



Mark Baker <mbaker@softlights.org>

Caltrans ADA Access Request #11313

Ben Davis <ben@illuminate.org>

Thu, Dec 12, 2024 at 5:59 PM

To: Mark Baker <mbaker@softlights.org>

Cc: Maxwell.Maurer@dot.ca.gov, "Bart.Ney" <Bart.Ney@dot.ca.gov>, avaziri@sfchronicle.com, "Steinberg, Alan@DOT" <Alan.Steinberg@dot.ca.gov>, "Vince@DOT Jacala" <vince.jacala@dot.ca.gov>, garrett@sfstandard.com, MTC-ABAG Info <info@bayareametro.gov>, "ADA Compliance Office@DOT" <ada.compliance.office@dot.ca.gov>, lighting@musco.com, "Garcia, Yana@EPA" <yana.garcia@calepa.ca.gov>, "Ghaly, Mark@CHHS" <mark.ghaly@chhs.ca.gov>, city.administrator@sfgov.org, ChanStaff@sfgov.org, DorseyStaff@sfgov.org, EngardioStaff@sfgov.org, MelgarStaff@sfgov.org, "Peskin, Aaron (BOS)" <Aaron.Peskin@sfgov.org>, Shamann.Walton@sfgov.org, Catherine.Stefani@sfgov.org, Ahsha.Safai@sfgov.org, RonenStaff@sfgov.org, prestonstaff@sfgov.org, mandelmanstaff@sfgov.org, info@earthjustice.org, info@ptreyes.org, info@jmlt.org, Carrie@earthisland.org, info@savesfbay.org, msilver@bayareametro.gov, "Sustainability@DOT" <sustainability@dot.ca.gov>, cbonner@bayareametro.gov

Dear Mr Baker,

As the project presenter of The Bay Lights, thank you for cc'ing me in the many emails expressing your sweeping opinion that LEDs are inherently dangerous, that their use in any context is discriminatory and should be halted, and that the FDA should regulate their use.

I've done my best to absorb and understand your perspective on your [website](#). Your mission states: *The Soft Lights Foundation advocates for the protection of people and the environment from the harms of Visible Light radiation emitted by products that use Light Emitting Diodes.*

It seems clear that your concern is not with the Bay Lights installation in specific but with LED use in general. But since you're attempting to use the high-profile project to draw attention to your broader quest by claiming the artwork will create an ADA access barrier, allow me to make the following observations.

The Bay Bridge's western span is already illuminated exclusively by LEDs. To reach the western span's upper deck, one must pass through millions of LEDs. This includes LED lighting on surface streets in every Bay Area county and on our state roads and federal highways. Reaching the western span also entails driving across the Bay Bridge's new eastern span with its exquisite LED lighting that has shone for over a decade without incident. Exiting the western span brings you to the west approach, illuminated exclusively by LEDs. If a person were extremely sensitive to LED light, they could never reach the western span of the Bay Bridge. There is no legitimate ADA issue related to The Bay Lights art installation.

The reality is that nearly every light we encounter in the modern world, including the screen I'm looking at as I type these words and the screen upon which you and others are reading them, is lit with LEDs.

Your website indicates other areas where you have attempted to halt the use of LEDs by making sweeping claims of discrimination and threatening litigation. I take stock in the FHWA's 2022 letter, published on your website and attached here, explaining why the FHWA decided to dismiss a similar complaint without further investigation.

Rather than cause harm, The Bay Lights deliver aesthetic equity and economic benefits to the region. The world-class artwork celebrates our state's transportation systems while lifting spirits and uniting communities around the Bay.

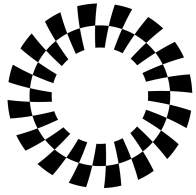
I wish you peace and prosperity.

Sincerely,

Ben Davis
Founder and Chief Visionary Officer
Illuminate the Arts


[Quoted text hidden]

--



ILLUMINATE

Ben Davis
Founder & Chief Visionary Officer
[more info](#)

 **Baker-CL-2022-0375.pdf**
251K