

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

Refer to: HOTO-1

Mr. Harold J. Gray  
Commissioner  
Putnam County Department of Highways & Facilities  
842 Fair Street  
Carmel, NY 10512

Dear Mr. Gary:

Thank you for your April 15 letter requesting experimentation with the R.C. Flagman device. We apologize for the delay in responding to your request. All first class mail sent through the United States Postal Service to Federal agencies in the District of Columbia must be processed in a special way to protect government employees from the possibility of handling anthrax-tainted mail. The irradiation process delays delivery by several weeks.

We have reviewed the experimental request and offer the following comments:

- We previously had approved an experimental request for the R.C. Flagman to be used in the State of Ohio and the experimental approval has expired. With the expiration of the experimental approval, the R.C. Flagman shall not be used on any projects or locations.
- The R.C. Flagman device appears to be a portable traffic control, but it does not meet current Manual on Uniform Traffic Control Devices (MUTCD) standards for portable traffic control signal. Please see Section 4D.20 Temporary Traffic Control Signals of the MUTCD, second sentence under the first standard states "a portable traffic control signal shall be defined as a temporary traffic signal that is designed so that it can be easily transported and reused at different locations." Also in Section 4D.20 Temporary Traffic Control Signals of the MUTCD, second sentence under the second standard states, "a temporary traffic control signal shall meet the physical display and operational requirements of a conventional traffic control signal."
- In addition, we have concerns about the visibility of the signal indications to approaching traffic because they are much lower than the signal indications in a portable traffic signal.
- In the interim, until an automated flagger device is approved, there is always the feasibility of using portable temporary traffic control signals in lieu of flaggers.
- In your request, a letter from Mr. Peter Vieveen was enclosed, his letter stated that their literature and programmable logic controller (plc board) is protected by copyright. The language on page 1-1, of the Introduction of the 2000 MUTCD, specially prohibits the

use of traffic control devices that are protected by a patent or copy, except for the Interstate Shield. We have enclosed a "Manual on Uniform Traffic Control Device Release form" that will need to be completed by the vendor of the proposed device.

- We have sent a copy of the R.C. Flagman Priority Technology Evaluation Report to the National Committee on Uniform Traffic Control Devices (NCUTCD) for review and comment. The NCUTCD is a national organization of individuals from the American Association of State Highway and Transportation Officials, the National Association of County Engineers, the American Public Works Association, the Institute of Transportation Engineers, and other organizations that have extensive experience in the installation and maintenance of traffic control devices. Although the Federal Highway Administration (FHWA) is responsible for adopting the changes contained in the MUTCD, the NCUTCD reviews traffic control devices, and makes recommendations to assist FHWA on MUTCD issues.

Therefore, based on the above information, we are withholding action for experimentation with the R.C. Flagman device pending comments received from the NCUTCD.

For future reference purposes, we have assigned your request the following official experimentation number and title: 6-103a(ex)-R.C. Flagman.

If you have any questions, please call Mr. Charlie Sears at 202-366-1555.

Sincerely yours,

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