list the claimant's name and vehicle license plate number, vendor's letterhead, and an itemized list of repairs. Caltrans will not accept quotes retrieved from the internet.
- 8. Insurance Information:** State the name of your insurer and policy number. If you have been reimbursed by your insurance company, you may not be eligible for compensation.
- 9. Are You the Registered Owner of the Vehicle/Damaged Property?** Only the registered owner may file a claim for damage to a vehicle or property. Be sure to provide all vehicle information, including a copy of the vehicle's registration.
- 10. Signature of Claimant:** Please sign and date the claim form. Caltrans does not accept claim forms without an original signature. Faxed or photocopied claim forms will not be accepted.

Mailing Completed Form: The completed form must be mailed to the District Claims Office assigned to the county in which your injury/damages occurred. To determine the proper District Claims Office to which you should mail your completed form, you can use the map on the website and click on the county. The website map will show the District Claims Office responsible for that county, including its address and telephone number. You can then use the drop down menu on page 2 of this form to automatically fill in the address for the appropriate District Claims Office. If you have any questions about the location where your injury/damages occurred, you can contact any District Claims Office.

If your claim is over ten thousand dollars (\$10,000.00), you must file a different form with the Government Claims Program **WITHIN 6 MONTHS OF THE DATE OF INCIDENT**. A claim form may be obtained by contacting the Government Claims Program at:

Government Claims Program
Office of Risk and Insurance Management
Department of General Services
P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052
Phone: 1-800-955-0045
E-mail: gcinfo@dgs.ca.gov

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<http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>

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ADA Notice

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From: **ADA Compliance Office@DOT** <ada.compliance.office@dot.ca.gov>
Date: Mon, Sep 30, 2024 at 2:35 PM
Subject: RE: ADA Access Request #11270, #11354, and #11393
To: Mark Baker <mbaker@softlights.org>

Dear Mr. Mark Baker:

Thank you for contacting the ADA Infrastructure Program. This letter is in response to your email dated September 5, 2024, regarding Caltrans' letter denying your request for reasonable accommodation/modification related to Caltrans' use of LED flashing lights.

Caltrans' determination was based on the U.S. Department of Transportation ("USDOT") regulation, 49 CFR Part 27, section 27.7 (e) as amended, on reasonable modifications or accommodations to policies and practices applicable to public entities, which states:

"A recipient shall make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability unless the recipient can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under title I of the ADA (42 U.S.C.12111–12112) and its implementing regulations at 29 CFR part 1630."

A public entity must assess whether it can provide the reasonable accommodation/modification requested without jeopardizing the safe operations of its program or service, as only reasonable "accommodations/modifications" are required. Any accommodation/modification that would result in a fundamental alteration to the essential nature of the public entity's programs or services is not required. For the reasons specified in our September 4, 2024, letter, we determined that your requested accommodation/modification would result in a fundamental alteration and jeopardize the safe operations of our program and service.

Sincerely,

VINH NGUYEN
ADA Coordinator
Caltrans ADA Infrastructure Program

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (Section 552 et seq.) and the Information Practices Act of 1977 (IPA) (Civil Code Sections 1798 et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular.

Use this form to file a claim of \$10,000 or less against the California Department of Transportation for death or personal injury, or for injury to personal property or growing crops. (Government Code sections 911.2, 935.7)

PLEASE: Complete electronically or print or use a typewriter when filling out this form.
Sign and date claim form.
(UNSIGNED AND UNDATED FORMS WILL NOT BE ACCEPTED)

WARNING: GOVERNMENT CODE § 911.2 PROVIDES SIX MONTHS FROM THE DATE OF INCIDENT TO FILE A CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE.

				STATE USE ONLY
1. NAME: LAST	FIRST	MIDDLE	FILE NUMBER	
Baker	Mark	D.		
HOME ADDRESS		CONTACT PHONE NUMBER	E-MAIL ADDRESS	
17809 County Road 85C		408-455-9233	mbaker@softlights.org	
CITY		STATE	ZIP CODE	
Esparto		CA	95627	
2. IDENTIFY THE SPECIFIC TIME AND DATE FOR THE INCIDENT CAUSING YOUR DAMAGE		TIME OF INCIDENT <input type="checkbox"/> AM <input type="checkbox"/> PM	DATE OF INCIDENT	
		11:55	11-05-2024	
3. STATE THE LOCATION OF THE INCIDENT (COUNTY, HIGHWAY, NEAREST OFF-RAMP, CROSS STREET, OR POSTMILE).				
COUNTY	ROUTE	DIRECTION	POSTMILE	CROSS STREET
Yolo	Highway 16			County Road 98

DESCRIBE THE INCIDENT LOCATION (FOR EXAMPLE: "JUST NORTH OF 1ST STREET, IN THE NUMBER 1 LANE")

Intersection of Highway 16 and County Road 98

4. EXPLAIN HOW THE INJURY OR DAMAGE OCCURRED

~~Two CalTrans vehicles were using intense, digitally flashing LED lights. As I approached the intersection, the excessively intense LED flashing lights on the CalTrans vehicles overwhelmed my senses, causing me to have to turn my car around and take another route.~~

5. WHAT DO YOU CLAIM CALTRANS OR ITS CONTRACTOR DID TO CAUSE YOUR INJURY OR DAMAGE?

~~The use of LED and laser flashing lights on vehicles has not been approved by the California Legislature, and are thus unlawful. CVC 25250 prohibits unauthorized flashing lights. CalTrans has altered its vehicles to use LED flashing lights and this alteration interferes with path-of-travel for individuals with disabilities, in violation of 28 CFR 35.151.~~

6. WHAT INJURY OR DAMAGE ARE YOU CLAIMING HAPPENED?

~~The amber LED flashing lights on the two CalTrans vehicles overwhelmed my senses, causing my eyes to close involuntarily and impaired my cognitive functioning because of the digital pulsing. I was discriminated against by CalTrans because of my disability of autism.~~

7. WHAT IS THE DOLLAR AMOUNT OF YOUR CLAIM? (SUBMIT TWO ESTIMATES OR ONE PAID RECEIPT) \$ 9,999

8. INSURANCE INFORMATION	NAME OF INSURER	POLICY NUMBER
---------------------------------	-----------------	---------------

☐ YES ☐ NO

☐ YES ☐ NO HOW MUCH DID INSURANCE PAY? \$

☐ YES ☐ NO

MAKE OF VEHICLE	MODEL	COLOR	YEAR	VEHICLE LICENSE NO.
-----------------	-------	-------	------	---------------------

10. SIGNATURE OF CLAIMANT 	DATE 11-6-2024
--	-------------------

ADA Notice

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CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

FOR STATE USE ONLY (BELOW)

DATE CLAIM RECEIVED		REVIEWED BY: DISTRICT CLAIMS OFFICER		AMOUNT APPROVED \$ _____ <input type="checkbox"/>	
<input type="checkbox"/> STATE RESPONSIBILITY	<input type="checkbox"/> TORT FUND/ CONTRACT CONTINGENCY	<input type="checkbox"/> CONTRACTOR RESPONSIBILITY		DENIED <input type="checkbox"/> DENIAL DATE _____	
LOCATION CODING					
DISTRICT		COUNTY		ROUTE	POSTMILE
COST CODING					
DEPARTMENT	FUND	UNIT	OBJECT	PROJECT NUMBER	PHASE
ITEM		CHAPTER	STATUTES	FISCAL YEAR	SCHEDULE NUMBER
			ACCOUNTING OFFICER SIGNATURE		DATE

FOR CLAIMS TEN THOUSAND DOLLARS (\$10,000) OR LESS[Select District](#)[Address](#)

District 9

FOR CLAIMS OVER TEN THOUSAND DOLLARS (\$10,000)

You must file a claim with the Government Claims Program in West Sacramento, California.
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Government Claims Program
Office of Risk and Insurance Management
Department of General Services
P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052
Phone: 1-800-955-0045
E-mail: gcinfo@dgs.ca.gov
Website: <http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>

The fact that this brief statement of the initial procedure to be followed in submitting a claim against the State of California, or against any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, has been furnished to you or that an investigation of any claim is undertaken is not to be taken as an admission of liability in any respect on the part of the State of California, or by any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, nor is the fact that this informational statement has been furnished to you to be construed as a waiver of any requirements imposed by the law or of any defense which may be available to the State of California or to any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, in connection with any claim that may be filed.

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

INSTRUCTIONS FOR FORM LD-0274

Please note that failure to complete all sections of the claim form may delay the processing of your claim or result in the return of your claim.

1. **Claimant's Name and Contact Information:** State the full name, mailing address, e-mail address, and contact telephone number(s) of the person or entity claiming property damage, personal injury, or other loss.
2. **Date and Time When the Injury/Damage First Occurred:** State the exact month, day, year, and time of the incident giving rise to the claim.
3. **Location of Incident:** Specify the county, highway number, direction of travel, post mile, nearest exit(s), cross-streets, and any additional information indicating where the incident giving rise to the claim occurred. Providing a map is optional, but advised. The more information you provide, the easier it is for us to assist you. You should also attach a copy of the police report (if one exists) of the incident.
4. **How Your Injury/Damage Occurred:** Provide complete details about what happened to cause your injury/damages. If you need more space, you may attach additional pages.
5. **What Do You Claim Caltrans or Its Contractor Did to Cause Your Injury or Damage?** State in detail all facts in support of your claim. Identify all persons or entities involved and why you believe Caltrans or its contractor is liable. If applicable, provide the name of the Caltrans employee or contractor, and the State of California vehicle license plate/ID number. If you need more space, you may attach additional pages.
6. **What Injury or Damage Are You Claiming Happened?** Specify the exact injury or damage for which you are claiming, including all alleged injuries, property damage, and/or loss. If you need more space, you may attach additional pages. You can attach photographs and any additional supporting documents. If you do, be sure the photographs show the damage and its size relative to the vehicle. More than one photograph provides more information to assist the evaluation of your claim.
7. **What Is the Dollar Amount of Your Claim?** State the total dollar amount for which you are claiming. Leaving the dollar amount blank will result in your claim being deemed incomplete, and your claim will be returned without further action. Please submit two (2) written estimates and/or one (1) paid receipt for all damages claimed. If you are submitting proof of payment, copies of credit card statements or copies of the front and back of cancelled checks are required. Invoices will not be accepted as actual proof of payment. All invoices must list the claimant's name and vehicle license plate number, vendor's letterhead, and an itemized list of repairs. Caltrans will not accept quotes retrieved from the internet.
8. **Insurance Information:** State the name of your insurer and policy number. If you have been reimbursed by your insurance company, you may not be eligible for compensation.
9. **Are You the Registered Owner of the Vehicle/Damaged Property?** Only the registered owner may file a claim for damage to a vehicle or property. Be sure to provide all vehicle information, including a copy of the vehicle's registration.
10. **Signature of Claimant:** Please sign and date the claim form. Caltrans does not accept claim forms without an original signature. Faxed or photocopied claim forms will not be accepted.

Mailing Completed Form: The completed form must be mailed to the District Claims Office assigned to the county in which your injury/damages occurred. To determine the proper District Claims Office to which you should mail your completed form, you can use the map on the website and click on the county. The website map will show the District Claims Office responsible for that county, including its address and telephone number. You can then use the drop down menu on page 2 of this form to automatically fill in the address for the appropriate District Claims Office. If you have any questions about the location where your injury/damages occurred, you can contact any District Claims Office.

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P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052
Phone: 1-800-955-0045
E-mail: gcinfo@dgs.ca.gov

The claim form may also be downloaded from the Government Claims Program website at:

<http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>

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Exhibit G

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

LEGAL DIVISION – DISTRICT 3 CLAIMS
703 B Street
Marysville, CA 95901
(530) 741-4262 | FAX (530) 741-4076 TTY 711
www.dot.ca.gov



November 20, 2024

Location: 03-Yol-16
Date of Loss: 11/05/2024
District Claim #: 240590

Mr. Mark Baker
17809 County Rd. 85C
Esparto, CA 95627

Dear Mr. Baker:

The California Department of Transportation has received and reviewed your claim of \$10,000.00 or less. Due to the amount sought, the Department of Transportation is authorized to accept, accept in part, or reject the claim. See Government Code Section 935.7. The Department of Transportation respectfully denies your claim.

Notice is hereby given that the claim that you presented to the California Department of Transportation on November 13, 2024, was rejected on November 20, 2024.

Warning

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Quintanilla', written over a horizontal line.

Daryl Quintanilla
District 3 Legal Claims Officer
Legal Division HQ

Exhibit H



9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

January 8, 2025

BY EMAIL

Alan Steinberg, Deputy Chief Counsel
California Department of Transportation
alan.steinberg@dot.ca.gov

Re: Notice of Unlawful Use of LED Flashing Lights on Vehicles

Dear Alan Steinberg,

California Vehicle Code Section 25250 states, "Flashing lights are prohibited on vehicles except as otherwise permitted." Title 13, Division 2, Section 2, Article 22 - Warning Lights, Section 817 of the California Code of Regulations, which is published by the California Highway Patrol, lists the five technologies that are authorized for warning lamps: Steady Burning, Flashing Warning Controlled by Electrical Current, Revolving Warning, Oscillating Warning Lamps, and Gaseous Discharge Lamps." These technologies have gone through the vetting process, photometric standards have been developed, and these technologies have been approved by the CHP.

LED and laser flashing light technologies, however, have not been authorized. They have not been through a vetting process. The minimum and maximum radiance values have not been established, the digital pulsing rates have not been established, and their safety and impacts on individuals with disabilities have not been evaluated.

CalTrans' decision to jump into LED flashing light technology without waiting for this technology to be authorized by the CHP now puts CalTrans in the position of having to remove supplemental LED flashing lights from CalTrans vehicles. LED and laser flashing lights are inherently dangerous due to their intensity, digital pulsing, and directional nature, and it's unlikely they will ever be approved if the proper vetting process is used.

CalTrans is known to be using supplemental LED warning lamps, despite their prohibition. LED warning lamps are known to be dangerous for CalTrans employees and the public and known to create discriminatory barriers for individuals with disabilities. To protect the public welfare from CalTrans' unlawful actions, it is my intent to file a lawsuit against CalTrans, acting as a private attorney general for the benefit of the public, as authorized by California Code of Civil Procedure Section 1021.5. However, prior to me filing the lawsuit, I request a Meet and Confer with a CalTrans official to determine if litigation can be avoided.

Please have the appropriate person contact me.

Sincerely,

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

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

Exhibit I**PERSONAL INFORMATION NOTICE**

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Use this form to file a claim of \$10,000 or less against the California Department of Transportation for death or personal injury, or for injury to personal property or growing crops. (Government Code sections 911.2, 935.7)

PLEASE: Complete electronically or print or use a typewriter when filling out this form.
Sign and date claim form.
(UNSIGNED AND UNDATED FORMS WILL NOT BE ACCEPTED)

WARNING: GOVERNMENT CODE § 911.2 PROVIDES SIX MONTHS FROM THE DATE OF INCIDENT TO FILE A CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE.

				STATE USE ONLY
1. NAME: LAST	FIRST	MIDDLE	FILE NUMBER	
Baker	Mark			
HOME ADDRESS			CONTACT PHONE NUMBER	E-MAIL ADDRESS
9450 SW Gemini Drive PMB 44671			408-455-9233	mbaker@softlights.org
CITY			STATE	ZIP CODE
Esparto			CA	95627
2. IDENTIFY THE SPECIFIC TIME AND DATE FOR THE INCIDENT CAUSING YOUR DAMAGE			TIME OF INCIDENT <input type="checkbox"/> AM 1:30pm <input type="checkbox"/> PM	DATE OF INCIDENT 2-3-2025
3. STATE THE LOCATION OF THE INCIDENT (COUNTY, HIGHWAY, NEAREST OFF-RAMP, CROSS STREET, OR POSTMILE).				
COUNTY	ROUTE	DIRECTION	POSTMILE	CROSS STREET
Yolo	16	West		County Road 21A

DESCRIBE THE INCIDENT LOCATION (FOR EXAMPLE: "JUST NORTH OF 1ST STREET, IN THE NUMBER 1 LANE")

On Hwy 16 on the north side, just east of the T-Intersection of County Road 21A

4. EXPLAIN HOW THE INJURY OR DAMAGE OCCURRED

A CalTrans vehicle was using unlawful supplemental LED flashing lights.

5. WHAT DO YOU CLAIM CALTRANS OR ITS CONTRACTOR DID TO CAUSE YOUR INJURY OR DAMAGE?

California Vehicle Code 25250 prohibits supplemental vehicles lights that have not been authorized. The California Highway Patrol has not vetted or authorized the use of LED or laser flashing lights on vehicles. LED flashing lights impair vision and cause acute adverse neurological reactions.

6. WHAT INJURY OR DAMAGE ARE YOU CLAIMING HAPPENED?

I was struck by the amber LED flashing lights used by the CalTrans vehicle which caused me to suffer anxiety and panic. I am physically unable to look at such intense, digitally pulsing LED lights and thus I was forced to slow my car down and put a hand over my eyes, which greatly reduces my vision, putting my life and the lives of others at risk.

7. WHAT IS THE DOLLAR AMOUNT OF YOUR CLAIM? (SUBMIT TWO ESTIMATES OR ONE PAID RECEIPT) \$ 49,000

8. INSURANCE INFORMATION	NAME OF INSURER	POLICY NUMBER
---------------------------------	-----------------	---------------

☐ YES ☐ NO

☐ YES ☐ NO

HOW MUCH DID INSURANCE PAY? \$

☐ YES ☐ NO

MAKE OF VEHICLE	MODEL	COLOR	YEAR	VEHICLE LICENSE NO.
-----------------	-------	-------	------	---------------------

10. SIGNATURE OF CLAIMANT

Mark Baker

DATE

2-4-2025

ADA Notice

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CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

FOR STATE USE ONLY (BELOW)

DATE CLAIM RECEIVED		REVIEWED BY: DISTRICT CLAIMS OFFICER		AMOUNT APPROVED \$ _____ <input type="checkbox"/>	
<input type="checkbox"/> STATE RESPONSIBILITY	<input type="checkbox"/> TORT FUND/ CONTRACT CONTINGENCY	<input type="checkbox"/> CONTRACTOR RESPONSIBILITY		DENIED <input type="checkbox"/> DENIAL DATE _____	
LOCATION CODING					
DISTRICT		COUNTY		ROUTE	POSTMILE
COST CODING					
DEPARTMENT	FUND	UNIT	OBJECT	PROJECT NUMBER	PHASE
ITEM		CHAPTER	STATUTES	FISCAL YEAR	SCHEDULE NUMBER
			ACCOUNTING OFFICER SIGNATURE		DATE

FOR CLAIMS TEN THOUSAND DOLLARS (\$10,000) OR LESS[Select District](#)[Address](#)

District 3

FOR CLAIMS OVER TEN THOUSAND DOLLARS (\$10,000)

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P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052
Phone: 1-800-955-0045
E-mail: gcinfo@dgs.ca.gov
Website: <http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>

The fact that this brief statement of the initial procedure to be followed in submitting a claim against the State of California, or against any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, has been furnished to you or that an investigation of any claim is undertaken is not to be taken as an admission of liability in any respect on the part of the State of California, or by any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, nor is the fact that this informational statement has been furnished to you to be construed as a waiver of any requirements imposed by the law or of any defense which may be available to the State of California or to any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, in connection with any claim that may be filed.

CLAIM AGAINST DEPARTMENT OF TRANSPORTATION FOR AMOUNTS \$10,000 OR LESS

LD-0274 (REV 05/2017)

INSTRUCTIONS FOR FORM LD-0274

Please note that failure to complete all sections of the claim form may delay the processing of your claim or result in the return of your claim.

- 1. Claimant's Name and Contact Information:** State the full name, mailing address, e-mail address, and contact telephone number(s) of the person or entity claiming property damage, personal injury, or other loss.
- 2. Date and Time When the Injury/Damage First Occurred:** State the exact month, day, year, and time of the incident giving rise to the claim.
- 3. Location of Incident:** Specify the county, highway number, direction of travel, post mile, nearest exit(s), cross-streets, and any additional information indicating where the incident giving rise to the claim occurred. Providing a map is optional, but advised. The more information you provide, the easier it is for us to assist you. You should also attach a copy of the police report (if one exists) of the incident.
- 4. How Your Injury/Damage Occurred:** Provide complete details about what happened to cause your injury/damages. If you need more space, you may attach additional pages.
- 5. What Do You Claim Caltrans or Its Contractor Did to Cause Your Injury or Damage?** State in detail all facts in support of your claim. Identify all persons or entities involved and why you believe Caltrans or its contractor is liable. If applicable, provide the name of the Caltrans employee or contractor, and the State of California vehicle license plate/ID number. If you need more space, you may attach additional pages.
- 6. What Injury or Damage Are You Claiming Happened?** Specify the exact injury or damage for which you are claiming, including all alleged injuries, property damage, and/or loss. If you need more space, you may attach additional pages. You can attach photographs and any additional supporting documents. If you do, be sure the photographs show the damage and its size relative to the vehicle. More than one photograph provides more information to assist the evaluation of your claim.
- 7. What Is the Dollar Amount of Your Claim?** State the total dollar amount for which you are claiming. Leaving the dollar amount blank will result in your claim being deemed incomplete, and your claim will be returned without further action. Please submit two (2) written estimates and/or one (1) paid receipt for all damages claimed. If you are submitting proof of payment, copies of credit card statements or copies of the front and back of cancelled checks are required. Invoices will not be accepted as actual proof of payment. All invoices must list the claimant's name and vehicle license plate number, vendor's letterhead, and an itemized list of repairs. Caltrans will not accept quotes retrieved from the internet.
- 8. Insurance Information:** State the name of your insurer and policy number. If you have been reimbursed by your insurance company, you may not be eligible for compensation.
- 9. Are You the Registered Owner of the Vehicle/Damaged Property?** Only the registered owner may file a claim for damage to a vehicle or property. Be sure to provide all vehicle information, including a copy of the vehicle's registration.
- 10. Signature of Claimant:** Please sign and date the claim form. Caltrans does not accept claim forms without an original signature. Faxed or photocopied claim forms will not be accepted.

Mailing Completed Form: The completed form must be mailed to the District Claims Office assigned to the county in which your injury/damages occurred. To determine the proper District Claims Office to which you should mail your completed form, you can use the map on the website and click on the county. The website map will show the District Claims Office responsible for that county, including its address and telephone number. You can then use the drop down menu on page 2 of this form to automatically fill in the address for the appropriate District Claims Office. If you have any questions about the location where your injury/damages occurred, you can contact any District Claims Office.

If your claim is over ten thousand dollars (\$10,000.00), you must file a different form with the Government Claims Program **WITHIN 6 MONTHS OF THE DATE OF INCIDENT**. A claim form may be obtained by contacting the Government Claims Program at:

Government Claims Program
Office of Risk and Insurance Management
Department of General Services
P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052
Phone: 1-800-955-0045
E-mail: gcinfo@dgs.ca.gov

The claim form may also be downloaded from the Government Claims Program website at:

<http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>

The fact that this brief statement of the initial procedure to be followed in submitting a claim against the State of California, or against any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, has been furnished to you or that an investigation of any claim is undertaken is not to be taken as an admission of liability in any respect on the part of the State of California, or by any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, nor is the fact that this informational statement has been furnished to you to be construed as a waiver of any requirements imposed by the law or of any defense which may be available to the State of California or to any of the State of California's subdivisions, departments, divisions, agencies, officers, employees, agents, or directors, in connection with any claim that may be filed.

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (279) 234-2284, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

DEPARTMENT OF TRANSPORTATION

ADA INFRASTRUCTURE PROGRAM

P.O. BOX 942873, MS-48

SACRAMENTO, CA 94273-0001

PHONE (866) 810-6346

FAX (916) 324-1949

TTY 711

www.dot.ca.gov

*Making Conservation
a California Way of Life.*

April 25, 2025

Mark Baker
17809 County Road 85C
Esparto, CA 95627

Email: mbaker@softlights.org

Dear Mark Baker:

The California Department of Transportation (Caltrans) is committed to providing access for all and we appreciate that people experience varying degrees of light sensitivity. We welcome your input regarding your reasonable accommodation request #11521, in which you requested that Caltrans stop using light-emitting diode (LED) flashing lights on Caltrans vehicles ("accommodation request").

This letter is in response to the Appeal Meeting held on April 9, 2025, regarding your accommodation request. Caltrans carefully reviewed your comments, along with the National Highway Traffic Safety Administration (NHTSA) report you submitted as part of our evaluation process for case #11521.

After consultation with other Divisions, the Caltrans ADA Infrastructure Program maintains that we are unable to grant your requested accommodation, and we will be closing your case #11521.

This decision is based on our response letters dated September 4, 2024, and September 30, 2024, regarding your accommodation request, attached. As explained in the September 30th letter, pursuant to the exception in the U.S. Department of Transportation (USDOT) regulation 49 CFR Part 27, Section 27.7(e) and for the reasons stated below, we are unable to grant your requested accommodation. The regulation states, in part:

"A recipient shall make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability *unless the recipient can*

Choose an item. First and Last Name

Click or tap to enter a date.

Page 2

demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity....” (49 CFR Part 27, §27.7(e) [italics added])

Caltrans evaluated whether it could provide your accommodation request without compromising the essential nature of its public safety service. It determined that your accommodation request would fundamentally alter and jeopardize the safety operations of its public safety service provided to motorists using the State Highway System (SHS) and employees working along live and often fast-moving motor vehicles. The use of auxiliary flashing amber warning lights on Caltrans vehicles are a vital safety tool to alert motorists that people are working on the side of the SHS by enhancing visibility of work zones and personnel to prevent serious injuries and deaths on the SHS. For further detailed explanation, please see the September 4, 2024, letter attached.

Regarding the NHTSA's letter on auxiliary lighting, Caltrans' installation and use of its auxiliary warning lamps comply with the Federal Motor Vehicles Safety Standards (FMVSS) 108 referenced in the NHTSA's letter. The FMVSS 108 outlines lighting requirements for Original Equipment Manufacturer (OEM) lighting on vehicles. It states:

“S6.2.1 No additional lamp, reflective device, or other motor vehicle equipment is permitted to be installed that impairs the effectiveness of lighting equipment required by this standard.”

<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-V/part-571/subpart-B/section-571.108>

Caltrans' auxiliary warning lamps do not impair or inhibit the OEM lighting. They also do not replace or obstruct OEM lighting. These lamps are designed to enhance visibility of work zones and personnel. They are not intended to be used in place of standard lighting equipment on Caltrans vehicles and can be switched off when not needed.

Choose an item. First and Last Name

Click or tap to enter a date.

Page 3

If you have any further questions or need clarification, please feel free to contact us at ada.compliance.office@dot.ca.gov.

Sincerely,

Brandy Ketner
ADA Coordinator
Office of Civil Rights
Caltrans ADA Infrastructure Program

1 Mark Baker
1520 E. Covell Blvd. Suite 5 - 467
2 Davis, CA 95616
mbaker@softlights.org
3 234-206-1977
Pro Se

4
5 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 SACRAMENTO COUNTY

7 MARK BAKER,

8 Petitioner,

9 vs.

10 CALIFORNIA DEPARTMENT OF

11 TRANSPORTATION AND DOES 1-20

12 Respondents.
13

Case No.: _____

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PETITION FOR
DECLARATORY RELIEF AND WRIT OF
MANDATE

14 PETITIONER, MARK BAKER, requests that the Court take judicial notice of the following
15 evidence (“Subject Documents”) in support of Petitioner’s Petition for Declaratory Relief and
16 Writ of Mandate, filed concurrently with this Request for Judicial Notice:
17

- 18
- 19 1. A Letter of Interpretation from the National Highway Traffic Safety Administration
20 regarding flashing amber lights. A true copy is attached as **Exhibit A**.
 - 21 2. The photometric requirements for warning lamps on California vehicles. A true copy is
22 attached as **Exhibit B**.

23 Dated: June 29, 2025

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Respectfully Submitted,

By: /s/ Mark Baker
In Pro Per

Exhibit A

← **SEARCH INTERPRETATIONS**

Interpretation ID: NCC-241023-001TSEI-TIMA Letter of Interpretation 571.108 Flashing Amber Lights 12-13-2024.signed.

Share:    

December 13, 2024

Mr. Chuck Polley
Transportation Safety Equipment Institute
c/o Grote Industries LLC
2600 Lanier Drive
Madison, IN 47250

Mr. John Freiler
Truck Trailer Manufacturers Association
7001 Heritage Village Plaza
Suite 220
Gainesville, VA 20155-3094

Dear Messrs. Polley and Freiler:

This responds to your letter requesting clarification of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, reflective devices, and associated equipment, regarding flashing “emergency warning lights.” I apologize for the delay in responding. As used in your letter, the term “emergency warning lights” generically refers to a category of vehicle lighting equipment that consists of one or more amber-colored flashing or strobing lamps that is typically installed on certain types of slow-moving vehicles and utility vehicles (such as tow trucks, repair vehicles, or vehicles transporting oversized loads) to call the attention of other drivers to the presence of these vehicles.

You ask that the National Highway Traffic Safety Administration (NHTSA) provide clarification of its longstanding interpretations of FMVSS No. 108 and permit original equipment installation of “emergency warning lights.” Alternatively, you ask that NHTSA issue guidance regarding the circumstances under which such lighting may be installed by vehicle manufacturers or repair businesses without violating the “make inoperative” provision of the National Traffic and Motor Vehicle Safety Act (Safety Act) (49 U.S.C. §§ 30101 et seq.).

In responding to this request, NHTSA notes that the contents of this letter do not have the force and effect of law and are not meant to bind the public in any way. This letter is only intended to provide clarity regarding existing requirements under the law at the time of signature.

After carefully considering your letter, we reaffirm our previous interpretations that, under current law, “emergency warning lights” may not be installed as original equipment and that persons subject to the make inoperative provision of the Safety Act may not legally install the lamps as original or aftermarket equipment. We explain our reasoning below, based on our understanding of the information you present.

Background

FMVSS No. 108 specifies requirements for original and replacement lamps, reflective devices, and associated equipment. For auxiliary lamps, the primary restriction imposed by FMVSS No. 108 is in S6.2.1, which states that “[n]o additional lamp, reflective device, or other motor vehicle equipment is permitted to be installed that impairs the effectiveness of lighting equipment required by this standard.” Additionally, both original equipment and aftermarket lighting can run afoul of the “make inoperative” provision, and NHTSA considers the installation of an aftermarket lamp to violate the “make inoperative” provision if the installation of the same lamp as original equipment would violate FMVSS No. 108.1 Whether there is an impairment is determined in the first instance by the manufacturer of the vehicle (or the entity installing the aftermarket lighting) when it is certified as compliant with FMVSS No. 108. NHTSA may contest such a determination if it is clearly erroneous.2 These prohibitions bar installation by a manufacturer, distributor, dealer, rental company, or motor vehicle repair business of lamps that would impair the effectiveness of required lighting, but do not apply to the owner of a vehicle.

Typically, the impairment determination is made on a case-by-case basis and considers several characteristics of the auxiliary lamp, such as the brightness, color, location, and activation pattern of the lamp, to analyze whether it impairs the effectiveness of required lighting. This list of characteristics is not exhaustive and other considerations may be relevant to the analysis. NHTSA has long maintained that highway traffic safety is enhanced by the drivers’ familiarity with established lighting schemes, which enables them to instantly recognize the meaning the lamps convey and respond accordingly. NHTSA has long interpreted FMVSS No. 108 to require that all auxiliary lamps be “steady burning,” with the sole exception of auxiliary lamps that supplement required lamps that flash, such as turn signals.3

Discussion

NHTSA's longstanding interpretation of FMVSS No. 108 is that the standard does not permit the "emergency warning lights" to be installed as original equipment because they are auxiliary lighting that is not steady burning and would impair the effectiveness of required lamps by causing confusion among other drivers about the meaning of required lighting or distracting drivers from required lighting.⁴ Further, because "emergency warning lights" would impair the effectiveness of required lamps, NHTSA has also determined that entities listed in § 30122 of the Safety Act that install "emergency warning lights" on new or used vehicles would violate the "make inoperative" provision of the Act.

Notwithstanding those interpretations, you provide various reasons why you believe that "current regulations permit manufacturers to install such supplemental lighting as original equipment." We respond to your reasons below.

1 E.g., Letter to Timothy C. Murphy (Nov. 1, 2004), available at <https://www.nhtsa.gov/interpretations/gf006332>.

2 Letter from John Womack to Larry Grabsky (Nov. 16, 1993), available at <https://www.nhtsa.gov/interpretations/9251>.

3 See, e.g., Letter to Richard Seoane (June 27, 2024), available at <https://www.nhtsa.gov/interpretations/ncc-231121-001-autoliv-veoneer-spotlight-interpretation-1>; and Letter to Paul Schaye (Sept. 9, 2019), available at <https://www.nhtsa.gov/interpretations/571108-ama-schaye-front-color-changing-light>.

4 Letter to J. Adam Krugh IV (May 22, 2003), available at <https://www.nhtsa.gov/interpretations/002769drn> (explaining that a flashing or strobing lamp on top of a school bus would impair the effectiveness of required signal lamps by diverting other drivers' attention and causing confusion).

Administrative Rewrite of FMVSS No. 108. First, you state that in an administrative rewrite of FMVSS No. 108, NHTSA removed explicit language in the standard that had contained a provision requiring that all lamps be steady burning unless otherwise indicated. You argue that the removal of this provision indicated an intention to loosen the restriction that auxiliary lamps must be steady burning when activated.

NHTSA had no such intention. The removal of the referenced "steady burning" language in the FMVSS No. 108 administrative rewrite did not change the underlying substantive requirements that had applied to auxiliary lighting. Before it was modified in 2007, FMVSS No. 108 included an explicit requirement that, with the exception of certain types of required lamps (e.g., turn signal lamps), all lamps on a vehicle, including auxiliary lamps, must be steady burning. In 2007, NHTSA implemented an administrative reorganization of FMVSS No. 108 which, among other things, clarified the blanket "steady burning" requirement (and its exceptions) by converting it into specified individual activation requirements for each type of required lamp.⁵ Although the reorganized rule no longer includes a blanket "steady burning" requirement, NHTSA stated in the preamble to the reorganized rule that its "rewrite of FMVSS No. 108 is considered administrative in nature because the standard's existing

requirements and obligations are not being increased, decreased, or substantively modified.”⁶ Further, NHTSA continues to believe that flashing auxiliary lamps would impair the effectiveness of required lamps by distracting or confusing other road users and we have continued to restrict flashing or strobing auxiliary lamps since the rewrite except under a few limited circumstances not relevant here.⁷ Therefore, because the “emergency warning lights” are not steady burning, they would not comply with FMVSS No. 108 and would impair required lighting.

Motorists are Used to “Emergency Warning Lights.” Second, you state that one of NHTSA’s reasons for disallowing flashing auxiliary lamps—their tendency to divert attention and cause confusion—is no longer valid for “emergency warning lights” because “the use of flashing-amber lighting has become widespread.” You provide no data or information to support this assertion, except to refer to past agency letters which discussed the make inoperative provision as applied to owners installing flashing or strobe lamps on their own vehicles, including a state installing the lamps on state-regulated emergency vehicles.

We disagree with your assertion that the letters are indicative of the pervasiveness of “emergency warning lights.” The interpretation letters to which you refer do not endorse the installation of flashing or strobe lamps by individuals or declare that the lights do not impair the effectiveness of required lamps. Rather, those letters simply recognize the limits of NHTSA’s authority under the Safety Act to regulate aftermarket lighting equipment. The agency made, and continues to make, no determination as to whether the flashing amber lights are “widespread.”

5 72 FR 68234 (Dec. 4, 2007).

6 Id.

7 These exceptions include auxiliary lamps that supplement required flashing lamps like turn signals. See Letter to Jerry Koh (Feb. 6, 1986), available at <https://www.nhtsa.gov/interpretations/86-250>; see also Letter to Lt. Col. Steve Flaherty (May 2, 2003), available at <https://www.nhtsa.gov/interpretations/flaherty> (deference to states applies to “the installation and use of emergency lighting devices on [undercover state police] vehicles”).

NHTSA has long believed that flashing amber lighting can unduly divert driver attention and cause confusion among drivers, even among those who have seen them before. As we have stated, “traffic safety is enhanced by the familiarity of drivers with established lighting schemes, which facilitates their ability to instantly and unhesitatingly recognize the meaning lamps convey and respond to them.”⁸ Flashing amber lighting, except for turn signal lamps, is not “an established lighting scheme” within the context of FMVSS No. 108. The meaning of flashing lights can vary depending on the nature of the vehicle on which they are installed, the context in which they are used, and state or local laws. Motorists might not know if the flashing amber lamps are meant to signal the presence of the vehicle for general driver awareness or the need for drivers to yield the right-of-way or perform some other driving task. The use of flashing amber lights is not sufficiently established and standardized to avoid unduly diverting driver attention or causing confusion. Thus, we continue to believe these lights impair required lighting equipment.⁹

Other Federal Regulations and State Laws Recognizing “Emergency Warning Lights.”

Finally, you argue that permitting flashing amber auxiliary lamps as original equipment would “harmonize” NHTSA’s requirements with Federal Motor Carrier Safety Administration (FMCSA) regulations and state laws. You state that an FMCSA regulation (49 C.F.R. § 393.25(e)) permits the use of flashing lights on several vehicle types and that a change in NHTSA’s approach would better ensure such lighting is properly wired and installed. We are also aware of exemptions granted by FMCSA permitting certain entities to use pulsating brake-activated amber lights as well as the operation of commercial motor vehicles equipped with the Intellistop device.¹⁰

Our longstanding interpretation of FMVSS No. 108 regarding flashing auxiliary lights is not impacted by these FMCSA regulations, exemptions, or state laws. The FMCSA regulation does not require the flashing lamps to be installed as original equipment or by an entity subject to the make inoperative provision. Additionally, although you allude to safety concerns about owners improperly wiring or installing emergency warning lights on their vehicles to comply with state laws, we are not aware of any state laws requiring installation of these lights specifically as original equipment or by an entity subject to the make inoperative requirement. Nor is allowing installation by such entities necessary to address improper owner installations of these lights.

If you have further questions, please contact Eli Wachtel of my staff at (202) 366-2992.

Sincerely,

ADAM RAVIV

Adam Raviv Chief Counsel

Dated:12/13/24

Ref: Standard No. 108

⁸ Letter to J. Adam Krugh IV (May 22, 2003), available at

<https://www.nhtsa.gov/interpretations/002769drn>.

⁹ Nothing in this letter is intended to conflict with our interpretation, stated in our May 2, 2003, Letter to Lt. Col. Steve Flaherty, that deference to states applies to “the installation and use of emergency lighting devices on [the state’s] vehicles.” Letter available at

<https://www.nhtsa.gov/interpretations/flaherty>.

¹⁰ List of FMCSA exemptions in effect available at <https://www.fmcsa.dot.gov/exemptions>.

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§ 817. Photometric Test Requirements.

13 CAADC § 817

Barclays Official California Code of Regulations

Barclays California Code of Regulations
 Title 13. Motor Vehicles (Refs & Annos)
 Division 2. Department of the California Highway Patrol
 Chapter 2. Lighting Equipment
 Article 22. Warning Lamps

13 CCR § 817

§ 817. Photometric Test Requirements.

Currentness

The luminous intensity of warning lamps tested as specified in Article 4 of this subchapter, with a reaim tolerance of ± 0.5 degree vertical and ± 1.0 degree horizontal allowed at each test point, shall be as follows:

(a) Steady-burning Warning Lamps. Steady-burning warning lamps, and flashing warning lamps which alternate between on and off by electrically controlling the current supplied to the lamp, shall meet the requirements in Table I. The photometric output of flashing lamps shall be reported only while the lamp is on. Warning lamp units shall be aimed for this test so the maximum intensity is on the H-V axis. Warning lamp assemblies shall be mounted for this test in accordance with Section 657.

TABLE I. MINIMUM CANDELA FOR STEADY-BURNING WARNING LAMPS AND FLASHING WARNING LAMPS WHICH ALTERNATE BETWEEN ON AND OFF BY ELECTRICALLY CONTROLLING THE CURRENT

Test point coordinates			Class A Lamps	Class B Lamps			Class C Lamps	Class D Lamps	
Vertical	Horizontal	Red	Red	Yellow	Blue	Red	Yellow	Blue	Red
10U	5L	15	20	50	10	10	25	5	5
	V	15	50	125	25	25	65	13	12
	5R	15	20	50	10	10	25	5	5
	20L	10	20	50	10	150	375	75	5
	10L	25	50	125	25	300	750	150	12
5U	5L	50	100	250	50	300	750	150	25
	V	80	150	375	75	300	750	150	40
	5R	50	100	250	50	300	750	150	25
	10R	25	50	125	25	300	750	150	12
	20R	10	20	50	10	150	375	75	5
H	30L	--	--	--	--	30	75	15	--
	20L	30	30	75	15	180	450	90	10
	10L	300	75	190	38	400	1,000	200	15
	5L	500	200	500	100	500	1,250	250	500
	2 1/2L	2,000	--	--	--	--	--	--	1,500
	V	3,000	300	750	150	600	1,500	300	3,000
	2 1/2R	2,000	--	--	--	--	--	--	1,500
	5R	500	200	500	100	500	1,250	250	500
	10R	300	75	190	38	400	1,000	200	15
	20R	30	30	75	15	180	450	90	10
	30R	--	--	--	--	30	75	15	--
	30L	--	--	--	--	30	75	15	--
	20L	10	20	50	10	200	500	100	5

	10L	25	50	125	25	300	750	150	12
	5L	50	100	250	50	450	1,100	275	25
5D	V	80	150	375	75	450	1,100	275	40
	5R	50	100	250	50	450	1,100	275	25
	10R	25	50	125	25	300	750	150	12
	20R	10	20	50	10	200	500	100	5
	30R	--	--	--	--	30	75	15	--
	5L	15	20	50	10	40	100	20	5
10D	V	15	50	125	25	40	100	20	12
	5R	15	20	50	10	40	100	20	5

NOTE: Maximum anywhere in yellow shall not exceed 4,000 cd over any area larger than that generated by a radius rotated 0.25 deg.

(b) Revolving Warning Lamps. Revolving warning lamps shall meet the requirements in either Table II or Table IV with the required test voltage applied to the input terminals of the complete assembly. A revolving lamp that is designed to project a signal throughout a 360 degree horizontal angle shall be tested with the lamp assembly turned about its vertical axis to the location where the maximum candela reading from the optical unit is reduced the most by any variations in density or shape of the transparent cover or by obstructions in the lamp assembly. A revolving warning lamp that does not project light through a 360 degree horizontal angle shall comply photometrically about those axes straight to the front, sides, and rear of a vehicle to which the lamp is designed to provide a warning signal. As the lamp rotates, the full projected area of the reflector of each light unit shall be visible along the beam axis as the center of the beam moves from 20 degrees left to 20 degrees right of the device axis.

TABLE II. MINIMUM CANDELA FOR REVOLVING WARNING LAMPS

<i>Test point coordinates</i>				
Vertical	Horizontal	Red	Yellow	Blue
7.5U	V	50	130	25
5U	V	500	1,250	250
2.5U	V	3,000	7,500	1,500
H	V	5,000	12,500	2,500
2.5D	V	3,000	7,500	1,500
5D	V	500	1,250	250
7.5D	V	50	130	25

(c) Oscillating Warning Lamps. Oscillating warning lamps shall meet the requirements in Table III with the required test voltage applied to the input terminals of the complete assembly.

TABLE III. MINIMUM CANDELA FOR OSCILLATING WARNING LAMPS

<i>Test point coordinates</i>				
Vertical	Horizontal	Red	Yellow	Blue
7.5U	V	50	130	25
5U	V	500	1,250	250
2.5U	V	3,000	7,500	1,500
	20L	500	1,250	250
	10L	1,200	3,000	600
	5L	3,300	8,250	1,650
H	V	5,000	12,500	2,500
	5R	3,300	8,250	1,650
	10R	1,200	3,000	600
	20R	500	1,250	250
2.5D	V	3,000	7,500	1,500
5D	V	500	1,250	250
7.5D	V	50	130	25

(d) Gaseous Discharge Warning Lamps. Gaseous discharge warning lamps shall meet the requirements in Table IV with the required test voltage applied to the input terminals of the complete assembly. Lamps producing 360 degree light output shall be rotated in the photometric test to the point where the lowest H-V reading is recorded, at which location the lamp shall meet the flash energy requirements. The candela-seconds shall be reported as the average for ten consecutive flashes.

(e) Alternative Technologies. Nothing in this standard shall be construed to prohibit the use of any appropriate technology for light sources provided the appropriate photometric and other requirements for the type of lamp are met. Steady-burning warning lamps,

and flashing lamps which alternate between on and off by interrupting the electrical current to the lamp, shall meet the photometric requirements of Class A, B, C or D as shown in Table I. Warning lamps which approximate or simulate the appearance of revolving warning lamps shall meet the photometric requirements of Table II. Warning lamps which approximate or simulate the appearance of oscillating warning lamps shall meet the photometric requirements of Table III.

(f) Removal from Service. Any warning lamp assembly which noticeably fails to function properly shall be removed from service. Warning lamp assemblies which utilize multiple light sources shall be removed from service if any individual light source fails to function properly.

TABLE IV. MINIMUM CANDELA-SECONDS FOR GASEOUS DISCHARGE WARNING LAMPS

<i>Test point coordinates</i>				
<i>Vertical</i>	<i>Horizontal</i>	<i>Red</i>	<i>Yellow</i>	<i>Blue</i>
7.5U	V	5	12	3
5U	V	10	25	5
2.5U	V	30	75	15
	20L	5	12	3
	10L	12	30	6
	5L	33	82	17
H	V	50	125	25
	5R	33	82	17
	10R	12	30	6
	20R	5	12	3
2.5D	V	30	75	15
5D	V	10	25	5
7.5D	V	5	12	3

NOTE: The L and R test points do not apply to 360-deg lamps.

Credits

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 11-25-2002; operative 12-25-2002 (Register 2002, No. 48).

This database is current through 6/20/25 Register 2025, No. 25.

Cal. Admin. Code tit. 13, § 817, 13 CA ADC § 817

END OF DOCUMENT

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Pro Se

4 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
5
6 SACRAMENTO COUNTY

7 MARK BAKER,

8 Petitioner,

9 vs.

10 CALIFORNIA DEPARTMENT OF

11 TRANSPORTATION AND DOES 1-20

12 Respondents.

Case No.: _____

PETITIONER VERIFICATION

13
14 **PETITIONER VERIFICATION**

15 I am the petitioner in this proceeding. I hereby certify that the facts alleged in the
16 PETITION FOR DECLARATORY RELIEF AND WRIT OF MANDATE are true and
17 accurate to the best of my knowledge and belief.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20
21 Dated: June 30, 2025

22 Respectfully Submitted,
23

Mark Baker

By: Mark Baker
In Pro Per

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