

Federal Highway Administration
400 Seventh Street, SW
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Subject: Flagger Ahead Symbol Sign(W20-7a)

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To: Ernie Huckaby
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HOTO-1

In 1999, FHWA was updating the 1988 MUTCD. As part of the updating process, FHWA received letters from Virginia Department of Transportation (VDOT) and American Traffic Safety Services (ATSSA) requesting a change to the MUTCD. The change would consist of the use of Flagger Ahead symbol sign (W20-7a) with a worker holding a STOP/SLOW paddle in lieu of a worker holding a flag based on a study (Assessment of Advance Warning Signs for Flagging Operations) conducted by Virginia Transportation Research Council. The study suggested that the increased usage of the proposed flagger ahead symbol sign (SLOW/STOP paddle) over the past decade since the original study has made drivers more aware of the paddle and its traffic control function. In addition, VDOT and several other state departments of have expressed interest in modifying the Flagger Ahead symbol sign (W20-7a) for work zone operations. The advanced warning sign is intended to alert drivers to the presence of flaggers and prepare drivers to stop (if necessary) prior to reaching work zone operations. The current or existing flagger sign depicts a worker holding a STOP/SLOW paddle. The purpose of the research project was to assess and compare the motoring public's understanding of the existing and proposed advanced warning signs for work zone flagging operations.

The study consisted of a literature review and a survey of motorists. Over 45,000 multiple-choice surveys were mailed out to randomly selected Virginia residents. Opened questionnaires were also distributed to select groups to provide a comparison with the results of the multiple-choice responses. The survey results indicated that the proposed sign was for the most part understood by Virginia drivers and appeared to be effective at conveying its message.

The study recommends that: 1) VADOT asks the FHWA to allow the use of the proposed sign in work zone operations throughout Virginia, and 2) VDOT, along with others, petition the FHWA to add the proposed sign to the MUTCD.

FHWA having reviewed the above study conducted by Virginia Transportation Research Council sent letters to Virginia DOT and ATSSA stating that FHWA will take the

recommendation under consideration as we are preparing the update of the MUTCD. In the fall of 1999, prior to the completion of the updated , FHWA received a copy of a letter (copy attached) dated November 1, 1999 from Mr. Jay Fowler, to Mr. Jack Coe, FHWA Division Administrator regarding the display of a work zone sign at road construction activities in the vicinity of Rathdrum, Idaho during August 1988. Also in the letter, Mr. Fowler stated that he hold the copyright to a road sign (flagger ahead symbol, W20-7a) used on Idaho highway #53, 5 miles west of Rathdrum, Idaho. A copy of the Mr. Fowler's copyright certification was enclosed in his letter.

After reviewing Mr. Fowler's letter, we were advised by are Chief Counsel office on this issue not to include the flagger ahead symbol sign (W20-7a) with a worker holding a STOP/SLOW paddle in the Millennium Edition of the MUTCD because of Mr. Fowler's patent on the sign. No patent devices should be included in the MUTCD. Also, we were advised by HCC if we could find any information showing the use of the flagger ahead symbol sign (W20-7a) with a worker holding a STOP/SLOW paddle prior to Mr. Fowler's patent, then the patent could not be challenged.

Based on the above information, FHWA did not take any action to change the current flagger ahead symbol sign (W20-7a) in the MUTCD until the above issue was resolved.

We have attached documentations dated in 1986, 1987, and 1988 from California Department of Transportation Headquarters Traffic Operations on the Flagger Ahead Symbol sign (W20-7a) with a worker holding a STOP/SLOW paddle rather than a flag.

Please review the attached documentations and comment whether FHWA has supporting documentation to change the Flagger Ahead symbol sign (W20-7a) with a worker holding a red flag to a worker holding a STOP/SLOW paddle.