

Federal Highway Administration
400 Seventh Street, SW
Washington, DC 20590

Refer to: HOTO-1

Mr. David Fike
Director of Public Works
City of Monrovia
415 South Ivy Avenue
Monrovia, CA 91016-2888

Dear Mr. Fike:

Thank you for your April 9 letter regarding your request to experiment with the E-LITE visual display of the emergency vehicle early warning safety system. We have reviewed the material that was submitted in support of your request to experiment.

Unfortunately, we are not able to approve your experiment because the E-LITE is protected by a patent. The Manual on Uniform Traffic Control Devices (MUTCD) states, "Traffic control devices contained in this Manual shall not be protected by a patent or copyright, except for the Interstate Shield." The MUTCD also states that experimentation requests "...should contain the following...a legally-binding statement certifying that the traffic control device is not protected by a patent or copyright."

We appreciate your thorough experimentation request and your efforts to improve intersection safety. We also encourage you to pursue other methods or unpatented technologies for improving intersection safety. We are currently reviewing the MUTCD requirement preventing patented devices from inclusion in the MUTCD. Any change in our position would be published in the Federal Register (<http://www.access.gpo.gov/nara/>) for public comment.

For future reference purposes, we have assigned the following official experimentation number and title to your request: 4-227(Ex)--"E-LITE – City of Monrovia, CA." Please refer to this number in future correspondence.

Sincerely yours,

Shelley J. Row, P.E.
Director, Office of Transportation
Operations