

HAROLD J. GARY  
COMMISSIONER



Tel. (845) 878- 6331  
Fax (845) 878 -3260

DEPARTMENT OF HIGHWAYS & FACILITIES

April 15, 2002

U.S. Department of Transportation  
Federal Highway Administration  
Office of Highway Safety  
400 Seventh Street S.W., Room 3408, 3<sup>rd</sup> Floor  
Washington, DC 20590

Mr. Ernest D.L. Huckaby, Highway Engineer

Dear Sir:

Putnam County Department of Highways and Facilities is interested in using the RC Flagman in some of our work zones. As outlined in the MUTCD 2000 Section, 1A.10 Interpretations, Experimentations, and Changes, we are seeking permission from the FHWA to use the RC Flagman under an experimental program.

This Department is willing to conduct this study as outlined under the aforementioned section. Please find attached **Specific Answers to the MUTCD Section for Request for Experimentation**.

Thank you for your consideration in this matter.

Very Truly yours,

Harold J. Gary  
Commissioner

BR:ft

encs.

cc: Bernie Rodgers, Chief Sign Man  
10flag415

## **Specific answers to the MUTCD Section Request for Experimentation**

### **(a) A Statement indicating the nature of problem**

Flagging operations require a human to be physically in the roadway in order to signal traffic. This presents a certain degree of danger. In the last decade resources at all levels have been cut back. This piece of equipment would add extra manpower to the job site and save on resources.

### **(b) A description of the proposed change, how it was developed, the manner in which it deviated from the standard, and how it is expected to be an improvement over existing standards.**

The proposed device was developed in Canada with the assistance of the Ontario Ministry of Transportation to address worker safety. Our proposal is to use one flagger and one RC Flagger. The human flagger would control the RC Flagger from the opposite end of the work zone for lane closures on straight portions of a road during daylight hours.

### **(c) Any illustration which would be helpful to understand the experimental device or use of the device.**

Information on the device may be found at- [www.rcflagman.com](http://www.rcflagman.com)

### **(d) Any supporting data explaining how the experimental device was developed, if it has been tried, in what ways it was found to be adequate, and how this choice of device or application was derived.**

The device was developed with the cooperation of the Ontario Ministry of Transportation in response to several flagger accidents. The device was demonstrated here in Putnam County with several towns, villages and State DOT present. The demonstrator acknowledged that a study was preformed in Ohio

### **(e) A legal binding statement certifying that the traffic control device is not protected by a patent or copyright.**

**(Attached)**

### **(f) The time period and location of experiment.**

In Putnam County New York and two construction seasons after purchase of machines.

**(g) A detailed research or evaluation plan including the time period of the experiment. This plan must also provide for close monitoring of the experimentation, especially in the early stages of its field implementation.**

Putnam County will as the FHWA requests, submit written reports as well as video and pictures of traffic flow, motorist reactions, motorist comments, worker comments, ADT's etc.

**(h) An agreement to restore the experiment site to a state complying with the provisions of the manual within three months following the end of the time period of the experiment. This agreement must also provide that the agency sponsoring the experimentation will terminate the experimentation at any time that it determines significant safety hazards are directly or indirectly attributable to the experimentation. The Office of Traffic Operations may also terminate approval of the experimentation at any time if there is an indication of hazards. If, as a result of the experimentation, a request is made that this manual be changed to include the device or application being experimented with, the device or application will be permitted to remain in place until an official rulemaking action has occurred.**

Since these units are not permanent structures, these devices can be removed or their operation terminated immediately upon study completion or before as determined by the Office of Traffic Operations. Putnam County agrees to terminate the experiment under the provisions stated above.

**(i) Agreement to provide semiannual progress reports for the duration of the experimentation and to provide a copy of the final results of the experimentation to the FHWA, HTO-20 within three months following the completion of the experimentation. The Office of Traffic Operations may terminate approval of the experimentation if reports are not provided in accordance with this schedule.**

Putnam County Department of Highways & Facilities agrees to provide midyear and final reports on the RC Flagger. This would be generally be in July and December

Human  
Flagger

END CONSTRUCTION

SAME SIGNS  
IN OPPOSITE  
DIRECTION

WORK ZONE

CONES PROTECTING WORK ZONE

RC FLAGGER

STOP  
HERE  
ON  
RED  
STOP HERE ON RED

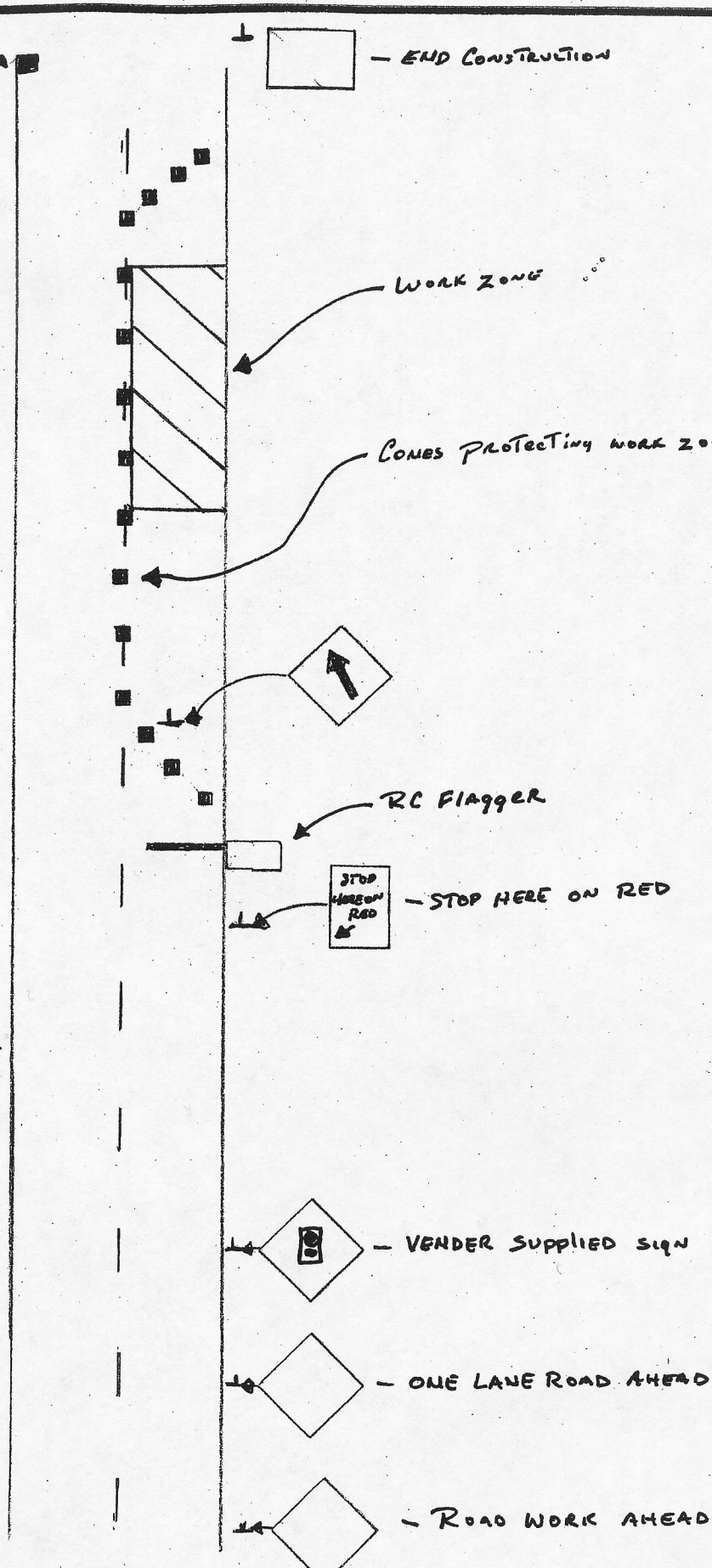
END  
CONSTRUCTION

VENDOR SUPPLIED SIGN

ONE LANE ROAD AHEAD

ROAD WORK AHEAD

NOT TO SCALE



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cc: Bernie Rodgers, Chief Sign Man  
10flag415

**EDGAR P. WARKENTIN**

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**BARRISTER & SOLICITOR**

4 Lakeside Drive  
St. Catharines, Ontario L2M 1P2  
Telephone: 905-937-8901; Fax: 905-937-9957  
e-mail: epwarkentin@cogeco.ca

April 11, 2002

Putnam County Highway Facility  
P.O. Box 331  
Carmel, NY 10512

Attention: Mr. Bernie Rodgers;

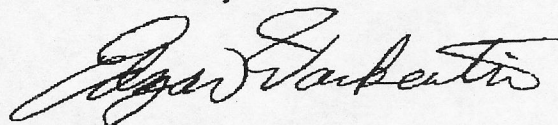
Dear Mr. Rodgers;

**Re: R.C. Flagman Inc.**

This is to certify that the attached letter to you from Peter Vieveen of R. C. Flagman Inc. dated April 11, 2002 pertaining to patent, copyright and trademark issues has been signed by Peter Vieveen, who is the president of R.C. Flagman Inc.

I trust this is satisfactory for your purposes.

Yours truly



Edgar Warkentin  
Law Society of Upper Canada  
member number 33800U

# *R.C. Flagman Inc.*

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April 11 2002

Putnam County Highway Facility  
P.O. Box 331  
Carmel, NY 10512

Attention: Mr. Bernie Rodgers

## **Re: Flagman evaluation and testing**

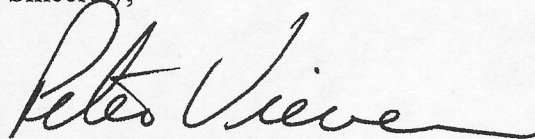
Dear Bernie:

As per your request, I am hereby confirming the following;

The "R.C. Flagman" remote control traffic device is not protected by patent or copyright. However, our literature and programmable logic controller (plc board) is protected by copyright. The name R.C.Flagman is a registered trade mark of R.C.Flagman Inc.

Should you require any further information, please do not hesitate to give us a call.

Sincerely,



Peter Vieveen CET  
President

CANADA:  
363 Fitch Street  
Welland, Ontario Canada L3C 4W7

Toll Free (U.S.A. & Canada)  
1-877-352-4626 (1-877 FLAGMAN)  
e-mail: [rcflagman@sympatico.ca](mailto:rcflagman@sympatico.ca)  
home page: <http://www.rcflagman.com>