



U.S. Department
of Transportation
**Federal Highway
Administration**

November 19, 2001

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Barry Hayslett
Traffic Engineer
County of Kern
Roads Department
2700 M Street, Suite 400
Bakersfield, CA 93301

Dear Mr. Hayslett:

Thank you for your September 14 letter, addressed to Mr. Fred Small, requesting approval to experiment with in-roadway flashing lights at three highway-rail grade crossings in Kern County. A separate reply is being sent to Mr. William Pagett of the City of Paramount, who co-signed your letter, in regard to the one highway-rail grade crossing in that city.

We have reviewed your request to experiment with the installation of in-roadway flashing lights at the three locations in Kern County. Your request is approved for an experimentation period of 2 years, subject to receipt of a supplemental letter from you satisfactorily addressing the following:

1. In accordance with Section 1A.10 of the 2000 MUTCD, Kern County must agree to restore the sites of the experimentation to a condition that complies with the Manual on Uniform Traffic Control Devices (MUTCD) within 3 months following the end of the time period of the experiment. Kern County must also agree to terminate the experiment at any time that it determines significant safety concerns are directly or indirectly attributable to the experimentation, and must also acknowledge that the Federal Highway Administration's Office of Transportation Operations has the right to terminate this experimentation at any time if there is an indication of safety concerns.
2. The "predetermined stutter flash rate" as mentioned in your letter should be a rate not less than 50 and not more than 60 flashes per minute, consistent with MUTCD requirements for flash rate of in-roadway lights at crosswalks (Section 4L.02).

Because we are aware of several manufacturers that provide in-roadway lights that could be utilized in this experimentation, it is our understanding that the concept of the traffic control devices to be used in this experimentation is not protected by a patent or copyright. Therefore, a legally-binding statement to that effect (as listed in Section IA. IO) will not be required.

For purposes of recordkeeping, we have numbered and titled this experiment as "4-237 (Ex) In-Roadway Lights for Highway-Rail Grade Crossings-Kern County." Please refer to this number in any future correspondence. We look forward to receiving your supplemental letter and progress reports as this experimentation proceeds. If you have any questions, please call Mr. Scott Wainwright at 202-366-0857. Thank you for your interest in improving traffic safety.

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