

Refer to: HSA-10/WZ-33A

Mr. Kevin King
Three D Traffic Works, Inc.
430 N. Varney Street
Burbank, California 91502

Dear Mr. King:

Thank you for your letter of March 30, 2003, requesting Federal Highway Administration (FHWA) recognition of a change in designation of your company's barricade. On May 24, 2000, we found the TD2000 Traffic Works Barricade as an acceptable Type I or Type II barricade. Our letter of acceptance, number WZ-33, detailed the barricade design, crash testing, and conditions of the acceptance. You indicated that you wish to change the designation of the all-plastic barricade to "TD2100." We are pleased to recognize this change.

It is our understanding that no changes to the design of the barricade have taken place since the original crash testing, and that you and your company are owners of the patent and/or are authorized to produce barricades to that design. Therefore, the TD2100 described in the various requests above and detailed in the enclosed drawings are acceptable for use on the National Highway System (NHS) under the range of conditions tested, when proposed by a State.

Please note the following standard provisions that apply to FHWA letters of acceptance:

- Our acceptance is limited to the crashworthiness characteristics of the devices and does not cover their structural features, nor conformity with the Manual on Uniform Traffic Control Devices.
- Any changes that may adversely influence the crashworthiness of the device will require a new acceptance letter.
- Should the FHWA discover that the qualification testing was flawed, that in-service performance reveals unacceptable safety problems, or that the device being marketed is significantly different from the version that was crash tested, it reserves the right to modify or revoke its acceptance.
- You will be expected to supply potential users with sufficient information on design and installation requirements to ensure proper performance.
- You will be expected to certify to potential users that the hardware furnished has essentially the same chemistry, mechanical properties, and geometry as that submitted for acceptance, and that they will meet the crashworthiness requirements of FHWA and NCHRP Report 350.

- To prevent misunderstanding by others, this letter of acceptance, designated as number WZ-33A shall not be reproduced except in full. This letter, and the test documentation upon which this letter is based, is public information. All such letters and documentation may be reviewed at our office upon request.
- The TD2100 Traffic Works Barricade is a patented device and is considered "proprietary." The use of proprietary work zone traffic control devices in Federal-aid projects is generally of a temporary nature. They are selected by the contractor for use as needed and removed upon completion of the project. Under such conditions they can be presumed to meet requirement "a" given below for the use of proprietary products on Federal-aid projects. On the other hand, if proprietary devices are specified for use on Federal-aid projects, except exempt, non-NHS projects, they: (a) must be supplied through competitive bidding with equally suitable unpatented items; (b) the highway agency must certify that they are essential for synchronization with existing highway facilities or that no equally suitable alternative exists or; (c) they must be used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes. Our regulations concerning proprietary products are contained in Title 23, Code of Federal Regulations, Section 635.411, a copy of which is enclosed.
- This acceptance letter shall not be construed as authorization or consent by the FHWA to use, manufacture, or sell any patented device. Patent issues are to be resolved by the applicant and the patent owner.

Sincerely yours,

Michael S. Griffith
Acting Director, Office of Safety Design
Office of Safety

Enclosures

FHWA:HSA-10:NArtimovich:tb:x61331:6/17/03

File: h://directory folder/nartimovich/WZ33A-ThreeDFIN

cc: HSA-10 (Reader, HSA-1; Chron File, HSA-10;
N. Artimovich, HSA-10)