



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

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

September 22, 2004

Refer to: HOTO-1

Ms. Virginia Haynes  
Oregon Department of Transportation  
1960 Southeast Dolphin Avenue  
Warrenton, OR 97146

Dear Ms. Hayes:

Thank you for your December 19, 2003, letter requesting an interpretation of the Manual on Uniform Traffic Control Devices (MUTCD) Section 6F.29 which requires that "The Flagger Sign shall be removed, covered, or turned away from road users when the flagging operations are not occurring." Your specific request is, whether for periods of 15 minutes or less without active flagging, does the standard apply. Mr. Pete Rusch had several telephone conversations with you and the Federal Highway Administration (FHWA) Oregon Division Office between February and June discussing many concerns associated with this issue. We think the telephone calls helped in developing our response to your request, even though our formal response took longer than usual.

The very act of removing, covering, or turning the signs away from the road users and then reactivating the signs could put highway workers at risk. Therefore, FHWA does not believe that a literal interpretation of 6F.29 should preclude the use of engineering judgment to adjust for operational conditions for short durations of no flagging activity. Several paragraphs replicated below from Section 6A.01 in fact are strongly worded on the issue of maintaining the safety of workers.

#### **Section 6A.01 General**

The primary function of Temporary Traffic Control (TTC) is to provide for the reasonably safe and efficient movement of road users through or around TTC zones while reasonably protecting workers, responders to traffic incidents, and equipment.

Of equal importance to the public traveling through the TTC zone is the safety of workers performing the many varied tasks within the work space. The TTC zones present constantly changing conditions that are unexpected by the road user. This creates an even higher degree of vulnerability for the workers and incident management responders on or near the roadway (see Section 6D.03). At the same time, the TTC zone provides for the efficient completion of whatever activity interrupted the normal use of the roadway.

Consideration for road user safety, worker and responder safety, and the efficiency of road user flow is an integral element of every TTC zone, from planning through completion. A concurrent objective of the TTC is the efficient construction and maintenance of the highway and the efficient resolution of traffic incidents.

No one set of TTC devices can satisfy all conditions for a given project or incident. At the same time, defining details that would be adequate to cover all applications is not practical. Instead, Part 6 displays typical applications that depict common applications of TTC devices. The TTC selected for each situation depends on type of highway, road user conditions, duration of operation, physical constraints, and the nearness of the work space or incident management activity to road users.

In consideration of all relevant provisions in Part 6 of the MUTCD relative to this matter, it is the interpretation of the FHWA, that the Flagger Signs may be left in place for periods of 15 minutes or less when no flagging activity is occurring and the Flaggers must remain in the vicinity of the normal flagging activity.

The agency making the determination on this matter may include other conditions as appropriate for the specific flagging application, but in no case shall the signs be left in place with no flagging activity for more than 15 minutes.

Thank you for the opportunity to clarify and interpret these matters. If you have any further questions, please contact Mr. Peter F. Rusch at 608-239-1852. For future reference, we have assigned the following official ruling number and title to your request: "6-200(I)-Flagger Sign (W20-7, W20-7a)-OR." Please refer to this number in future correspondence.

Sincerely yours,



Regina S. McElroy  
Director, Office of Transportation  
Operations

cc: Mr. Roger Wentz, ATSSA

TO: Ernest Huckaby

From: Virginia Haynes

GUAN  


TO: Peter Bush

I am faxing copies of the two letters, as we have discussed.

I am looking forward to receiving a return fax with the interpretation of the MUTCD rule, which I have questioned.

I would like to have a copy of this cover letter, and information faxed to Ernest Huckaby also. Thanks for your time and consideration. <sup>rhwa.dot.gov</sup>

From:

Virginia Haynes  
OR. DEPT. of TRANS.

FAX # 503-861-0218

Phone 503-861-2355

Address Virginia Haynes  
OR. Dept. of Trans.  
1960 S.E. Dolphin Ave.  
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# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

District 1

Warrenton Maintenance Section

1960 S. R. Dolphin Avenue

Warrenton, OR 97146

(503) 861-2355

FAX (503) 861-0218

December 19, 2003

Ernest Huckaby  
400 Seventh St., S.W., HOTO  
Washington, D.C. 20590

Mr. Huckaby,

It has come to the attention of our work group that an amendment should be made to Section 6F.29 Flagger Sign (W20-7, W20-7a) of the MUTCD 2000.

This section addresses placement and control of the "Flagger Ahead" warning sign for traffic control in our temporary work zones. The standard in this section states, "The flagger sign shall be removed, covered, or turned away from road users when the flagging operations are not occurring."

When interpreted directly out of context, this standard clearly eliminates any use of common sense, for our highway maintenance crews, to make an operational judgment for safety. Although we agree with the intent of the standard, it is our belief that it should not apply to periods of 15 minutes or less, of no flagging operation occurring. In most of our maintenance operations, it takes longer than 15 minutes for two people to turn the flagger sign at the beginning of any 15 minute break, and then turn them back to traffic again when the break has ended. Therefore, these people are unnecessarily exposed to roadway traffic, with no flagger, and less sign message protection, for virtually no positive return.

With this brief explanation of our reasons why, we believe that the standard should read something to the effect of "The flagger sign shall be removed, covered, or turned away from road users when the flagging operations are not occurring for time periods of 15 minutes or longer."

Thank you for your consideration on this matter. For any further information, or explanation please contact Virginia Haynes at: Phone (503) 861-2355  
Fax (503) 861-0218

District Safety Committee Representative  
Warrenton Maintenance Crew

Virginia Haynes



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