Soft Lights Foundation

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September 1, 2025

**BY EMAIL**

Arthur Noriega V, City Manager
Miami, Florida
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## Re: Policy Request – Auxiliary Vehicle Flashing Lights

Dear Arthur Noriega V,

The Soft Lights Foundation is notifying state and local government agencies across the USA about state and federal regulations related to auxiliary vehicle warning lamps such as those used on police, fire, ambulance, and utility vehicles. The introduction of extremely intense Light Emitting Diode ("LED") auxiliary flashing lights has created a significant health and safety hazard and, for individuals with disabilities, new discriminatory barriers.

Federal law under 49 C.F.R. 571.108(S6.2.1) 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.*" Because this regulation is subjective as to what constitutes impairment, the National Highway Traffic Safety Administration ("NHTSA") has published multiple Letters of Interpretation over the decades. In a September 9, 2019, Letter of Interpretation, NHTSA wrote, "*NHTSA interprets the impairment provision to prohibit auxiliary lamps that are so bright as to obscure or distract from a vehicle's required lamps.*"[1]

Because NHTSA does not directly regulate auxiliary vehicle warning lamps, it is incumbent upon each state and local government agency to publish their own standards as to what is considered excessively bright. This standard cannot be arbitrary and capricious and must be based on scientific evidence and studies. Government agencies also cannot simply claim that the auxiliary flashing lights on their vehicles are not excessively bright. The agency must maintain a written policy. The intensity of light that is directly viewed is called luminance, which is measured in candela per square meter or nit. Each government agency must establish a maximum luminance limit to meet 49 C.F.R. 571.108(S6.2.1) requirements.

[1] https://www.nhtsa.gov/interpretations/571108-ama-schaye-front-color-changing-light

28 C.F.R. § 35.130(7)(i) states, "*A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.*" Therefore, a local or state government agency must also have a policy setting a luminance limit and restricting digital flashing characteristics on auxiliary vehicle flashing lights to meet 28 C.F.R. § 35.130(7)(i) requirements prohibiting discrimination. For individuals with neurological disabilities, research shows "*Images with flashes brighter than 20 candelas/m2 at 3-60 (particularly 15-20) Hz occupying at least 10 to 25% of the visual field are a risk, as are red color flashes or oscillating stripes.*"[2] Therefore, it would be rational policy for a government entity to set a maximum luminance limit of 20 candela per square meter for auxiliary vehicle flashing lights and to require that warning lamps either be static or glow rather than pulse on and off digitally.

Any government entity that does not have a written policy for brightness limits for vehicle flashing lights is acting arbitrarily and capriciously in its considerations of whether vehicle flashing lights are excessively bright, and is thus subject to personal injury and discrimination lawsuits. Therefore, Mark Baker, as an individual, and the Soft Lights Foundation, as an organization, hereby submit the following policy request.

**Policy Request:** Modify Miami policies to set intensity limits and restrictions on digital flashing characteristics for auxiliary vehicle flashing lights to meet 49 C.F.R. 571.108(S6.2.1) and 28 C.F.R. § 35.130(7)(i) requirements.

Sincerely,

/s/ Mark Baker
Individual

/s/ Mark Baker
President
Soft Lights Foundation
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[2] https://onlinelibrary.wiley.com/doi/10.1111/epi.17175