

June 21, 2024

**BY EMAIL**

Carlos Montez, Deputy Executive Officer  
Los Angeles Metro  
LinkUnionStation@metro.net

**Re: Notice of ADA Requirements and Dangerous Conditions – Light Emitting Diodes**

Dear Carlos Montez,

This is a public comment on the Draft EIS/SEIR for the Link Union Station. This letter serves to provide Constructive Notice that the use of Lighting Emitting Diodes in parking lot lighting, displays and signs, indicator lights, and interior lighting can create dangerous conditions and discriminatory barriers. LED 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 lights for photobiological, neurological, or psychological safety. LED lights are unregulated and create hazardous, dangerous, and discriminatory conditions.

The US Department of Energy states that LEDs are a “radically new technology” that emit a “directional” light with “unique characteristics”.<sup>1</sup> It is the directional nature of LEDs and their unique characteristics that make LEDs unsuitable for most lighting applications because of the dangerous conditions and discriminatory barriers that LED lights create.

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.*

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<sup>1</sup> [https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl\\_lessons-learned\\_2014.pdf](https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl_lessons-learned_2014.pdf)

28 C.F.R. § 35.151(a)(1) states:

*Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.<sup>2</sup>*

28 C.F.R. § 35.151(b)(1) 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.*

Here is a sampling of reports of neurological, psychological, and physical injury caused by LEDs:

- 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>)
- LED Incident Reports - (<https://www.softlights.org/led-incident-reports/>)

On May 24, 2024, the US Food and Drug Administration issued a decision to not publish performance standards for any LED product, despite the requirements of 21 U.S.C. 360ii. Thus, given the numerous reports of harm and discrimination caused by LED lights and the lack of regulation from the FDA, it will be incumbent on Los Angeles Metro to vet any proposed LED product to ensure that the directional nature and unique characteristics of the LED product do not create a dangerous condition and that the installation of an LED device does not make a constructed or altered area not readily accessible or usable by individuals with disabilities.

The impacts of LED lighting must be addressed in the EIS/SEIR.

Sincerely,  
/s/ Mark Baker  
President  
Soft Lights Foundation  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

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<sup>2</sup> <https://www.law.cornell.edu/cfr/text/28/35.151>