



Fwd: Removal of Discriminatory LED Flashing Lights

Office of the City Clerk <cityclerk@lacity.org>

Mon, Jul 22, 2024 at 8:17 AM

To: City Clerk Council and Public Services <clerk.cps@lacity.org>

----- Forwarded message -----

From: **Mark Baker** <mbaker@softlights.org>

Date: Sat, Jul 20, 2024 at 9:29 AM

Subject: Removal of Discriminatory LED Flashing Lights

To: <CityClerk@lacity.org>

Cc: Dawson Rawlings, April@DGS <April.DawsonRawlings@dgs.ca.gov>, Jan Garrett <JanG@adapacific.org>, <ccoleman@calcities.org>

Dear City Clerk, Los Angeles, California,

I am following up on the Soft Lights Foundation letter to Los Angeles on June 19, 2024 regarding dangerous and discriminatory LED flashing lights.

The ADA is a law designed to INCREASE access for individuals with disabilities to public facilities. Any alteration after 1992 is required to ensure that that the altered area and path-of-travel to/from the altered area is readily accessible and usable by individuals with disabilities. The relevant code is 28 C.F.R. § 35.151(b)(1) which states:

Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

This code is absolute, since there is a specific year, 1992, after which all alterations MUST ensure that the altered area is readily accessible and usable by individuals with disabilities. The alteration of adding an LED flashing light by the city, such as on a sign or on a vehicle, violates 28 C.F.R. § 35.151(b)(1) because LED flashing lights DECREASE access for individuals with disabilities. There is no workaround for this by the city. There is no accommodation that can be made because individuals with disabilities had full and equal access to city services prior to the installation of the LED flashing lights, and now their access has been DECREASED by the alteration of adding LED flashing lights. The only remedy is to remove the LED flashing lights and to restore the altered areas or altered vehicles to their previous non-discriminatory state.

For additional information about a city's requirements under the ADA, you may contact Jan Garrett, Deputy Director, Pacific ADA Center at JanG@ADAPacific.org or April Dawson-Rawlings, Executive Director, California Commission on Disability Access, at April.DawsonRawlings@dgs.ca.gov or Carolyn Coleman, Executive Director, League of California Cities at ccoleman@calcities.org

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org

 **Notice of Dangerous Condition - LED Flashing Lights.pdf**
196K

June 19, 2024

BY EMAIL

City Clerk
Los Angeles, California
CityClerk@lacity.org

Re: Notice of Dangerous Condition – LED Flashing Lights

Dear City Clerk,

This letter serves to provide Constructive Notice of a dangerous condition(s) within the city of Los Angeles. LED flashing lights have been proven to impair vision and cognitive functioning and can cause non-epileptic and epileptic seizures. The US Food and Drug Administration has not vetted LED flashing lights for photobiological, neurological, or psychological safety. LED flashing lights are unregulated and create hazardous, dangerous, and discriminatory conditions.

California Government Code Section 835 states:

Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:

(a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or

(b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

Here are a few reports of neurological, psychological, and physical injury caused by LED flashing light devices:

- Minnesota Department of Human Rights – LED RRFB – (<https://www.softlights.org/wp-content/uploads/2023/06/74059-6-15-2023-ECP-Memorandum-.pdf>)
- LED RRFB – Seizure / Concussion - (<https://www.softlights.org/wp-content/uploads/2022/09/MA-Incident-Report.pdf>).
- Emergency Vehicle – Seizure Reaction / Panic Attack - (<https://www.softlights.org/wp-content/uploads/2021/09/Encounter-with-Emergency-Vehicle.pdf>)

The city is now on notice that LED flashing light devices create dangerous conditions, and that the city has a Due Care obligation to eliminate those dangerous conditions.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org