

June 18, 2024

**BY EMAIL**

Howard Chan, City Manager  
Sacramento, California  
hchan@cityofsacramento.org

**Re: Notice of Dangerous Condition – LED Flashing Lights**

Dear Howard Chan,

This letter serves to provide Constructive Notice of a dangerous condition(s) within the city of Sacramento. 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>)
- Seizure – LED RRFB - (<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](mailto:mbaker@softlights.org)