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4  
5 IN THE UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA

7 MARK BAKER,

8 Plaintiff,

9 vs.

10 CITY OF WOODLAND,

11 Defendant.

Case No.: 2:26-cv-00091-DAD-AC

FIRST AMENDED COMPLAINT  
PURSUANT TO:

- 12 1. THE AMERICANS WITH DISABILITIES  
13 ACT (42 U.S.C. §§ 12101 ET SEQ.);  
14 2. SECTION 504 OF THE  
15 REHABILITATION ACT OF 1973 (29 U.S.C.  
16 § 794);  
17 3. THE DISABLED PERSONS ACT  
18 (CALIFORNIA CIVIL CODE § 54);  
19 4. NEGLIGENCE (NEGLIGENCE PER SE -  
20 CAL. EVID. CODE § 669 / GOV. CODE §  
21 815.6) BASED ON VIOLATIONS OF 49  
22 C.F.R. § 571.108  
23

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1 **I. INTRODUCTION**

2 This Complaint seeks injunctive relief, declaratory relief, and statutory damages  
3 against Defendant City of Woodland (City) for its violations of Title II of the Americans  
4 with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), the  
5 California Disabled Persons Act (DPA), and for Negligence and Negligence Per Se.

6 These violations stem from Woodland's operation of emergency vehicles equipped  
7 with auxiliary lights which are not “steady-burning” as required, but are instead flashing, in  
8 violation of 49 C.F.R. § 571.108(S6.2.1), and high-decibel sirens. Collectively, these  
9 devices create insurmountable sensory barriers that deny Plaintiff the full and free use of  
10 public streets as required by Cal. Civ. Code § 54, and prevent effective communication  
11 with municipal services. While the non-compliant auxiliary vehicle lighting constitutes a  
12 *per se* safety violation, the combined effect of the lights and sirens functions as a physical  
13 obstruction that effectively exiles Plaintiff from the public right-of-way.

14 The City has failed to make an “individualized inquiry” to provide accommodation  
15 (*PGA Tour, Inc. v. Martin*, 532 U.S. 661, 688 (2001)), has contracted with third-party  
16 vendors to install auxiliary vehicle flashing lights in violation of 49 U.S. Code § 30122,  
17 and has failed to ensure that the city’s use of lights and sounds for communication are as  
18 effective with Plaintiff as with others, as required by 28 C.F.R. § 35.160(a)(1).

19 Plaintiff seeks an order declaring the City’s practices unlawful and deficient, and an  
20 injunction requiring the City to implement reasonable modifications to its emergency  
21 vehicle signaling systems to comply with federal safety mandates and disability access  
22 laws. Furthermore, because the City has acted with deliberate indifference to Plaintiff’s  
23 known rights and safety, Plaintiff seeks compensatory and statutory damages to address the

1 ongoing physical and neurological injuries caused by these discriminatory and hazardous  
2 conditions.

## 3 **II. PARTIES**

4 Plaintiff MARK BAKER is an individual with qualified disabilities as defined by  
5 the ADA and the DPA, including autism spectrum disorder and photophobia. At all times  
6 relevant herein, Plaintiff was a resident of Yolo County, California, and a qualified  
7 individual with a disability who is entitled to the protections of the federal and state civil  
8 rights laws cited in this Complaint.

9 Defendant CITY OF WOODLAND is a municipal corporation and public entity  
10 within the meaning of 42 U.S.C. § 12131(1). Woodland owns and operates a fleet of  
11 emergency and utility vehicles and provides services, programs, or activities, including  
12 emergency response and the maintenance of a public right-of-way, subject to Title II of the  
13 ADA. Upon information and belief, Woodland is a recipient of federal financial assistance,  
14 making it also subject to the mandates of Section 504 of the Rehabilitation Act (29 U.S.C.  
15 § 794).

## 16 **III. JURISDICTION AND VENUE**

17 This Court has subject matter jurisdiction over the federal claims in this action  
18 pursuant to 28 U.S.C. § 1331 (Federal Question), 42 U.S.C. § 12133 (ADA Enforcement),  
19 and 29 U.S.C. § 794a (Rehabilitation Act Enforcement). This Court has supplemental  
20 jurisdiction over Plaintiff's state law claims (Cal. Civ. Code § 54, et seq., and Negligence)  
21 pursuant to 28 U.S.C. § 1367, as those claims are so related to the federal claims that they  
22  
23

1 form part of the same case or controversy. The Court may grant declaratory and other relief  
2 pursuant to 28 U.S.C. §§ 2201 and 2202.

3 Venue is proper in the Eastern District of California pursuant to 28 U.S.C. §  
4 1391(b) because the Defendant City is located in this District, Plaintiff resides in this  
5 District, and a substantial part of the events or omissions giving rise to the claims occurred  
6 in this District.

7 Plaintiff has complied with all applicable administrative prerequisites, including the  
8 California Government Claims Act (Cal. Gov. Code § 900 et seq.) where required, prior to  
9 filing this action.

#### 10 **IV. STATEMENT OF FACTS**

##### 11 **A. Qualified ADA Disability**

12 Plaintiff has been diagnosed with autism spectrum disorder (ASD) and  
13 photophobia, both of which are qualified disabilities under the ADA and DPA.

14 Plaintiff's photophobia and ASD-related sensory processing disorder result in a  
15 neurological inability to filter high-intensity strobe lighting and high-decibel, variable-pitch  
16 auditory stimuli. These physiological conditions cause immediate sensory overload,  
17 substantially limiting the major life activities of seeing, hearing, and neurological function.

18 When exposed to these stimuli, the combined effect of the strobes and sirens  
19 triggers immediate, debilitating physical pain and a cognitive shutdown. This physiological  
20 reaction manifests in severe psychological responses, including extreme anxiety, panic  
21 attacks, and disorientation, which effectively preclude Plaintiff from safely traversing  
22 public streets or communicating with municipal services.  
23

1 This is not a matter of annoyance, as the Defendant may claim, but a deprivation of  
2 meaningful access to the public right-of-way. To the extent the Defendant disputes the  
3 severity of these physiological impacts or the degree of Plaintiff’s impairment, such  
4 disputes raise triable issues of fact that are improper for resolution at the pleading stage and  
5 must instead be addressed through discovery and trial

6 Plaintiff has submitted numerous reports to the U.S. Food and Drug Administration  
7 documenting adverse reactions to vehicle flashing lights, demonstrating a well-established  
8 pattern of harm from such exposure. (EXHIBIT A, Apdx B.)

9  
10 **B. Federal Safety Law Violation (Auxiliary Flashing Lights)**

11 **The Steady-Burning Requirement**

12 Flashing lights have been known to impair vision for at least 100 years. In 1926,  
13 L.L. Holladay published “*The Fundamentals of Glare and Visibility*,” which provided the  
14 first mathematical proof of “Disability Glare.” This study proved that high-intensity light  
15 sources create a “veiling luminance”—a physical layer of scattered light inside the human  
16 eye that masks objects and renders them invisible. This research led the Society of  
17 Automotive Engineers (SAE) to develop standards requiring “steady” lights to prevent this  
18 physiological hazard.

19 The passage of the Motor Vehicle Safety Act in 1966 led to the creation of the  
20 National Highway Traffic Safety Administration (NHTSA) and the publication of the  
21 Federal Motor Vehicle Safety Standards (FMVSS). Section 108 contains the standards for  
22 automobile lighting. Since its inception, NHTSA has continued the SAE standards  
23 requirements that auxiliary lighting equipment be “steady-burning”.

1           The very first FMVSS-108 standard for vehicle lighting published in the Federal  
2 Register on February 3, 1967 contains section S3.5 Lighting Display, which states, “When  
3 energized, each lamp specified in Table I shall be steady-burning except turn signal lamps,  
4 which shall flash.” (Request for Judicial Notice (RJN), EXHIBIT 1, p. 2412).

5           In a December 7, 1973 Letter of Interpretation, NHTSA stated, “Our definition of  
6 "steady" is "regular, uniform; not changed, replaced or interrupted; not fluctuating or  
7 varying widely." (RJN, EXHIBIT 2).

8           NHTSA’s policy that vehicle lighting must be steady-burning except for turn  
9 signals has not wavered since 1967. As recently as June 27, 2024, NHTSA stated, “FMVSS  
10 No. 108 requires that all auxiliary lamps be steady burning except for auxiliary lamps that  
11 supplement required lamps that flash, such as turn signals.”<sup>1</sup> (RJN, EXHIBIT 3, p. 4.)

12           On December 13, 2024, NHTSA issued a Letter of Interpretation confirming that  
13 auxiliary lamps must be “steady-burning”, stating, “NHTSA has long interpreted FMVSS  
14 No. 108 to require that all auxiliary lamps be ‘steady burning,’...” (RJN, EXHIBIT 4, p. 2.)  
15 In that same letter, NHTSA stated, “Therefore, because the ‘emergency warning lights’ are  
16 not steady burning, they would not comply with FMVSS No. 108 and would impair  
17 required lighting.” (RJN, EXHIBIT 4, p. 4.)

18           Therefore, going back 100 years, the knowledge that flashing lights create glare and  
19 dangerous conditions has not changed and the federal government continues to require that  
20 all auxiliary vehicle lights be “steady-burning”.

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<sup>1</sup> NHTSA uses “auxiliary” and “supplemental” interchangeably.

1       **The Administrative Rewrite**

2               While Defendant may contend that the ubiquity of auxiliary flashing lights suggests  
3 their legality, such a belief is based on a misunderstanding of NHTSA’s 2007  
4 administrative reorganization of FMVSS 108. Lighting manufacturers and municipalities  
5 have attempted to exploit this administrative rewrite as a loophole to permit auxiliary  
6 flashing lights, a position NHTSA has now explicitly rejected.

7               To address this perceived loophole, NHTSA clarified in the same December 13,  
8 2024 Letter of Interpretation that the 2007 changes were “administrative” only and that  
9 NHTSA’s position on the dangers of flashing lights had not changed. NHTSA wrote, “In  
10 2007, NHTSA implemented an administrative reorganization of FMVSS No. 108 which,  
11 among other things, clarified the blanket “steady burning” requirement (and its exceptions)  
12 by converting it into specified individual activation requirements for each type of required  
13 lamp. Although the reorganized rule no longer includes a blanket “steady burning”  
14 requirement, NHTSA stated in the preamble to the reorganized rule that its “rewrite of  
15 FMVSS No. 108 is considered administrative in nature because the standard’s existing  
16 requirements and obligations are not being increased, decreased, or substantively  
17 modified.”

18               Table I of FMVSS 108 identifies the required lighting for various categories of  
19 vehicles. The “steady burning” requirement is explicitly mandated for each vehicle  
20 category, including the two additional intermediate side marker lamps required for vehicles  
21 30 feet or longer. While the use of flashing lights is ministerial for school buses, no such  
22 exception exists for emergency vehicle auxiliary lights. Beyond the narrow ministerial  
23

1 exceptions for turn signals and hazard markers, the “steady-burning” requirement applies  
2 universally to all vehicle lighting.

3 In its December 13, 2024 letter, NHTSA concluded by stating, “Therefore, because  
4 the ‘emergency warning lights’ are not steady burning, they would not comply with  
5 FMVSS No. 108 and would impair required lighting.”

6 California has adopted state-level statutes consistent with federal safety mandates.  
7 Specifically, Cal. Veh. Code § 25250 establishes a general prohibition: “Flashing lights are  
8 prohibited on vehicles except as otherwise permitted.” Because federal law (FMVSS 108)  
9 does not permit, and in fact prohibits, the use of non-steady-burning auxiliary lights  
10 because they impair safety equipment, any discretionary permission under California law is  
11 preempted by FMVSS 108 under the Supremacy Clause.

### 12 13 **The Make Inoperative Provision**

14 In the same December 13, 2024 letter, NHTSA wrote, “Further, because  
15 ‘emergency warning lights’ would impair the effectiveness of required lamps, NHTSA has  
16 also determined that entities listed in § 30122 of the Safety Act that install ‘emergency  
17 warning lights’ on new or used vehicles would violate the ‘make inoperative’ provision of  
18 the Act.”

19 49 U.S. Code § 30122 prohibits a manufacturer, distributor, dealer, rental company,  
20 or motor vehicle repair business from making any part of a vehicle inoperative. When a  
21 third party installs auxiliary vehicle flashing lights, that third party installs lighting  
22 equipment that NHTSA has articulated impairs the effectiveness of required lamps by  
23 creating disability glare and a safety hazard.

1           The City of Woodland does not typically manufacture its own emergency vehicles  
2 or install its own auxiliary flashing lights on city vehicles. Instead, the City contracts with  
3 third-party vendors to "upfit" or modify vehicles with auxiliary lighting and sirens. Under  
4 49 C.F.R. § 567.7, these third-party upfitters are required to affix a label certifying that the  
5 vehicle, as modified, conforms to all applicable Federal Motor Vehicle Safety Standards  
6 (FMVSS).

7           Pursuant to the NHTSA interpretations previously cited, auxiliary warning lights  
8 that are not steady-burning are classified as non-compliant with FMVSS 108 because they  
9 impair the effectiveness of required safety lighting. Nevertheless, the City has accepted,  
10 deployed, and continues to operate vehicles upfitted by third parties with non-steady-  
11 burning strobe systems. These modifications were performed in direct contravention of the  
12 'Make Inoperative' prohibition found in 49 U.S. Code § 30122, which expressly forbids any  
13 such modification that renders a federal safety standard, specifically the FMVSS 108  
14 steady-burning requirement, inoperative.

### 15 16           **C. Audible Warning Devices**

17           It has been established for decades that high-decibel emergency sirens constitute a  
18 significant physiological and public health hazard. Since the 1970s, the National Institute  
19 for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health  
20 Administration (OSHA) have recognized that noise levels exceeding 85 to 90 decibels  
21 cause irreversible auditory damage and trigger acute systemic stress responses.

22           Modern emergency sirens frequently reach 120 decibels, a level that is 1,000 times  
23 more intense than the threshold for potential hearing loss. For individuals with autism

1 spectrum disorder and associated sensory processing differences, these high-decibel sirens  
2 are not merely loud; they may cause physical pain and emotional terror.

3 Research indicates that while neurotypical individuals may filter out excessively  
4 loud noise, the autistic brain often lacks this sensory gating mechanism, leading to  
5 immediate autonomic arousal, physical pain, and a collapse of the ability to process  
6 information.

7 The City's emergency vehicles are equipped with sirens that emit sounds at  
8 excessively high and injurious decibel levels. California Vehicle Code (CVC) § 27002(a)  
9 mandates that an authorized emergency vehicle "shall be equipped with a siren," but this  
10 command pertains only to equipment installation, not the mandatory activation of the siren.

11 If the City elects to use a "siren", that device must meet the high-volume  
12 performance standards established in Title 13, California Code of Regulations, § 1028. This  
13 regulatory requirement forces the siren's output to levels routinely exceeding 120-124  
14 decibels (dB) at close range, which is proven to cause pain, sensory overload, and hearing  
15 damage, which results in a physical and neurological barrier that excludes Plaintiff from  
16 the public right-of-way.

17 Crucially, the statute governing the use of emergency privileges, CVC § 21055,  
18 does not mandate siren use. It only permits the driver to operate "a siren as may be  
19 reasonably necessary" to warn others. The section then strictly prohibits unwarranted use:  
20 "A siren shall not be sounded by an authorized emergency vehicle except when required  
21 under this section." This language creates a legal presumption against sounding the siren  
22 unless the driver determines it is the "reasonably necessary" form of warning.  
23

1           Furthermore, CVC § 27002(b) confirms the availability of discretionary alternatives  
2 by authorizing an emergency vehicle to "also be equipped with a Hi-Lo audible warning  
3 sound." Thus, while emergency vehicles must be equipped with a siren, the emergency  
4 vehicle could also be equipped with bells or directional beepers which are not mandated to  
5 meet the dangerously loud 120db requirement for sirens.

6           While CVC § 27002(a) requires the installation of a siren, the City possesses the  
7 discretion to utilize lower-volume alternatives or directional audible warnings that are not  
8 subject to the 120dB performance standard.

9  
10           **D. The Discriminatory Barrier**

11           On September 18, 2025, at approximately midday, Plaintiff was driving eastbound  
12 on Main Street in Woodland, California, when Plaintiff was suddenly struck by dozens of  
13 intense red flashing lights and extraordinarily loud sirens from two Woodland Fire  
14 Department fire trucks.

15           The intensity and digital pulsing characteristics of the flashing lights, combined  
16 with the extreme volume of the sirens, caused Plaintiff to experience immediate  
17 incapacitation. Plaintiff was forced to close both eyes as tightly as possible, insert both  
18 fingers into ears to block the sound, and apply the vehicle brakes to stop in the middle of  
19 the roadway to ensure his safety and the safety of others.

20           The simultaneous high-intensity light pulses and overwhelming siren volume  
21 created a multi-sensory assault. Plaintiff's heart rate increased dramatically, panic set in,  
22 and Plaintiff feared for his life. This combined sensory overload rendered Plaintiff unable  
23 to see, hear, think, or concentrate, effectively incapacitating him during the encounter.

1           After the fire trucks passed, Plaintiff pulled into a parking lot in an attempt to  
2 recover. The psychological trauma from this event persisted for hours following the  
3 encounter.

4           On December 6, 2025, while Plaintiff was a pedestrian at the intersection of Main  
5 Street and West Street in Woodland, a Woodland fire truck's sirens sounded and the  
6 vehicle's excessive, non-steady-burning red lights caused Plaintiff to suffer another acute,  
7 disabling reaction resulting in eye pain and emotional trauma.

8           As a result of these incidents, the City's current emergency vehicle lighting and  
9 siren system creates a visual and auditory barrier that effectively denies Plaintiff full, free,  
10 and equal access to the public right-of-way.

11           Plaintiff filed a claim and provided actual notice to the City of Woodland that the  
12 use of unlawful auxiliary vehicle flashing lights and excessively loud sirens constitute a  
13 dangerous condition. The City denied Plaintiff's Claim for Damages. (EXHIBIT F.)

14  
15           **E. Request for Reasonable Accommodation**

16           On September 20, 2025, Plaintiff submitted a written request for reasonable  
17 accommodation to Richard Perry, identified as Woodland's ADA Coordinator, pursuant to  
18 28 C.F.R. § 35.160(a)(1). (EXHIBIT A.)

19           Plaintiff's request specifically sought modifications to Woodland's policies,  
20 practices, and procedures regarding emergency vehicle warning lights and sirens to ensure  
21 that communications via these systems would be "as effective" with Plaintiff as with  
22 individuals without disabilities.

1           The requested modifications included: (a) setting an upper limit on the intensity of  
2 flashing lights; (b) setting an upper limit on the number of flashing lights per vehicle; (c)  
3 prohibiting the use of digital on/off flashing lights; and (d) setting an upper limit on the  
4 intensity of sirens.

5           Plaintiff explained that the stated purpose of auxiliary vehicle flashing lights and  
6 sirens on emergency vehicles is for communicating with the public. The various colors of  
7 the flashing lights have different meanings, and the purpose of the sirens is to communicate  
8 the presence of the emergency vehicles. Therefore, because the flashing lights and sirens  
9 are for the purpose of communication, the applicable ADA regulation is 28 C.F.R. Part 35 -  
10 Subpart E - Communications.

11           Plaintiff documented that the flashing lights are too intense, there are too many of  
12 them, the digital on/off characteristic is overwhelming, and the volume of the sirens is  
13 incapacitating for Plaintiff as an individual with the qualified ADA disability of autism  
14 spectrum disorder. Plaintiff explained that because of the extreme intensity of the light and  
15 sound, Woodland's communications via the fire trucks are not as effective with Plaintiff as  
16 the communications are with individuals without disabilities because the flashing lights and  
17 dangerously loud sirens severely impair Plaintiff's ability to see, hear, think, and  
18 concentrate.

19           Plaintiff's request was supported by: (a) detailed incident reports; (b) peer-reviewed  
20 research studies on the hazards of high-intensity flashing lights; (c) FDA incident reports  
21 documenting Plaintiff's adverse reactions; and (d) an ADA Communications Checklist to  
22 assist the City in evaluating the request.  
23

1           The City issued two written responses to Plaintiff’s request, denying Plaintiff’s  
2 accommodation request both times (EXHIBITS B, D.) However, neither response  
3 contained a detailed statement of the reasons for reaching a “fundamental alteration” or  
4 “undue financial and administrative burden” conclusion, nor did the responses include the  
5 health and safety studies or specific cost analyses required by 28 C.F.R. § 35.164. To date,  
6 the City has not provided the specific documentation requested by Plaintiff and mandated  
7 by federal regulation.

8  
9           **F. Request for Investigation**

10           On November 6, 2025, Plaintiff submitted a formal Request for Investigation to the  
11 Woodland City Council, identifying the procedural deficiencies in the October 21, 2025,  
12 denial and requesting that the City Council investigate the matter, vacate the deficient  
13 denial, and mandate proper compliance with 28 C.F.R. § 35.164. (EXHIBIT C.) The City  
14 Council referred the matter back to the City Manager.

15  
16           **G. Notice of Intent to Sue**

17           On December 6, 2025, Plaintiff notified the City of Plaintiff’s intent to sue.  
18 (EXHIBIT E.)

19  
20           **V. LEGAL STANDARD**

21           **A. Americans with Disabilities Act, Title II**

22           Title II of the ADA provides that "no qualified individual with a disability shall, by  
23 reason of such disability, be excluded from participation in or be denied the benefits of the

1 services, programs, or activities of a public entity, or be subjected to discrimination by any  
2 such entity." 42 U.S.C. § 12132.

3 A "public entity" includes "any State or local government" and "any department,  
4 agency, special purpose district, or other instrumentality of a State or States or local  
5 government." 42 U.S.C. § 12131(1). The City of Woodland is a public entity.

6 Under 28 C.F.R. § 35.130(b)(7), "A public entity shall make reasonable  
7 modifications in policies, practices, or procedures when the modifications are necessary to  
8 avoid discrimination on the basis of disability, unless the public entity can demonstrate that  
9 making the modifications would fundamentally alter the nature of the service, program, or  
10 activity."

11 Under 28 C.F.R. § 35.160(a)(1), "A public entity shall take appropriate steps to  
12 ensure that communications with applicants, participants, members of the public, and  
13 companions with disabilities are as effective as communications with others." Plaintiff is a  
14 member of the public.

15 The purpose of emergency vehicle warning lights and sirens is communicative: to  
16 alert the public of an emergency vehicle's presence and to signal that the vehicle requires  
17 right-of-way. This is governmental communication subject to the effective communication  
18 requirements of 28 C.F.R. § 35.160.

19 Under 28 C.F.R. § 35.164: "If an action required to comply with this part would  
20 result in such an alteration or such burdens, a public entity shall take any other action that  
21 would not result in such an alteration or such burdens but would nevertheless ensure that,  
22 to the maximum extent possible, individuals with disabilities receive the benefits or  
23 services provided by the public entity."

1           When a public entity asserts fundamental alteration or undue burden as a defense, it  
2 bears a strict burden of proof. Under 28 C.F.R. § 35.164: "In those circumstances where  
3 personnel of the public entity believe that the proposed action would fundamentally alter  
4 the service, program, or activity or would result in undue financial and administrative  
5 burdens, a public entity has the burden of proving that compliance with this subpart would  
6 result in such alteration or burdens. The decision that compliance would result in such  
7 alteration or burdens must be made by the head of the public entity or his or her designee  
8 after considering all resources available for use in the funding and operation of the service,  
9 program, or activity and must be accompanied by a written statement of the reasons for  
10 reaching that conclusion."

11           The determination of whether a modification is reasonable or would result in a  
12 fundamental alteration requires a fact-specific, individualized inquiry. "Thus, a public  
13 entity 'must consider the particular individual's need when conducting its investigation into  
14 what accommodations are reasonable.'" *Updike v. Multnomah County* (9th Cir. 2017) 870  
15 F.3d 939, 954. A public entity's failure to engage in this inquiry or to consider the specific  
16 needs of the individual with a disability constitutes a violation of Title II.

### 17 18           **B. Section 504 of the Rehabilitation Act**

19           Section 504 of the Rehabilitation Act mandates that "[n]o otherwise qualified  
20 individual with a disability... shall, solely by reason of her or his disability, be excluded  
21 from the participation in, be denied the benefits of, or be subjected to discrimination under  
22 any program or activity receiving Federal financial assistance." 29 U.S.C. § 794(a).

1 Under Section 504, a recipient of federal funds has an affirmative duty to provide  
2 "meaningful access" to its programs and activities. *Alexander v. Choate* (1985) 469 U.S.  
3 287, 301. This requires the entity to provide reasonable modifications to its policies and  
4 practices when necessary to avoid discrimination.

5 In *A.J.T. v. Osseo Area Schools* (2025) 145 S. Ct. \_\_\_\_, the United States Supreme  
6 Court clarified that a unified standard of "deliberate indifference" applies to claims for  
7 compensatory damages under both Title II of the ADA and Section 504. Under this  
8 standard:

- 9 • Liability is established when a public entity disregards a "strong likelihood" that its  
10 actions will violate a federally protected right.
- 11 • The standard does not require a showing of "bad faith" or "gross misjudgment."
- 12 • Deliberate indifference is met when an entity has knowledge that a harm to a federally  
13 protected right is substantially likely, and fails to act upon that likelihood.

### 14 15 **C. California Disabled Persons Act**

16 The California Disabled Persons Act establishes a separate and independent claim  
17 for relief in state court that mirrors and, in some respects, exceeds the protections of the  
18 federal Americans with Disabilities Act.

- 19 • California Civil Code § 54(a) provides: "Individuals with disabilities or medical  
20 conditions have the same right as the general public to the full and free use of the  
21 streets, highways, sidewalks, walkways, public buildings, medical facilities,  
22 including hospitals, clinics, and physicians' offices, public facilities, and other  
23 public places."

- California Civil Code § 54(c) establishes that "A violation of the right of any individual under the Americans with Disabilities Act of 1990 also constitutes a violation of this section."
- California Civil Code § 54.3 provides for statutory damages of a minimum of \$1,000 for each offense, plus actual damages, and attorney's fees to a prevailing plaintiff.

#### **D. Negligence and Negligence Per Se**

The City of Woodland has a mandatory duty to exercise reasonable care in the operation of its fleet and the selection of its emergency equipment so as not to create a dangerous condition for the public.

##### **1. Negligence Per Se (California Evidence Code § 669)**

Under California law, the failure of a person to exercise due care is presumed if:

- (a) They violated a statute, ordinance, or regulation of a public entity;
- (b) The violation proximately caused death or injury to person or property;
- (c) The death or injury resulted from an occurrence of the nature which the statute, ordinance, or regulation was designed to prevent; and
- (d) The person suffering the death or the injury to his person or property was one of the class of persons for whose protection the statute, ordinance, or regulation was adopted.

##### **2. Mandatory Duty of Public Entities (California Government Code § 815.6)**

Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public

1           entity is liable for an injury of that kind proximately caused by its failure to discharge  
2           the duty unless the public entity establishes that it exercised reasonable diligence to  
3           discharge the duty.

4           **3. Dangerous Condition of Public Property (California Government Code § 835)**

5           A public entity is liable for injury caused by a dangerous condition of its property  
6           if the plaintiff establishes that the property was in a dangerous condition at the time of  
7           the injury, that the injury was proximately caused by the dangerous condition, and that  
8           the dangerous condition created a reasonably foreseeable risk of the kind of injury  
9           which was incurred.

10  
11           **E. Federal Motor Vehicle Safety Standard Prohibiting Auxiliary**

12           **Flashing Lamps**

13           Under the National Traffic and Motor Vehicle Safety Act, the Secretary of  
14           Transportation is mandated to prescribe Federal Motor Vehicle Safety Standards (FMVSS)  
15           that are "practicable, meet the need for motor vehicle safety, and are stated in objective  
16           terms." 49 U.S.C. § 30111(a).

17           FMVSS No. 108 (49 C.F.R. § 571.108) governs all lamps, reflective devices, and  
18           associated equipment. The standard's purpose is to "reduce traffic accidents and deaths and  
19           injuries resulting from traffic accidents, by providing adequate illumination of the roadway,  
20           and by enhancing the conspicuousness of motor vehicles on the public roads so that their  
21           presence is perceived and their signals understood, both in daylight and in darkness or other  
22           conditions of reduced visibility." 49 C.F.R. § 571.108 S2.

1 FMVSS 108 requires that all lamps must be steady-burning unless specifically  
2 exempted (such as turn signals or hazard flashers). As established by NHTSA's formal  
3 interpretations, auxiliary "emergency warning lights" are not exempt from the steady-  
4 burning requirement because they can impair the effectiveness of required safety lighting.

5 49 U.S. Code § 30122 prohibits a motor vehicle repair business or upfitter from  
6 knowingly making "inoperative" any part of a device or element of design installed on or in  
7 a motor vehicle in compliance with an applicable motor vehicle safety standard.

8 Pursuant to 49 U.S.C. § 30101 et seq., NHTSA is the federal authority empowered  
9 to interpret and enforce Federal Motor Vehicle Safety Standards. NHTSA's formal Letters  
10 of Interpretation are entitled to substantial deference and serve as the authoritative  
11 definition of the requirements set forth in 49 C.F.R. § 571.108. Consequently, NHTSA's  
12 determination that auxiliary warning lights must be "steady-burning" is legally sufficient to  
13 establish the federal safety standard applicable to Defendant's fleet.

## 14 15 16 **VI. FIRST CAUSE OF ACTION**

### 17 **Violations of Title II of the ADA (42 U.S.C. §§ 12131-12134)**

18 Plaintiff incorporates by reference the allegations contained in the paragraphs above  
19 as though fully set forth herein.

20 Plaintiff is a "qualified individual with a disability" as defined by the ADA, as  
21 Plaintiff has autism spectrum disorder and photophobia, which substantially limit the major  
22 life activities of seeing, hearing, and neurological function.

23 Defendant City of Woodland is a "public entity" as defined by the ADA and is  
responsible for the policies and equipment of the Woodland Fire Department.

1 As a public entity, Defendant is under a mandatory duty to make reasonable  
2 modifications to its policies, practices, and procedures when necessary to avoid  
3 discrimination.

4 **Failure to Modify Policies:** Despite receiving a formal request for reasonable  
5 modification, Defendant refused to modify its emergency vehicle signaling policies  
6 (specifically regarding light intensity and siren volume) which are necessary to ensure  
7 Plaintiff has equal access to the public right-of-way.

8 **Failure to Conduct Individualized Inquiry:** As established in *Updike v.*  
9 *Multnomah County*, Defendant had an affirmative duty to conduct a fact-specific,  
10 individualized investigation into Plaintiff's specific needs. Defendant breached this duty by  
11 issuing a summary denial without the required health, safety, or cost analyses.

12 **Failure to Provide Effective Communication:** Because the purpose of sirens and  
13 lights is to communicate with the public, Defendant's use of incapacitating stimuli violates  
14 28 C.F.R. § 35.160, as the communication is not "as effective" with Plaintiff as it is with  
15 non-disabled individuals.

16 **Deliberate Indifference:** Defendant had actual notice of the harm being caused to  
17 Plaintiff's federally protected rights and failed to act, meeting the standard for  
18 compensatory damages under *A.J.T. v. Osseo Area Schools*.

19  
20 **VII. SECOND CAUSE OF ACTION**

1                    **Violation of Section 504 of the Rehabilitation Act of 1973(29 U.S.C. §**

2                    **794)**

3                    Plaintiff incorporates by reference the allegations contained in the above paragraphs  
4 as though fully set forth herein.

5                    At all times relevant to this action, Defendant City of Woodland has been a  
6 recipient of federal financial assistance, including but not limited to federal grants for  
7 public safety and infrastructure, thereby subjecting the City to the mandates of Section 504  
8 of the Rehabilitation Act.

9                    Plaintiff is an "otherwise qualified individual with a disability" under Section 504.

10                   **Denial of Meaningful Access:** Defendant has denied Plaintiff "meaningful access"  
11 to the public right-of-way and municipal emergency communications through the  
12 following:

- 13                   • **Lighting:** By deploying auxiliary lighting systems that violate federal safety  
14 standards (FMVSS 108) and create incapacitating visual barriers.
- 15                   • **Sirens:** By deploying high-decibel siren systems and refusing to modify their use to  
16 avoid triggering neurological distress and physical pain, despite the availability of  
17 less-harmful alternatives.

18                   **Failure to Accommodate:** Section 504 imposes an affirmative duty on federal fund  
19 recipients to provide reasonable accommodations. Defendant's refusal to modify its  
20 signaling policies to accommodate Plaintiff's ASD and photophobia constitutes a breach of  
21 this duty.



1 Act. As set forth in the First Cause of Action, Defendant has violated the ADA, thereby  
2 establishing liability under the DPA.

3 **Statutory Damages:** Pursuant to California Civil Code § 54.3, Defendant is liable  
4 for actual damages and any amount determined by the court or jury up to three times the  
5 amount of actual damages, but in no case less than one thousand dollars (\$1,000) for each  
6 offense, plus reasonable attorney's fees.

7  
8 **IX. FOURTH CAUSE OF ACTION**

9 **Negligence and Negligence Per Se (Cal. Evid. Code § 669 and Cal. Gov.**

10 **Code § 835)**

11 Plaintiff incorporates by reference the allegations contained in the above paragraphs  
12 as though fully set forth herein.

13 **Violation of Mandatory Duty:** At all times relevant, Defendant City of Woodland  
14 had a mandatory duty under 49 C.F.R. § 571.108(S6.2.1) to ensure that auxiliary lighting  
15 on its emergency vehicles remained "steady-burning" to prevent disability glare and  
16 sensory interference. The City has failed to establish or enforce maximum intensity  
17 (luminance) standards for these auxiliary lamps, allowing them to operate at levels that  
18 create disabling glare and actively impair the effectiveness of the vehicle's required  
19 lighting equipment in violation of the federal "make inoperative" prohibition.

20 **Negligence Per Se:** Pursuant to California Evidence Code § 669, Defendant is  
21 presumed negligent because it violated the aforementioned federal safety regulations (49  
22 C.F.R. § 571.108) and state safety statutes (Cal. Veh. Code § 25250). These laws were  
23 specifically enacted to prevent disability glare and ensure the visual safety of the public—

1 the exact harm suffered by Plaintiff. As a motorist and member of the public, Plaintiff is  
2 within the class of persons these safety mandates were intended to protect. These violations  
3 were the proximate cause of Plaintiff's physical pain, neurological distress, and loss of  
4 orientation

5 **Dangerous Condition:** Under California Government Code § 835, the City's fire  
6 apparatus and emergency vehicles, as equipped with non-compliant and incapacitating  
7 lighting, and dangerously loud sirens, constituted a dangerous condition of public property.

8 These dangerous conditions created a reasonably foreseeable risk of the kind of  
9 sensory and physical injury suffered by the Plaintiff, particularly for individuals with  
10 known disabilities such as ASD and photophobia.

11 Defendant had actual notice of this dangerous condition through Plaintiff's repeated  
12 formal notifications and the published NHTSA administrative interpretations, yet  
13 Defendant failed to take reasonable measures to protect against the risk of injury.

## 14 **X. RELIEF REQUESTED**

15 **WHEREFORE**, Plaintiff prays for judgment against Defendant City of Woodland  
16 as follows:

- 17 1. **For Declaratory Relief:** A judicial declaration that Defendant's current emergency  
18 signaling equipment and policies violate federal and state law;
- 19 2. **For Injunctive Relief (Lighting):** A permanent injunction requiring Defendant to  
20 modify its emergency vehicle lighting to comply with the steady-burning requirements  
21 of FMVSS 108 and the reasonable modification mandates of the ADA;
- 22 3. **For Injunctive Relief (Sirens):** A permanent injunction requiring Defendant to refrain  
23 from operating high-decibel (120dB+) sirens and instead utilize alternative, non-



# EXHIBIT A



1520 E. Covell Blvd. Suite 5-467  
Davis, CA 95616

September 20, 2025

## **BY EMAIL**

Richard Perry, ADA Coordinator  
Woodland, California  
richard.perry@cityofwoodland.gov

## **Re: ADA Accommodation Request – Auxiliary Firetruck Flashing Lights**

Dear Richard Perry,

On September 18, 2025, I was driving east on Main Street in Woodland, California, when I noticed LED flashing lights on an emergency vehicle in the distance. As you know, I am unable to tolerate the intensity and digital flashing characteristics of LED emergency vehicle flashing lights, so I prepared to turn right at the intersection to avoid the flashing lights.

However, before I could turn, two Woodland fire trucks appeared very near to me with dozens of red LED flashing lights and extraordinarily loud sirens that immediately overwhelmed me, causing me to close my eyes as tight as possible, put both fingers in my ears, and put my foot on the brake to stop the car. My heart began racing and panic set in. I feared for my life.

Eventually, the fire trucks left, and I was able to open my eyes. I pulled into a parking lot in an attempt to recover. However, the trauma from the event lasted for hours.

This letter is a request for accommodation and policy modification under the Americans with Disabilities Act (“ADA”).

The stated purpose for the use of auxiliary vehicle flashing lights and sirens on emergency vehicles is for communicating with the public. The various colors of the flashing lights have different meanings, and purpose of the sirens is to communicate the presence of the emergency vehicles. Therefore, because the flashing lights and sirens are for the purpose of communication, the applicable ADA regulation is 28 CFR Part 35 - Subpart E - Communications.

As detailed in my report of the incident on September 18, 2025, the LED flashing lights are too intense, there are too many of them, the digital on/off is overwhelming, and the volume of the siren is incapacitating for me, as an individual with the qualified ADA disability of

autism spectrum disorder. Because of the extreme intensity of the light and sound, the city's communications via the fire trucks are not as effective with me as the communications are with individuals without disabilities because the flashing lights and sirens severely impair my ability to see, think, and concentrate.

28 CFR § 35.160(a)(1) states, "A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others."

Under 28 C.F.R. § 35.130(7)(i), I request that the city of Woodland modify its policies, practices, and procedures, and take appropriate steps to reduce the intensity of the flashing lights, reduce the number of flashing lights, eliminate the digital on/off flashing, and reduce the volume of the sirens so that the city's communications via the fire trucks are as effective with me as the communications with individuals without disabilities.

28 CFR § 35.164 states, "In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion." Therefore, if the city denies my request for accommodation, the city must provide written statement that details the reason for the denial, including references to the health and safety studies that the city relied on to reach its conclusion that the intensity of the flashing lights and sirens cannot be reduced.

28 CFR § 35.164 also states, "If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity." Thus, the city is required to ensure my equal protection and ensure that I have full and equal access to city streets and sidewalks in all cases, and a denial of my request for accommodation does not relieve the city of its duty to find a solution for this issue.

I ask for a prompt response to this request.

Sincerely,

/s/ Mark Baker  
Individual

/s/ Mark Baker

President  
Soft Lights Foundation  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

## APPENDIX A

### RESEARCH STUDIES

**November, 2024** – [Securing the Perception of Advanced Driving Assistance Systems Against Digital Epileptic Seizures Resulting from Emergency Vehicle Lighting](#) – LED flashing lights interfere with automated driving systems.

**October 4, 2024** – [International Guidelines for Photosensitive Epilepsy: Gap Analysis and Recommendations](#) – Limit brightness difference between flashing states to a luminance of 20 cd/m<sup>2</sup>.

**July 26, 2023** – [Accidental macular injury from short-term exposure to a handheld high-intensity LED light](#) – Short-term exposure to high-intensity LED light may cause damage to the retina.

**February 7, 2022** – [Visually sensitive seizures: An updated review by the Epilepsy Foundation](#) – The abstract states that visually-induced seizures remain significant public health hazards so they warrant ongoing scientific and regulatory efforts and public education and that images with flashes brighter than 20 candelas/m<sup>2</sup> at 3-60 (particularly 15-20) Hz occupying at least 10 to 25% of the visual field are a risk. This confirms that LED flashing lights will trigger epileptic seizures.

**December, 2021** – [Effects of Emergency Vehicle Lighting Characteristics on Driver Perception and Behavior](#) – This study concludes that high intensity flashing lights put lives at risk.

**June 30, 2021** – [Study of Heart Rate and Blood Pressure Subject to Pulsed LED Lighting](#) – The findings indicate that pulsed light will cause a deviation of heart rate and blood pressure from that under stable light. Results showed that after a short lighting period (20 min), heart rate and blood pressure were significantly higher under 40 Hz pulsed than that under stable light.

**May 2, 2017** – [Flashing Lights Induce Prolonged Distortions in Visual Cortical Responses and Visual Perception](#) – A flashing light induces an anomalously delayed response in the primary visual cortex of mice, rats, and humans.

**April 18, 2014** – [Hazardous Effects of Light Stimulation in the Central Nervous System](#) – High-temporal-frequency visual stimuli can yield hazardous responses in the central nervous system.

**August 5, 2001** – [Rear Lighting Configurations for Winter Maintenance Vehicles](#) - Strobing lights are less effective than static lights for safety.

## APPENDIX B

### REPORTS OF INJURY to MARK BAKER

The following reports of injury to Mark Baker have been submitted to US Food and Drug Administration by the Soft Lights Foundation.

#### **September 18, 2025** – Woodland, CA – Autism

As I drove through town, I heard emergency vehicle sirens, and then I saw two fire trucks turn towards me with dozens of intense red LED flashing lights that overwhelmed my senses and caused me to stop my car in the middle of the road, close my eyes as tight as possible, and put my fingers in my ears. My heart rate increased dramatically and I went into a panic. I attempted to squint open my eyes, but it was impossible and terrifying. I waited for the sirens to fade and when I opened my eyes, I saw that traffic was backing up behind me. I pulled into a parking lot. Afterwards, I was like a zombie and it took me hours to recover from the trauma.

#### **September 15, 2025** – Sacramento, CA – Autism

I was traveling North on I-15 between Sacramento and Woodland, when the traffic slowed due to a crash. As we approached the crash driving slowly, a CHP motorcycle suddenly came into view that was using auxiliary blue LED flashing lights. The sudden impact of the extreme-luminance light knocked me backwards into my seat. I grunted in agony, and closed my eyes. After several seconds, I squinted my eyes open again and kept my left eye closed to enable me to drive past the motorcycle.

#### **September 9, 2025** – Woodland, CA – Autism

I went to the health clinic to have my eyes checked. The clinician had me put my chin on a chinrest in a device that they called an optomap. They then moved the machine around until a blue LED light entered my eye. I closed my eyes because it was too bright. The clinician told me that I had to open my eye. When I opened my eye, the blue LED light was aimed directly into my right eye from a few inches away.

The intensity of the blue LED light caused me to leap out of my chair, yell profanity, wander down the hallway, fall to the floor and start crying.

The health clinic then told me that the eye doctor refused to see me and they sent up a security guard and I was kicked out of the clinic.

#### **February 17, 2025** – Yolo County, CA – Autism

I was driving east on Hwy 16 towards Woodland, when I noticed intense amber LED flashing lights close to a mile ahead. I started to slow down. As I reached the LED flashing lights, the intensity and digital pulsing was unbearable. There were multiple vehicles. The panic started to set in. I covered my eyes with my hands and slowed to less than 20mph, basically trapped by the LED lights.

I crept forward in my car, blocking nearly everything from my sight except for a narrow sliver of

road near the center line that I could see. Major panic started to set in as I passed the vehicles, which turned out to be about 3 Yolo County Sheriff's vehicles. After I passed, I glanced back in my rear view mirror and was struck by red and blue LED flashing lights. I let out a scream of agony. I suffered significant emotional trauma from this event.

**November 25, 2024** – Vacaville, CA – Autism

I was driving East on E. Monte Vista Ave. when I struck by the LED flashing lights on an RRFB. Instead of the RRFB making me stop, I start yelling fuck, fuck, fuck, fuck, fuck, fuck as I tilted my head down and drove straight through to escape the LED assault and save my life.

**November 23, 2024** – Sacramento, CA – Autism

I was driving in town when I was struck by a debilitating blue LED flashing light in a store window. I have previously notified the owner of this store twice that I cannot neurologically tolerate the intensity and digital pulsing of this light, but they haven't acted to turn it off.

**October 27, 2024** – Los Angeles, CA – Autism

My partner and I took turns driving from Sacramento to San Diego during the day. For the most part, the drive was without incident. At about 4pm, we were in the Los Angeles area.

First, we witnessed the result of a fatality crash, with about 6 emergency vehicles with red LED flashing lights. I was the passenger, and was forced to shield my eyes from the flashing LEDs. Then I was struck at close range by the blue LED lights on a highway patrol car further down the freeway, causing me pain and anxiety.

Around 5pm, the blue-rich LED headlights started appearing, causing me to have to look out the passenger window. Then the blue-rich LED streetlights started turning on, causing me to flinch with each exposure. Then there were blue-rich LED wall packs and floodlights on my right and left which increased my agitation at each exposure.

As the sun set, we exited on a ramp, and tiny yellow LED flashing lights on multiple curve signs struck me directly at close range. After dark, we were inundated with blue-rich LED headlights, blue-rich LED streetlights, blue-rich flood lights, LED business signs, parking lot lighting, and intense LED red taillights. A commercial truck had red LEDs wrapped around the entire back of the truck.

When we arrived at my my mother's house, a place I know well, I was hyper vigilant. Every light was now too bright. Every light was a danger. Everything was too bright. For the first time in my life, I was unable to greet my mother with enthusiasm. I was in shock.

My mother turned off all but one incandescent lamp, but when she asked me if she could turn on one more lamp, I broke down crying. I am now on edge. I am on hyper alert. Every light is an enemy.

**October 12, 2024** – Esparto, CA – Autism

I was driving behind a vehicle when it suddenly pulled to the side of the road. Coming towards

us was an ambulance with LED flashing lights. I felt like I was electrocuted and was going to go unconscious. I instantly closed my eyes and stopped my car. After a few seconds, a car behind me honked, and when I opened my eyes, the ambulance was already gone. Now I'm suffering the psychological after-effects.

**October 11, 2024** – Yolo County, CA – Autism

I was driving East on a County road in the day when a vehicle came towards me with intense, rapidly flashing amber LED lights. I felt panic rushing in and put my arms up to block the assault. Since I now couldn't see the road, I came to a full stop. Then somebody honked a horn. I moved my arms, and saw that the lead truck had passed, but a wide-load mobile home on a truck was inches from the left side of my car. These LED flashing lights are a menace and violation of our civil rights. My anxiety ran high for 30 minutes after the encounter.

**September 14, 2024** – Vacaville, CA – Autism

I was driving at dusk when a fire truck or ambulance suddenly appeared with LED lights flashing. I immediately threw both of my arms in front of my face and hit the brakes to stop the car. I thought that this might be the end of my life. The LED flashing lights are sheer terror and I can't function. After the fire truck/ambulance passed by, I felt like I was going to cry from the emotional trauma. My brain then feels like it's dead even hours later.

**August 28, 2024** – Esparto, CA – Autism

I was driving and encountered a utility truck with both sets of headlights turned on. I turned on my non-LED high beams in the hope that the driver would turn off the high beams. Instead, the driver turned on amber LED flashing lights that incapacitated me. I was unable to proceed forward and stopped my car. Instead of driving off, the driver of the utility truck stopped also. My vision and cognitive abilities were severely impaired, with panic setting in. Finally, I started to inch forward, and then so did the utility truck. It seems like the driver was doing it on purpose. After he left, I spent several minutes simply stopped in the middle of the road, trying to breathe and let the panic subside.

**August 6, 2024** – Winters, CA – Autism

I was driving on a country road in the daytime. Over 1 mile ahead of me was a utility truck on the side of the road with amber LED flashing lights. For the entire mile, I was either glued to these LED flashing lights, or forcing myself to look away. As I approached the truck, the LED strobe lights were overwhelming and I could not see through the lights. I stopped my car in the road and started to panic. I put my hand in front of my right eye, and then tried to use my left eye to navigate around the truck. It is impossible for me to think or see with these LED flashing lights blasting me and I suffer extreme anxiety and panic.

**June 1, 2024** – Fairfield, CA – Autism

During the day, I was driving a vehicle on a freeway when I struck by an LED flashing light from a bicycle on a parallel road. I reactively closed my eyes and then suffered a seizure reaction,

which I would describe as like an electrical shock and loss of cognitive functioning and vision. I then had to emotionally fight off a panic attack.

**4/21/2024** – Beaverton, OR – Autism

LED flashing lights cause me to suffer severe anxiety, panic attacks, and fear.

## APPENDIX C

### EMERGENCY VEHICLE ADA COMMUNICATIONS CHECKLIST

This is an Americans with Disabilities Act (“ADA”) checklist to assist the city in determining the policies, practices, and procedures for the city’s use of auxiliary vehicle flashing lights and sirens.

28 C.F.R. § 35.130(7)(i) states, “A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.”

One step in the ADA policy modification process is to determine if the request for policy modification is “reasonable”.

1. Would it be reasonable for there to exist a policy that limits the intensity of auxiliary vehicle flashing lights? (Yes/No) \_\_\_\_\_
2. Would it be reasonable for there to exist a policy that establishes the requirements for the flashing characteristics of auxiliary vehicle flashing lights? (Yes/No) \_\_\_\_\_
3. Is it reasonable to conclude that certain individuals with disabilities may require an intensity limit of a flashing light that is lower than the intensity limit required by individuals without disabilities? (Yes/No) \_\_\_\_\_
4. Would it be reasonable for there to exist a policy that limits the intensity of the sirens on fire trucks? (Yes/No) \_\_\_\_\_
5. Is it reasonable to conclude that certain individuals with disabilities may require an intensity limit of a siren that is lower than the intensity limit required by individuals without disabilities? (Yes/No) \_\_\_\_\_

28 CFR § 35.160(a)(1) states, “A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.”

6. The stated purpose of auxiliary vehicle flashing lights is to communicate information to members of the public. Various colors and intensities have different meanings for the communications. The flashing light must be visible but not impair vision. The light must be bright enough, but not excessively bright. For certain individuals with disabilities, excessively bright light will reduce the effectiveness of the communication because it may cause a seizure, migraine, or panic attack.

In the table below, the column headings have the following meanings:

Visible: Visible from 50 meters at night. (Yes/No)

Impairs Equipment: Violation of 49 C.F.R. 571.108(S6.2.1). (Yes/No)

Impairs Vision: Decreases visual performance. (Yes/No)

Seizure: Risk of seizure for individual with disability. (High/Medium/Low)

Migraine: Risk of migraine for individual with disability. (High/Medium/Low)

Panic Attack: Risk of panic attack for individual with disability. (High/Medium/Low)

Luminance (cd/m <sup>2</sup> )	Visible	Impairs Equipment	Impairs Vision	Seizure	Migraine	Panic Attack
0 - 20						
20-40						
40-60						
60-100						
100-200						
200-300						
300-500						
500-1,000						
1,000 – 10,000						
10,000 – 50,000						
50,000 – 100,000						
100,000 – 1,000,000						
1,000,000 – 1,000,000,000						

7. Does increasing the number of flashing lights increase the risk of visual impairment, seizure, migraine, or panic attack? (Yes/No) \_\_\_\_\_
8. Does digital on/off flashing create a higher risk of visual impairment, seizure, migraine or panic attack than a traditional flashing light that glows? (Yes/No) \_\_\_\_\_
9. Would it be reasonable to conclude that communicating with certain individuals with disabilities is not as effective as communicating with individuals without disabilities if the flashing lights are too intense or flash too rapidly? (Yes/No) \_\_\_\_\_
10. Would it be reasonable to conclude that communicating with certain individuals with disabilities is not as effective as communicating with individuals without disabilities if the siren is too loud? (Yes/No) \_\_\_\_\_

# EXHIBIT B



300 FIRST STREET | WOODLAND, CA 95695

530-661-5850 | CITYOFWOODLAND.GOV

Mark Baker  
Soft Lights Foundation  
1520 E. Covell Blvd., Ste. 5-467  
Davis, CA 95616  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

October 21, 2025

*Re: Americans with Disabilities Act Requests for Accommodation- Auxiliary Firetruck Flashing Lights and Sirens and Police Vehicle Flashing Lights*

Dear Mr. Baker,

The City of Woodland (“City”) is in receipt of your letter dated September 20, 2025, and your email dated October 14, 2025, in which you request reasonable accommodations related to the City’s use of flashing warning lamps and sirens on emergency vehicles. For the reasons set forth in this letter, your requests for reasonable accommodation are denied.

In your September 20, 2025, letter, you describe an incident which occurred on September 18, 2025, while you were driving in the City, wherein two Woodland Fire Department trucks passed by your vehicle. The fire trucks were responding to an emergency call with their emergency warning lamps and sirens activated. In your October 14, 2025, email, you describe another incident while you were driving in the City wherein you passed a City Police Department vehicle with its multi-colored warning lamps activated. Your submissions state that you were distressed during both of these encounters as you are unable to tolerate the intensity and digital flashing of LED lights due to your autism spectrum disorder. In your October 14 submission, you request that the City modify its emergency vehicles to reduce the intensity of emergency vehicle warning lamps and reduce the volume of emergency vehicle sirens.

### *The Americans with Disabilities Act*

The City takes seriously its obligations under the Americans with Disabilities Act (“Act”) and it carefully considers all requests for reasonable accommodations/modifications. The Act generally provides that no individual with a disability may be denied the “benefits of the services, programs, or activities of a public entity” or discriminated against on the basis of their disability. (42 U.S.C.A. § 12132.) Under the Act’s implementing Regulations, local governments

must make reasonable modifications to their policies and practices to accommodate people with disabilities, unless it can be shown that the requested modification would fundamentally alter the nature of the service, program or activity or impose an undue financial and administrative burden on the agency. (28 C.F.R. § 35.130, subd. (a); 28 C.F.R. § 35.164.) One such reasonable modification under the implementing Regulations is the requirement that local governments take “appropriate steps to ensure that communications with ... members of the public ... with disabilities are as effective as communications with others.” (28 C.F.R. § 35.160, subd. (a).)

In your submissions, you ask the City for modifications to its emergency vehicles to ensure that the City engages in effective communication with you when emergency warning lights and sirens are used. You state that such warning lights and sirens are “communications”, and they are “not as effective with me as the communications are with individuals without disabilities because the flashing lights and sirens severely impair my ability to see, think, and concentrate.” Specifically, in your October 14 request, you ask that City emergency vehicles be subjected to reasonable modifications which involve the following: “set an upper limit on the intensity of the flashing lights, set an upper limit on the number of flashing lights per vehicle, prohibit the use of digital on/off flashing lights, and/or set an upper limit on the intensity of the sirens” and for the use of lower-volume sirens.

As explained further below, the City is unable to offer you the modifications to the warning lamps and sirens that you request in your submissions. However, as a reasonable accommodation of your disability of autism spectrum disorder, which renders you unable to tolerate flashing lights and sirens, the City is hereby offering to provide you with a map indicating the location of fire and police stations, and other sites such as medical centers where emergency vehicles typically originate from or travel to. This map will enable you to take alternative routes while driving. Accordingly, please provide the City with the locations and times you usually travel within the City. However, you should know that even with the ability to take such routes, the City cannot guarantee that you will never encounter emergency vehicles with activated warning lamps and sirens, since emergency vehicles will travel on any City street and to any place, sometimes with emergency warning systems activated, as public safety needs dictate. In addition to this accommodation offered by the City, the City is aware of certain steps you might consider taking of your own accord to reduce your exposure to bright lights and sounds, such as the use of glare-reducing glasses, side window tints on your vehicle, and hearing protection.

*The California Vehicle Code Establishes Uniform Standards for Emergency Vehicles Operated by Local Agencies in California*

Authorized emergency vehicles are regulated at the State level under the Vehicle Code (“Code”) and the Department of the California Highway Patrol’s Regulations. The City is bound by law to follow these standards. Accordingly, the issues you raise in your letter would be better directed to the State authorities which set these standards, rather than to the City which follows them by law.

An authorized emergency vehicle under the Code includes “[a]ny publicly owned vehicle” operated by “[a]ny local agency ... employing peace officers as that term is defined in Chapter 4.5 (commencing with Section 830) of Part 2 of Title 3 of the Penal Code, for use by

those officers in the performance of their duties” and “[a]ny ... fire department of any public agency ... .” (Veh. Code § 165, subd. (b)(1)-(2).) This definition encompasses the fire trucks and police vehicles addressed in your submissions. Under Section 21 of the Vehicle Code, to ensure uniformity of traffic regulation across the State, local governments such as the City have limited powers to regulate matters covered by the Code, such as emergency vehicles and the traffic rules they operate under. (Veh. Code § 21.)

Under the Code, “every authorized emergency vehicle shall be equipped with at least one steady burning red warning lamp visible from at least 1,000 feet to the front of the vehicle to be used as provided in this code,” and in addition, “authorized emergency vehicles may display revolving, flashing, or steady red warning lights to the front, sides or rear of the vehicles.” (Veh. Code §§ 25252, subds. (a)-(b); 25252.5, subds. (a)-(c).) Additionally, police vehicles may display: “steady burning or flashing white lights to either side mounted above the roofline of the vehicle” during the performance of their duties; “a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals;” “a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle”; and “flashing or revolving amber warning lights to the front, sides, or rear of the vehicle”. (Veh. Code §§ 25259, subd. (b); 25277; 25258, subds. (a)-(b); 25259.)

Sirens may only be equipped on and used by authorized emergency vehicles. (Veh. Code § 27002.) The intent of this law is abundantly clear: sirens serve a vital public safety function in distinguishing emergency vehicles from others. The technical requirements for emergency vehicles sirens, including sound levels, are set forth in Title 13 of the California Code of Regulations, and these do not provide the City with the discretion to equip its emergency vehicles with an 80dB siren as you request. (13 Cal. Code Regs. § 1020 et seq.)

By law, to be exempt from road rules during an emergency response, emergency vehicles *must* activate front warning lamps and sirens to alert other road users to yield the right of way. (Veh. Code §§ 21806, 21055; *Monroy v. City of Los Angeles* (2008) 164 Cal. App. 4th 248, 257.) Therefore, for City emergency vehicles to be able to make the fastest possible response when called to a critical incident, its vehicles must use such equipment to alert others to clear the roadway. The City cannot avoid this legal requirement of a front warning light and siren as an accommodation for your disability and still be able to respond to emergencies in an appropriate timeframe.

Furthermore, under the Code, the display of different-colored warning lights is integral to many police functions such as redirecting traffic, parking enforcement, signaling to vehicles, and engaging in law enforcement. (*See e.g.* Veh. Code §§ 30, 25258, 25259, 2800.1). In particular, by law, blue warning lamps *may only* be used on emergency vehicles operated by specified peace officers. Accordingly, blue lamps serve a particularly important function in distinguishing such vehicles from other emergencies and special hazard materials, which may display red, white or amber warning lamps. (Veh. Code § 25258.) Again, the City’s law enforcement responses would be hampered without the ability to alert other drivers to a law enforcement presence via a blue warning lamp.

The State has adopted further technical specifications for police and fire emergency vehicle sirens and warning lights, both mandatory and optional, in Division 2 of Title 13 of the

California Code of Regulations, which the City also follows as required by law and as public safety needs dictate. These Regulations cover specifications such as the luminous intensity warning lights, color, and flash rates. (13 Cal. Code Regs. Div. 2.) Thus, whenever the City opts to incorporate warning systems permitted under state law, it must abide by these state-level standards. As suggested above, your concerns with the brightness of these warning lamps may therefore be better directed to the California Highway Patrol during the next update to these Regulations pertaining to emergency vehicles.

*The Warning Lights and Sirens Used By the City's Fire Vehicles Follow the National Fire Protection Association Best Practices and Yolo Emergency Communications Agency Policies on Use of Warning Lamps and Sirens*

Further, in the interests in public safety, and within the parameters of the Regulations, the Department also follows the National Fire Protection Association's (NFPA) Standard 1901 for warning lamps, which call for side lamps, designate flash rates, and other specifications. These standards were developed by the NFPA after exhaustive research and expert input. They are utilized nationwide and the NFPA standards are the nationally recognized best practices in fire emergency response. Accordingly, you may wish to communicate directly with the NFPA your concerns about the impact of warning lights and sirens on individuals with autism spectrum disorder as an issue for the NFPA to consider in updating its standards.

In addition to this, the Woodland Fire Department follows the procedures adopted by its dispatch agency, the Yolo Emergency Communications Agency (YECA), which utilizes industry's best practices in determining whether an incident requiring emergency response is a code-3 (lights and siren) or code-2 (no lights and siren) response. The determination of a response's code status is made based on the severity of the emergency as communicated by the 911 caller. By following the YCEA's policy on utilization of warning systems, the Department has taken reasonable steps to reduce disturbances to other road users while ensuring the Department makes an appropriate emergency response to all call-outs.

*The Requested Modification/s to the Warning Lights on the City's Emergency Vehicles Would Reduce Public Safety*

Even if State law allowed the City to deviate from State standards for its emergency vehicle warning equipment, the use of sirens and warning lights on emergency vehicles serve a vital public safety purpose and modifying them as you request would impose an undue safety risk. Sirens and warning lights are legally required to alert road users that an emergency vehicle will be passing by at speed and under an exemption from the usual rules of the road. In the Department's view, adopting all permitted warning systems under State law in accordance with the NFPA standards represents the most effective way to make such an alert to other road users, and deviation from such standards would pose an unacceptable reduction in safety for the City's residents.

Indeed, as a matter of public safety and of compliance with the Americans with Disabilities Act, the City must ensure effective communication with road users and pedestrians who may be deaf, hard of hearing, blind, or visually impaired. In the Department's view, the

standards currently followed by the City provide the best available mechanisms to engage in the effective communication of emergency responses to individuals with such disabilities.

*The Requested Accommodations Would Impose an Undue Financial and Administrative Burden Upon the City*

Finally, even if the law and public safety considerations allowed the City to modify its emergency warning vehicle systems in the ways you suggest, replacement or re-engineering of the City's state-of-the-art vehicle equipment as an accommodation for your disability would pose an undue financial and administrative burden.

For example, the City's fire vehicles come from manufacture pre-fitted with NFPA-compliant warning apparatuses. The warning light equipment is engineered to operate at a specified electrical load. Modification of this lighting equipment on the vehicles to reduce its brightness as you request email would require wholesale re-engineering the vehicle's electrical system—at a significant cost. Re-engineering the City's police vehicle fleet would pose similar technical and cost challenges. Accordingly, under the ADA's undue burden standard, the City has determined that re-engineering the City's police and fire vehicles would divert an unacceptable amount of funding and effort away from its emergency response functions, which protect the safety of Woodland's residents.

This letter constitutes the City's response to your request for accommodations and effective communication in relation to Department emergency vehicles. If this response does not satisfactorily resolve the concerns you have reported, you may appeal the decision within 15 calendar days after receipt of this response to the City Manager. If you wish to appeal, please send your appeal letter to:

City of Woodland  
300 First Street  
Woodland, CA 95695  
Attn: City Manager

Please let me know if you have any questions.

Sincerely,



Lauryn Wiens  
Management Analyst

ADA Coordinator  
City of Woodland

# EXHIBIT C



1520 E. Covell Blvd. Suite 5-467  
Davis, CA 95616

November 6, 2025

## **BY EMAIL**

Woodland City Council  
Woodland, California  
CouncilMeetings@cityofwoodland.gov

## **Re: Request for Investigation – Emergency Vehicle Flashing Lights and Sirens**

Dear Honorable Mayor and Members of the Woodland City Council,

This letter constitutes a formal request that the City Council, exercising its supreme supervisory and legislative authority over City affairs and departments, investigate the procedural sufficiency and legality of the denial of my Americans with Disabilities Act (ADA) accommodation request, issued by the City's ADA Coordinator on October 21, 2025.

### **Background and Request for Accommodation**

On September 20, 2025, I submitted a request for reasonable accommodation under the ADA, specifically seeking modifications to City emergency vehicle lights and sirens to ensure that the City's communications via these systems are "as effective as communications with others" (28 CFR § 35.160) as for me, an individual with autism spectrum disorder. The requested modifications included setting upper limits on the intensity and number of flashing lights, prohibiting digital on/off flashing, and reducing siren volume.

### **Procedural Failure and Legal Deficiency of the Denial**

The City's denial, dated October 21, 2025, is procedurally and legally deficient because it fails to meet the strict burden of proof and procedural requirements mandated by 28 CFR § 35.164. The City staff asserts that the requested modifications would:

1. Fundamentally alter the nature of the service (public safety/State law preemption).
2. Result in an undue financial and administrative burden.

Under 28 CFR § 35.164, when a public entity relies on these defenses, compliance is mandatory and non-discretionary:

*"The decision that compliance would result in such alteration or burdens **must be made by the head of the public entity or his or her designee** after considering **all resources** available for use in the funding and operation of the service, program, or activity and must be accompanied by a **written statement of the reasons** for reaching that conclusion." (Emphasis added)*

The City's denial fails to meet this mandatory standard in three critical areas:

1. **Improper Decision Maker:** The denial was issued by a "Management Analyst, ADA Coordinator" (Lauryn Wiens). This individual is not the "head of the public entity" (the City Manager or Mayor/Council) nor has the denial demonstrated she is the designated representative authorized to make this high-level, dispositive finding under the regulation.
2. **Lack of Detailed Evidence:** The denial fails to provide the detailed, written statement of reasons and specific evidence required, particularly the health and safety studies, technical data, and detailed cost analysis I requested. Asserting that re-engineering would "divert an unacceptable amount of funding" is a conclusory statement, not the required analysis of "all resources available" to the City.
3. **Failure to Explore "Any Other Action":** The regulation requires, "If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity." The staff's suggestion of a map is entirely ineffective accommodation that fails to ensure equal access to city streets and does not meet the "maximum extent possible" standard.

### **Risk of Costly Litigation**

The procedural deficiencies identified above create significant legal exposure for the City of Woodland. Federal courts and the Department of Justice have a long history of scrutinizing public entities that fail to adhere to the mandatory procedural requirements of 28 CFR § 35.164. By initiating an immediate and thorough investigation into these failures, the City Council can proactively address this non-compliance, demonstrating good faith and potentially preventing a finding of deliberate indifference that could lead to costly and protracted federal litigation, as well as the imposition of substantial attorneys' fees.

### **Request for Investigation and Corrective Action**

As the governing body, the City Council has a duty to ensure that all City departments and personnel comply with federal law. The staff's failure to adhere to the mandatory procedural requirements of 28 CFR § 35.164 constitutes a failure in the discharge of official duties.

I formally request the City Council to:

1. **Investigate the Denial:** Conduct an immediate review and investigation into why the City's ADA Coordinator failed to follow the explicit procedural mandate of 28 CFR § 35.164, specifically regarding the proper authority and documentation required to claim "Fundamental Alteration" and "Undue Burden."
2. **Vacate the Denial:** Order the October 21, 2025 denial to be vacated on procedural grounds.
3. **Mandate Compliance:** Direct the City Manager to either: a) Approve a reasonable modification that ensures effective communication and equal access to City streets and sidewalks; OR b) If the City still insists on the "undue burden" defense, reissue a denial that fully complies with 28

CFR § 35.164, including proper delegation of authority, a detailed analysis of all available resources, and supporting documentation (e.g., specific safety studies or engineering cost data).

I expect a formal response from the City Council regarding the scheduling of this investigative review within 30 calendar days.

Sincerely,

/s/ Mark Baker  
Individual

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

CC:

Lauryn Wiens, Management Analyst (Lauryn.Wiens@cityofwoodland.gov)

Enclosed:

- Request for ADA Accommodation
- Denial Letter

# EXHIBIT D



300 FIRST STREET | WOODLAND, CA 95695

530-661-5850 | CITYOFWOODLAND.GOV

Mark Baker

Soft Lights Foundation

[mbaker@softlights.org](mailto:mbaker@softlights.org)

December 5, 2025

*Re: Follow-Up to Request for Accommodation – Americans with Disabilities Act Requests for Accommodation- Auxiliary Firetruck Flashing Lights and Sirens, and Police Vehicle Flashing Lights and Sirens*

Dear Mr. Baker,

On October 24, 2025, the City of Woodland (“City”) responded to your September 20, 2025, and October 14, 2025, requests for reasonable accommodations for your disability under Title II of the Americans with Disabilities Act (“ADA”) (42 USC §§ 12131-12165). Your requests asked that the City lower the intensity of LED warning lights and volume of warning sirens, reduce the number of emergency vehicle warning lights, and prohibit flashing lights, all of which are used by City Fire Department and City Police Department vehicles when responding to emergencies. You stated that your disability of Autism Spectrum Disorder causes you to be unable to tolerate LED lights and sirens while driving.

The City sympathizes with the difficulties you are sometimes experiencing while driving, but it cannot grant your requested accommodations involving modifications to its emergency vehicles’ warning systems. As previously explained, the accommodations you have requested would fundamentally alter the City emergency vehicle systems and pose undue safety and financial burdens; therefore, the City is not obligated to provide the requested accommodations under the ADA.

On October 24, 2025, you replied to the City with three emails seeking clarification of the City’s denial of your request. On November 6, 2025, you also sent a letter to the City Council querying how the City arrived at its findings and asking the City Council to investigate the denial of your request. On behalf of the City and the City Council, this letter responds to all of your correspondence of October 24, 2025, and November 6, 2025, and it will complete the City’s response to you on the subject of emergency vehicle warning systems.

**The City followed the ADA’s procedures when denying your request for reasonable accommodations.**

In your November 6, 2025 letter, you state that the City has failed to abide by the ADA in its response to you, but this is not the case. First, you claim the City never offered to take any other action to address your needs based on your disability, and in compliance with the ADA Regulations. (35 C.F.R. §§ 35.160). That is not so, as the City offered to provide you with an alternative accommodation for your disability in its October 24, 2025 letter. This accommodation would consist of a map providing routes of travel within the City that would allow you to avoid

facilities where emergency vehicles are commonly found (e.g. police stations, fire stations, ambulance stations, hospitals). The City explained that following such suggested routes of travel would reduce the likelihood that you will encounter an emergency vehicle with its warning systems activated, although it would not entirely prevent such encounters because emergency vehicles must be free to travel to any part of the City with warning systems activated as public safety dictates. The City remains willing to provide you with a map of such locations and suggested routes of travel upon your request and asks that you provide your typical times/places of travel in the City.

Further, as the City previously explained, the City already takes action to reduce the disturbances to other road users caused by emergency warning systems by following Countywide guidelines for use of those systems. The Yolo Emergency Communications Agency (YECA) issued guidelines on when vehicle emergency warning systems should be used during a 911 call response, which the City follows when its Police and Fire services engage emergency responses. The YECA guidelines were designed to minimize disruptions to other road users, by limiting use of emergency warning systems based on the severity of the circumstances described in the 911 call. Even so, as the YECA guidelines reflect, it remains necessary for City emergency services to sometimes use their vehicle warning systems to ensure the fastest possible response to incidents where lives or property are at risk. In the City's view, these guidelines appropriately balance the protection of life and property with the concerns of road users such as yourself who find emergency vehicle lights and sirens disruptive. Thus, by following the YECA guidelines, the City already has adopted reasonable limits on its use of emergency vehicle warning systems that accommodate your disability to the greatest extent feasible.

Given the constraints of state law and the public safety issues involved with this issue, the City has presented you with the only feasible alternative accommodations (a map and the YECA guidelines, which it already follows). These are not, as you recognize, "equally effective" as severely curtailing or removing emergency vehicles warning systems altogether. But for the reasons explained to you, the City is not able to reduce or remove its vehicle warning systems altogether without unacceptable harms to the mission of its public safety agencies. The private steps which are available to you, such as using glare-reducing eyewear or sunglasses and hearing protection to reduce your exposure to emergency vehicle warning systems, might be equally effective as the reduction in luminosity and decibels on its emergency vehicle warning systems that you are requesting.

Second, your assertion in your November 6, 2025, letter that the City violated 28 C.F.R. § 35.164 because an improper person responded to your request and because it did not provide you with detailed reasons for its determination is also false. The City's ADA Coordinator is the City Manager's designee for ADA compliance pursuant to 28 C.F.R. § 35.107(a). That regulation provides that a public entity with more than 50 employees shall have a designated ADA Coordinator to oversee the entity's compliance with Title II of the ADA. In conformity with that regulation, the City created the position of ADA Coordinator to serve that purpose.

Lastly, you state that the City did not offer you sufficient reasons for its denial of your requested accommodation of reducing or removing emergency vehicle warning systems. That is also false, as the City's October 24, 2025, letter offered extensive detail concerning the state law and NFPA standards it follows, and other issues, when it denied your request. Hence, the City's denial of your requested accommodations and proposal of an alternative accommodation was made

with an appropriate statement of reasons by my designee for ADA-related matters, and I fully concur with that determination.

**The City is not required to meet a request for reasonable accommodations which would fundamentally alter the service or pose an undue burden.**

Under the Title II ADA regulations, a public entity must make reasonable modifications in services, programs, or activities to ensure they are accessible to people with disabilities, except where the modifications would require a public entity to “take any action that it can demonstrate would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens.” (28 C.F.R. §§ 35.150(a)(3), 35.164.) As previously stated to you, the City has made the determination that both a fundamental alteration and an undue burden would be present here, on the following grounds:

- State law does not allow the modifications that you suggest; thus, your request would fundamentally alter the City’s vehicles by rendering them noncompliant with the law.
- The City follows nationally recognized best practices; thus, your request would fundamentally alter the City’s decision to follow the best available standards for emergency vehicle systems.
- In light of the foregoing, modifying the City’s vehicle warning systems would unduly burden public safety, because state law and the NFPA standards have been designed with the needs of the overall population in mind—including the needs of people with disabilities involving vision and hearing, and drivers with noise or distractions in their car.
- The requested modifications would pose an undue financial burden given the significant cost and technical complexity of the City’s emergency vehicles.

**Technical evidence regarding the use of vehicle warning systems is not required to deny your request for reasonable accommodations under the ADA.**

In one of your emails of October 24, 2025,<sup>1</sup> you request that the City provide technical or experimental evidence in support of the standards the City follows for its emergency vehicles.

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<sup>1</sup> “1. Evidence that reducing the intensity of the flashing lights by 5%, 10%, 50%, or 90% reduces the safety features of the flashing lights.  
2. Evidence that having no established upper limit on intensity provides greater safety than having some reasonable upper limit.  
3. Research which shows that using 6 flashing lights instead of 1 flashing light improves safety.  
4. Evidence showing that rapidly flashing lights are more effective at communicating with the public than static lights.  
5. Evidence that auxiliary vehicle flashing lights meet the federal requirements of 49 C.F.R. 571.108(S6.2.1).  
6. Evidence that LED technology provides improved safety versus non-LED technology.  
7. Evidence that an 80 decibel, 90dB, or 100dB siren is not as effective communicating with individuals as a 130 decibel siren.”

Among other things, you propose that the City study sirens at different decibel levels and LED warning lamps at different intensities/brightness to explain why your request cannot be accommodated. In effect, you ask the City to justify the current legal standards for emergency vehicle warning systems by gathering technical data and experimenting with the use of different warning systems on subjects with Autism Spectrum Disorder.

The City is not required under the ADA to conduct technical experiments nor justify a denial of reasonable accommodations with experimental studies, however, and doing so would also be a waste of resources given that the City must comply with state legal standards and has no discretion to implement the changes you request. While the burden indeed rests with the City to show the requested accommodation would fundamentally alter the service or unduly burden the City, the Title II ADA regulations create no requirement to gather novel technical data or experimentally test its systems on members of the public when meeting this burden.

The City has neither the resources, equipment, nor the trained personnel to conduct experimental tests into LED or siren safety and effectiveness for people with Autism Spectrum Disorder. Nor does the City have the resources to evaluate any such research that may exist, and this is not required by the ADA either. Rather, to deny a request for reasonable accommodations, the ADA regulations provide that the City must show that complying with the requested accommodations would pose an undue burden or fundamental alteration to the City's service. Typically, this is shown by addressing financial, administrative, or other difficulties in complying with the request, which the City explained in prior correspondence.

The other problem with your request for technical data is that the City complies with mandatory state-level standards which in several respects do not offer the discretion to modify emergency vehicle warning systems in the manner you request. As the City explained in its October 24, 2025, letter, state law establishes mandatory and voluntary requirements for emergency vehicle warning sirens. It is the responsibility of the state regulators to evaluate technical findings and receive public comment when emergency vehicle standards are set during the rulemaking process. Accordingly, I encourage you to share your perspective on emergency vehicles with the Department of the California Highway Patrol, which has set forth the mandatory regulations governing emergency vehicle sirens for jurisdictions across California. That Department will be in a position to answer your questions about how the current standards are set, what technical evidence supports the current regulations, whether people with disabilities such as yours contributed with their perspectives during the regulatory process, and whether new rulemaking might be opened in response to your experiences and the experiences of other people with Autism Spectrum Disorder.

**The modifications to emergency warning lamps and sirens requested would fundamentally alter the City's emergency vehicles and cause undue burdens by taking City vehicles out of compliance with state law standards.**

The City's emergency vehicles are ordered from the manufacturer to conform to California standards for minimum volume and minimum candela on its siren and light warning systems. With regard to sirens, the City is subject to 13 Cal. Code Regs. § 1028, which prescribes the statewide standard output for emergency sirens. This regulation sets the "minimum A-weighted sound level at 3.0 m" of 120-113 and 115-108 dB(A) for the two classes of sirens that are utilized by

emergency vehicles in California. This regulation is legally binding upon the City. By setting a minimum decibel level, this regulation means that City emergency vehicles cannot reduce their sirens below the minimum. You have asked the City to provide you with evidence that sirens of 80db, 90db or 100db would be less effective than a 130db siren, yet this would be a purely theoretical exercise, as the regulation does not permit sirens of 80-100db for either class.

Similarly, for emergency vehicle warning lamps, 13 Cal. Code Regs. § 817 prescribes minimum candela for emergency vehicle warning lamps.<sup>2</sup> which once again the City cannot lawfully deviate below as you ask it to do in requesting that the City experiment with reducing the intensity of its warning lamps by 5%, 10%, etc. City emergency vehicles are manufactured to conform to these minimum legal requirements. The City thus cannot accommodate your request to trial reduced intensities on its emergency warning lamps because doing so would break the law. Furthermore, 13 Cal. Code Regs. § 801 prescribes performance standards for flashers that City vehicles abide by. Also, with respect to warning lamps, you also ask the City to show how its vehicles conform to a federal standard (49 C.F.R. 571.108(S6.2.1)) which is inapplicable to emergency vehicles.<sup>3</sup>

Once again, the appropriate agency to contact to ask how the current regulations are justified is the Department of the California Highway Patrol, which wrote the regulations that the City follows. In light of the above, the City cannot meet your request for reduced sirens and lamps without violating state law standards, and in the City's view that would be a fundamental alteration of the currently compliant systems.

**To the extent consistent with state law, the City's fire vehicles also follow the NFPA's standards, which represent industry best practices for public safety.**

In addition to state law pertaining to warning lamps and sirens, and where consistent with state law, the City's Fire Department complies with the National Fire Protection Association's (NFPA) standards for firefighting vehicles. These standards are followed for fire vehicles where state law is silent or as consistent with state law where discretion is permitted. In particular, NFPA Standards 1900 and 1901 are followed, consistent with state law, for the placement, number, flash rates, and optical power of warning lamps. Following NFPA standards where state law allows the discretion to do so is the most effective way to create emergency warning systems that take the safety and needs of the total population into consideration.

The NFPA's development process for its standards involves extensive public input and public comment on draft standards, as well as rigorous research and a technical review stage and robust, decision-making processes. Information about the NFPA standard-setting process can be reviewed on the NFPA's website.<sup>4</sup> You will be interested to learn that in its most recent process of revising these standards, the NFPA Standards Council carefully evaluated the safety benefits of using LED technology in an emergency response context, particularly in terms of the visibility of vehicles in daylight and the durability of LEDs, and supported the use of LEDs on emergency

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<sup>2</sup> Please review this regulation in connection with your request for information about the luminance of emergency vehicle warning lamps, along with the relevant NFPA standards discussed below.

<sup>3</sup> (S3) "This standard applies to: S3.1 Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (except pole trailers and trailer converter dollies), and motorcycles ..."

<sup>4</sup> <https://www.nfpa.org/For-Professionals/Codes-and-Standards/Standards-Development>

vehicles warning systems.<sup>5</sup> In light of your experiences and concerns, you may wish to become involved in the NFPA standard-setting process in future.

The City has previously informed you that its decision to follow NFPA standards for its vehicles is a reasonable policy decision that delivers the best possible level of public safety at a total population level. When emergency vehicles are engaged in an emergency response under Vehicle Code § 21055, which exempts them from following the rules of the road, the warning systems must be powerful enough to effectively communicate that fact to all road users and pedestrians. That includes people with disabilities impacting their hearing or vision, as well as drivers who may have noise or distractions within their car, such as music or a phone call. Also, given their purpose of ensuring public safety, emergency vehicles must be able to be visible during low-visibility events caused by wildfire smoke, fog, or bad weather, and the state law and NFPA standards for warning lamps and sirens are developed with such environmental operating conditions in mind. There is a distinct risk, in other words, that even if the law allowed it, your proposal that the City reduce its warning systems in the ways you propose (lowering intensity of lights, removing certain lights, lowering siren volumes, etc. in ways that depart from industry best practices) would reduce the effectiveness of its communication with the population as a whole, and in particular people with disabilities of sight and hearing.

For the foregoing reasons, the City takes the position that departing from state law and NFPA nationally-recognized best practices would fundamentally alter the City's compliance with the law and industry best practices, and would unduly burden public safety by limiting the effectiveness of its communication with other road users, including drivers with other disabilities and drivers who may have noise or distraction in their vehicles.

The City's emergency vehicles are engineered to conform to the state law and NFPA standards and each vehicle comes at a significant cost, which is the basis for the City's statement to you that the requested modifications would pose an unacceptable financial burden. For example, the Fire Department's firefighting vehicles range from \$1,000,000 to \$2,000,000 per vehicle, with repairs and maintenance also coming at a high cost. But I would reiterate here that your requested modifications of reducing LED brightness and siren volumes are not required because state law does not allow them. While it was not required to do so, we have taken the step of providing some evidence of the costs of your requested modifications in order to fully appraise you of such budgetary constraints.

In conclusion, for the reasons set forth above, the City cannot make the requested modifications to emergency vehicle warning systems that you are seeking as accommodations for your Autism Spectrum Disorder under the ADA, on the grounds of fundamental alteration and undue burden. Further, the City followed appropriate process under the ADA in denying your requests.

The City's public safety agencies are also concerned that the panic attacks you describe as occurring while driving your vehicle create a risk that you may be the cause of a traffic accident. From that standpoint, the City would encourage you to consider whether any optical or hearing devices could be helpful to you in the interests of your safety and the safety of other road users. In

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<sup>5</sup> Federal Signal, "New NFPA 1900 Standard and Implications for Emergency Warning Lights," 12/3/2024.

light of these public safety concerns, the City also urges you to accept the offer of a map of the City that will reduce your exposure to emergency vehicles or consider other modes of transportation. Quite apart from emergency vehicle systems, LEDs and other bright lights (i.e. private vehicle headlights, bicycle lights, billboards, private security vehicle flashers, LED traffic beacons) are unavoidable in today's streetscape. In that context, the responsibility ultimately falls to you to consider whether you can safely operate a vehicle in light of the difficulties you state you are experiencing.

This letter concludes the City's response to your emergency vehicle-related inquiries.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Hiatt', with a long horizontal line extending to the right.

Ken Hiatt  
City Manager  
City of Woodland



## EXHIBIT E

Mark Baker &lt;mbaker@softlights.org&gt;

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**Follow-Up to Request for Accommodation - ADA Requests for Accommodation - Auxiliary Firetruck Flashing Lights and Sirens, and Police Vehicle Flashing Lights and Sirens**

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Mark Baker &lt;mbaker@softlights.org&gt;

Sat, Dec 6, 2025 at 2:57 PM

To: Jennifer Robinson &lt;Jennifer.Robinson@cityofwoodland.gov&gt;

Cc: Ken Hiatt &lt;Ken.Hiatt@cityofwoodland.gov&gt;, Ethan Walsh &lt;Ethan.Walsh@bbklaw.com&gt;

Mr. Ken Hiatt, City Manager, Woodland, California,

I am in receipt of the City of Woodland's final denial of my request for reasonable accommodation for my disability, **Autism Spectrum Disorder (ASD)**, as detailed in your December 5, 2025, letter. I write now to provide **formal and conclusive notice of my intent to file a discrimination lawsuit** against the City of Woodland.

**I. The Discriminatory Barrier and Injury**

The City's current emergency vehicle lighting system constitutes a severe **visual public safety barrier** that denies me equal access to and use of public streets and sidewalks, in violation of Title II of the Americans with Disabilities Act (42 U.S.C. § 12132).

This ongoing barrier was most recently demonstrated on **December 6, 2025**, when I was a pedestrian at the intersection of Main Street and West Street. When a Woodland fire truck's sirens sounded, the vehicle's **excessive, multi-strobe red LED lighting** caused me to suffer an acute, disabling reaction resulting in **eye pain and emotional trauma**.

**II. Exhaustion of Remedies and Procedural Failure**

I have exhausted all administrative remedies, including my initial requests (September 20, 2025) and my formal **Request for Investigation** to the City Council (November 6, 2025) regarding the procedural sufficiency of the initial denial (October 21, 2025).

The City's denial is based on the claims of "**Fundamental Alteration**" and "**Undue Burden**," yet the City has failed to meet the strict burden of proof required by **28 CFR § 35.164**. Specifically, the denial fails to provide the required detailed documentation (e.g., specific safety studies, engineering costs) to substantiate its claim, relying instead on generalized assertions, and fails to provide a reasonable accommodation.

The City's proposed map accommodation is ineffective because, as demonstrated by the incident on Main St. and West St., it does not address the core problem: the requirement for emergency vehicles to access all public streets, thereby failing to provide me with equal access.

**III. Required Reasonable Modifications**

The City has failed to implement reasonable modifications that ensure safe and effective communication. I submit that a reasonable modification, which would retain critical safety functions while mitigating the discriminatory visual barrier, includes:

1. **Reduce the number of active LED lights** to the minimum necessary for safety (e.g., using **one light instead of twelve**).
2. **Reduce the intensity** of the lights by approximately 90%.
3. **Utilize a static light** rather than intensely flashing or strobing lights.

**IV. Notice of Lawsuit**

Because the City has definitively denied the requested reasonable accommodation and has failed to substantiate its legal defenses in the administrative process, I hereby notify the City of my intent to file suit for discrimination and denial of reasonable accommodation under the Americans with Disabilities Act and California Disabled Persons Act.

12/6/25, 2:58 PM

Soft Lights Mail - Follow-Up to Request for Accommodation - ADA Requests for Accommodation - Auxiliary Firetruck Flashing Lights...

I reserve all rights to pursue litigation, including claims for injunctive relief, compensatory damages, and attorneys' fees.

Sincerely,

Mark Baker

President

Soft Lights Foundation

[www.softlights.org](http://www.softlights.org)

[mbaker@softlights.org](mailto:mbaker@softlights.org)

X: [@softlights\\_org](#)

Bluesky: [@softlights-org.bsky.social](#)

[Quoted text hidden]

CLAIM FOR DAMAGES  
TO PERSON OR PROPERTY

EXHIBIT F

TO: CITY OF WOODLAND

300 First Street  
Woodland, CA 95695

1. Claims for death, injury to person or to personal property must be filled out not later than six months after the occurrence. (Per Gov. Code Section 911.2)
2. Claims for damages to real property must be filled not later than one year after the occurrence.
3. Read the entire claim form, both sides, before filing.
4. See Page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on Page 2 at the bottom.
6. Attach separate sheets, if necessary, to give the full details.  
SIGN EACH SHEET.

Name of Claimant: Mark Baker

Home Address: 17809 County Road 85C

City, State, Zip: Esparto, CA 95627

Business Address: \_\_\_\_\_

Give address and telephone number to which you desire notices or communications be sent regarding this claim: \_\_\_\_\_

1520 E. Covell Blvd. Suite 5-467, Davis, CA 95616 cell: 408-455-9233

When did DAMAGE or INJURY occur?

Date: 9-18-2025 Time: Mid day

If Claim is for Equitable Indemnity, give date claimant was served:

Date: \_\_\_\_\_

Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on Page 2. Where appropriate, give street names and address and measurements from landmarks:

Main Street

Describe in detail how the DAMAGE or INJURY occurred.

I was driving east on Main Street when I was suddenly struck by dozens of intense, red flashing LED lights, and extraordinarily loud sirens from Woodland firetrucks. I closed my eyes as tight as possible, put both fingers in my ears, and put my foot on the brakes to stop the car. The lights and sirens incapacitated me, sent me into panic, and I feared for my life.

Name(s) of any employee(s) involved in the INJURY or DAMAGE:

Why do you claim the ENTITY is responsible?

The fire trucks use too many flashing lights, they are too intense, the flash digitally, and the sirens are too loud. The purpose of the lights and sirens is to communicate with me, but since I have a qualified ADA disability, the excessively intense lights and sirens violate 28 CFR Part 35 - Subpart E - Communications.

Describe in detail each INJURY or DAMAGE.

I suffered anxiety and panic and long term psychological trauma from the event.

CLAIM NO. \_\_\_\_\_

Claimant's Date of Birth: 2-9-65

Business Phone Number: cell: 408-455-9233

Occupation: Retired

Home Phone Number: \_\_\_\_\_

Section 111 of the Medicare Medicaid & S-CHIP Extension Act requires the entity to report certain claims to the federal government. Please indicate if the claimant is: 65 years of age or older, or is receiving Social Security Disability Insurance Benefits for 24 or more months, or has End Stage Renal Disease. If yes, you may be required to provide additional information to process your claim.

YES /  NO (circle one)

The amount claimed, as of the date of presentation of the claim, is computed as follows:

Damages incurred to date (exact):

Estimated prospective damages as far as known:

Damage to Property: \$ \_\_\_\_\_
Expenses medical/hospital care: \$ \_\_\_\_\_
Loss of earnings: \$ \_\_\_\_\_
Special damages: \$ \_\_\_\_\_
General damages: \$ \$0 \_\_\_\_\_
Total Damages Incurred to date: \$ \$0 \_\_\_\_\_

Future Expenses medical/hospital care: \$ \_\_\_\_\_
Future loss of earnings: \$ \_\_\_\_\_
Other prospective special damages: \$ \_\_\_\_\_
Total estimated prospective damages \$ \_\_\_\_\_

Total amount claimed as of the date of presentation of this claim: \$ \_\_\_\_\_

Was DAMAGE and/or INJURY investigated by police? No Please give Police Report No. \_\_\_\_\_

Were paramedics or an ambulance called? \_\_\_\_\_ Name City or ambulance \_\_\_\_\_

If injured, state name and address of doctor for your first visit. Name of Doctor: \_\_\_\_\_
Address: \_\_\_\_\_

WITNESSES TO DAMAGE OR INJURY: List all persons known to have information.

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

DOCTORS AND HOSPITALS:

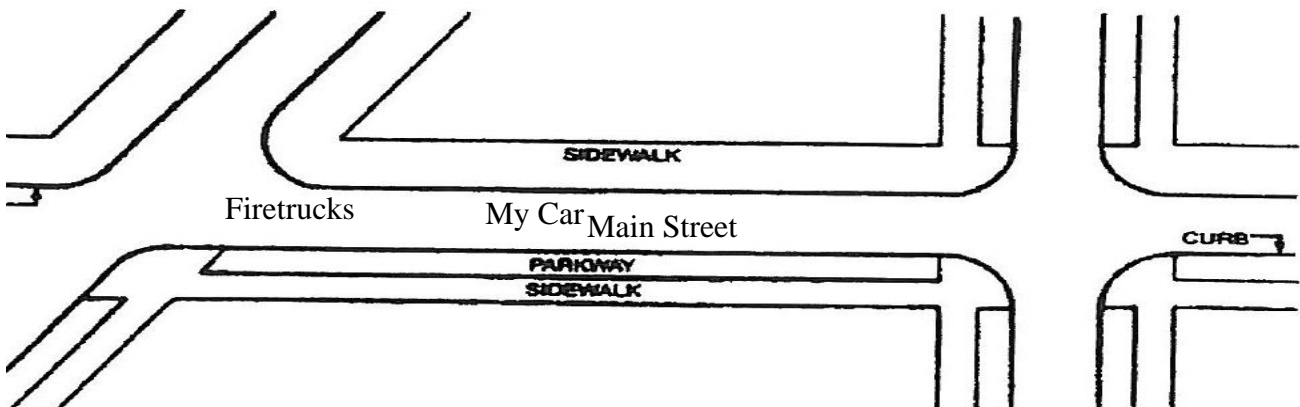
Hospital: \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_
Doctor: \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_
Doctor: \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_

READ CAREFULLY

For all accident claims place on following diagram names of streets including North, East, South and West.

Indicate place of accident by "X" and by showing house numbers or distances to street corners.

NOTE: If the diagrams below do not fit the situation, attach hereto a proper diagram signed by the claimant.



Signature of Claimant or person filing on his/her behalf, giving relationship to Claimant

Print Name

Date

Mark Baker

Mark Baker

9-20-2025

NOTE: CLAIMS MUST BE FILED WITH THE CLERK OR GOVERNING BOARD (GOV CODE SEC 915a)
PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72)

# CLAIM DEADLINES

## FILING OF A CLAIM

Before a complaint for damages against a public entity or employee can be filed in court, a claim must first be filed with the entity in accordance with the Tort Claims Act, and rejected. (945.4). The claim has to be filed within six months of accrual of the cause of action. (911.2.) for purposes of the Tort Claim Act, the date of accrual is the same date on which the cause of action would accrue if there were no claims requirements (901.)

## NOTICE OF INSUFFICIENCY

The public entity may give notice of the insufficiency of the claim within 20 days. Thereafter it may not act on the claim for 15 days. (910.8.)

## REJECTION OF A TIMELY CLAIM

The public entity must approve or reject a timely claim within 45 days and provide written notice to the claimant. (912.4, 912.6, 913.) If a timely claim is rejected in whole or in part, the claimant may file suit for money or damages within six months after the date notice is personally delivered or deposited in the mail. (945.4; 945.6, subd. (a)(1) If the rejection is not properly noticed in accordance with section 913 however, the action may be filed in court within two years from the accrual of the cause of action. (945.6, subd. (a)(2)

## REJECTION OF AN UNTIMELY CLAIM

If the entity determines that the claim was filed late, it must return the claim within 45 days from the date it was filed, along with a notice that the claimant may apply for leave to present a late claim. (911.3, 911.4)

## APPLICATION FOR LEAVE TO FILE LATE CLAIM

If the claim is filed beyond the 6 months, the claimant may apply to the public entity, within a reasonable time not to exceed one year after accrual, for leave to present a late claim. (911.4.) In responding to an application for leave to present a late claim, the entity must grant or deny leave within 45 days and provide notice. (911.6, 911.8.) If the entity takes no action, the application is deemed denied on the 45th day. (911.6 ( c ) .)

## PETITION FOR RELIEF FROM CLAIMS ACT REQUIREMENTS

If an application for leave to file a late claim is rejected by the public entity, the claimant must first obtain a court order for relief from the requirements of the Claim Act before filing a suit. (946.6.) A petition for such an order must be filed with the court within six months after the application is denied or deemed denied. (946.6, subd. (b); 911.6.) If relief is granted, a suit must be filed within 30 days of the order granting relief. (946.6 ( f ).)

**(All references are to the California Government )**