



9450 SW Gemini Drive
PMB 717836
Beaverton, OR 97008

December 14, 2025

BY EMAIL

Ken Hiatt, City Manager
Woodland, California
ken.hiatt@cityofwoodland.gov

Re: Auxiliary Vehicle Flashing Lights Violate Health and Safety Laws

Dear Mr. Hiatt,

I am writing to formally request the City of Woodland to enter into a legally binding agreement to modify its vehicle lighting policies and ultimately cease the use of all excessively intense red, blue, and amber flashing lights on City of Woodland Police, Fire, and Public Works vehicles, equipment, and installations. The continued use of these lights represents a demonstrable failure to comply with established federal, state, and worker health and safety laws on five distinct grounds, including a violation of the Americans with Disabilities Act.

The City's argument of FMVSS-108 exemption is nullified by the violations detailed below:

1. Violation of the Americans with Disabilities Act (ADA)

The use of intensely flashing emergency lights creates an accessibility barrier that constitutes a direct violation of the Americans with Disabilities Act (ADA), Title II. The ADA is a separate, supreme federal law, and the City's authority to use emergency lighting, even if derived from an NHTSA deference to states, does not grant immunity from the ADA's non-discrimination mandate. The light-induced health hazard prevents safe, equal, and independent use of public thoroughfares for individuals with photosensitive neurological disabilities, thus denying full and equal access to public services and highways.

The failure of the City to develop and implement a cohesive ADA policy regarding the maximum acceptable luminance and flash rate of emergency and auxiliary lights, despite the documented neurological hazards, constitutes a systemic failure to ensure

accessibility. This lack of policy is a procedural and substantive violation of the ADA's non-discrimination mandate.

2. Public Health Hazard and Non-Compliance with Neurological Safety Guidelines

The excessive intensity and digital flashing of all City emergency and auxiliary flashing lights pose a severe public health risk to motorists and pedestrians that is not waived for emergency operations.

- **Objective Impairment:** Scientific research, including the “International Guidelines for Photosensitive Epilepsy: Gap Analysis and Recommendations”, establishes that a change in luminance exceeding 20 cd/m² is the maximum threshold for managing risks for individuals with photosensitive neurological disabilities.
- **Scientific Cognitive Degradation:** Published scientific research demonstrates that high visual salience (excessive brightness and flash rate) can lead to an increase in reaction times, actively prolonging a motorist's response time when encountering the vehicles.
- **Foreseeable Harm:** The City's use of lights that disregard this objective medical limit presents a significant and foreseeable risk of triggering adverse neurological events such as seizures, migraines, and severe disorientation in vulnerable populations.

3. Violation of California Worker Safety Requirements (Cal/OSHA)

The duty to protect employees is non-waivable, regardless of whether the vehicle is operating in an emergency capacity.

- **IIPP Violation:** Under the California Code of Regulations (CCR), 8 CCR §3203 mandates that the City establish and maintain an effective Injury and Illness Prevention Program (IIPP), requiring the correction of recognized hazards.
- **Recognized Hazard:** The non-compliant, excessively bright flashing lights create a recognized hazard by causing a 'blinding' or 'strobe' effect, which impairs the vision of City workers (Police, Fire, and Public Works) operating equipment or performing tasks around the vehicles.
- **Increased Risk:** This visual impairment increases the risk of serious workplace accidents, including 'struck-by' incidents, thereby violating the City's mandatory safety duty to its employees under its IIPP.

4. Violation of the Impairment Provision of FMVSS-108

While NHTSA grants deference to states regarding the color and *placement* of emergency lighting, this deference does not permit the use of any lamp that impairs the function of required safety equipment under the Impairment Provision of FMVSS-108. In the December 13, 2024 Letter of Interpretation (NCC-241023-001TSEI-TIMA), NHTSA wrote, “Therefore, because the “emergency warning lights” are not steady burning, they would not comply with FMVSS No. 108 and would impair required lighting.”

- **Supremacy Clause/Preemption Argument:** NHTSA's allowance for flashing lights on emergency vehicles in previous letters of interpretation was a narrow exception under the federal preemption scheme which deferred decision making to the States. That exception, however, does not supersede the underlying federal goal of ensuring non-impaired driver visibility and was not a waiver of state and federal health, safety, or civil rights laws.
- **Establishing Impairment:** The high-intensity flashing lights impair required vehicle safety functions by:
 - Unduly diverting driver attention and causing confusion among drivers (NHTSA's own finding on flashing lights).
 - Actively obstructing the legally required legibility of vehicle identification (license plates) under California Vehicle Code (CVC) § 24601.
 - Causing cognitive impairment (increased reaction times) as documented by scientific research.

5. Failure of Reasoned Decision-Making (California Administrative Procedure Act)

The City, through its Police, Fire, and Public Works departments, is subject to the principles of the California Administrative Procedure Act (APA), which requires all agency decisions to be based on reasoned justification and supported by law.

- **Arbitrary and Capricious:** The continued deployment of lighting equipment that is medically, scientifically, and legally proven to increase reaction times, create a disability barrier, and violate worker safety duties constitutes an arbitrary and capricious decision.
 - **Ignoring Medical Standards:** Maintaining this hazardous practice, in direct contravention of binding federal accessibility laws and established medical safety thresholds (the 20 cd/m² standard), is a failure of reasoned decision-making under the APA.
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Proposal for Joint Compliance and Policy Resolution

In consideration of the five distinct and verifiable legal violations established above, and to avoid the unnecessary financial and administrative burden of a federal ADA and state APA enforcement action, we propose an immediate, good-faith resolution path.

To demonstrate a commitment to public health, worker safety, and accessibility, the Soft Lights Foundation respectfully requests that the City of Woodland enter into a Joint Compliance Agreement with our organization.

Specifically, we request confirmation of the City's agreement to the following steps:

1. **Immediate Policy Commitment:** The City of Woodland will issue a public statement committing to the abatement of the neurological and safety hazards posed by its current emergency and auxiliary vehicle lighting.
2. **Compliance Deadline:** The City will establish a firm, written deadline of one year (365 days) from the date of this letter to fully implement new lighting standards and policy changes across all Police, Fire, and Public Works vehicles and installations. These standards must comply with the 20 cd/m² maximum change in luminance threshold for neurological safety.
3. **Joint Public Announcement:** The agreement, including the one-year policy change schedule, shall be announced via a Joint Press Release issued by the City of Woodland and the Soft Lights Foundation within 30 days of the City's written acceptance of this proposal.

We look forward to your prompt response within 15 calendar days detailing your acceptance of this proposal to ensure a collaborative and expeditious resolution to this critical public safety matter.

I look forward to your prompt response and confirmation of the corrective actions to be implemented.

Sincerely,

/s/ Mark Baker
President

Soft Lights Foundation
mbaker@softlights.org