

May 29, 2025

BY WEBFORM

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

Re: Appeal - Petition to Regulate Auxiliary LED Flashing Lights

Dear Sean Duryee,

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

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

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

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

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

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

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

Sincerely,

/s/ Mark Baker
Individual

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



June 17, 2025

File No.: 60.17344.A19719.062.2025.06009

Mr. Mark Baker, President
Soft Lights Foundation
9450 SW Gemini Drive, PMB 44671
Beaverton, OR 97008

Dear Mr. Baker:

This letter is in response to your May 29, 2025, request for appeal for your April 28, 2025, Petition to Regulate Auxiliary LED Flashing Lights.

Per the Soft Lights Foundation appeal dated May 29, 2025:

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

The enclosed May 29, 2025, request was submitted pursuant to Section 11340.7(c) of the California Government Code (GC), which states:

(c) Any interested person may request a reconsideration of any part or all of a decision of any agency on any petition submitted. The request shall be submitted in accordance with Section 11340.6 and include the reason or reasons why an agency should reconsider its previous decision no later than 60 days after the date of the decision involved. The agency's reconsideration of any matter relating to a petition shall be subject to subdivision (a).

The Department maintains denial of the petition, in whole, because the April 28, 2025, petition lacks technical specificity and does not "clearly and concisely" state the "substance or nature of the regulation, amendment, or repeal requested." (GC § 11340.6; see also California Code of Regulations, Title 1, § 16.)

The Department is committed to providing the highest level of Safety, Service, and Security, and has sought to achieve a balance between the essential duty of first responders to preserve life and the need to protect the public. I appreciate the opportunity to assist you with this matter. The Department will make a copy of your



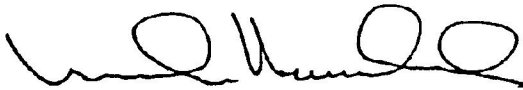
Mr. Mark Baker, President

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petition and this denial available to the Office of Administrative Law and any interested party. Please contact our Commercial Vehicle Section with any questions regarding this letter or requests to obtain a copy of the petition, at (916) 843-3400.

Sincerely,



M. W. HEADRICK, Chief
Enforcement and Planning Division

Enclosure

cc: Office of Administrative Law

