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Fixing the LED Flashing Light Catastrophe

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To: Farra.Bracht@asm.ca.gov

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Dear Farra Bracht, Chief Consultant, Committee on Transportation, California Assembly,

The federal and state statutes and regulations for vehicle flashing lights are hopelessly broken. The only way to solve the issue properly is with legislation. The switch to LED flashing lights has created a massive health and safety hazard that no government agency has been willing to address. The Soft Lights Foundation, via its President Mark Baker, has begun filing lawsuits against state and local agencies to address the catastrophic consequences of digitally flashing auxiliary LED vehicle lights.

Attached to this email is the last set of rulemaking changes by the California Highway Patrol which was in 2002. The only permitted colors are red, blue, and yellow. However, the California Legislature at some point began using the color amber in its statutes, which now creates a conflict in some cases between the California Vehicle Code and the California Code of Regulations Title 13 Sections 811-818.

Also, the federal government, via 49 C.F.R. 571.108(S6.2.1) prohibits auxiliary vehicle flashing lights. Amber flashing lights are specifically prohibited by the National Highway Traffic Safety Administration via a December, 2024 Letter of Interpretation. Thus agencies such as Caltrans and companies such as Pacific Gas & Electric are using illegal amber auxiliary flashing lights on their vehicles.

Neither White, Amber nor Blue flashing lights are permitted by the CHP in Title 13 Section 817. LED flashing lights are categorized as Class A, but the only color permitted for Class A flashing lights is red. Thus, all blue, white, and amber LED flashing lights are explicitly illegal under Title 13 Section 817. There has been zero enforcement of these regulations by the CHP.

Table I of Section 817 sets minimum luminous intensity requirements in candela, but there are no maximum limits on intensity. For LED flashing lights, the correct metric for intensity to ensure comfort and eye protection is called luminance, measured in candela per square meter or nit. There are currently no limits on intensity, which is both hazardous and dangerous. It is critical that California regulations set upper limits on luminance.

It is illegal for companies to sell or install non-compliant lighting equipment. Thus, companies such as Whelen Engineering, Fenix, Federal Signal, and Lehr Auto are violating the law every time they sell auxiliary LED vehicle flashing lights. There has been no enforcement of these laws.

All of this needs to be fixed coherently and cohesively by a committee of experts on eye safety, neurology, lawyers, and other experts. Until the Committee on Transportation convenes such a committee, I will continue to file lawsuits against each state and local agency to seek court-ordered injunctions on hazardous, dangerous, discriminatory, and illegal LED vehicle flashing lights.

Sincerely,

Mark Baker
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4 attachments



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