



U.S. Department  
of Transportation

**Federal Highway  
Administration**

SEP 20 2012

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

In Reply Refer To: HOTO-1

Major Larry Lawson  
Acting Major, Professional Standards Office  
Honolulu Police Department  
801 South Beretania Street  
Honolulu, Hawaii 96813

Dear Major Lawson:

Thank you for your e-mail message dated August 9 requesting an official interpretation regarding Chapter 6E of the 2009 Manual on Uniform Traffic Control Devices (MUTCD). Specifically, you are asking if a uniformed law enforcement officer is required to use a STOP/SLOW paddle when directing traffic in a non-emergency temporary traffic control zone.

Paragraph 2 in Section 6E.07 of the 2009 MUTCD says:

“Flaggers shall use a STOP/SLOW paddle, a flag, or an Automated Flagger Assistance Device (AFAD) to control road users approaching a TTC zone. The use of hand movements alone without a paddle, flag, or AFAD to control road users shall be prohibited except for law enforcement personnel or emergency responders at incident scenes as described in Section 6I.01.”

This paragraph is intended to require the use of a hand signaling device or an AFAD for normal flagging operations where the flagger is a trained road worker rather than a uniformed law enforcement officer. The second sentence in the paragraph allows “emergency responders at incident scenes as described in Section 6I.01” and “law enforcement personnel” to use hand movements alone to control traffic in a temporary traffic control zone. (Note that the meaning of the second sentence is clearer when the sequence of the two exceptions is reversed.) We also intended the exception for “law enforcement personnel” to be restricted to uniformed law enforcement officers. Accordingly, we plan to propose to revise the wording of the second sentence of this paragraph in the next edition of the MUTCD to say, “The use of hand movements alone without a paddle, flag, or AFAD to control road users shall be prohibited except when the control is provided by emergency responders at incident scenes as described in Section 6I.01 or provided by uniformed law enforcement officers.”

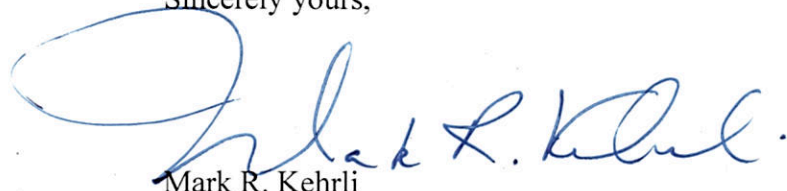
In Definition 72 in Section 1A.13, a “flagger” is defined as “a person who actively controls the flow of vehicular traffic ... using hand signaling devices or an AFAD.” Because law enforcement personnel are permitted by the second sentence of Paragraph 2 in Section 6E.07 to use hand movements alone to control road users, they do not fit the definition of a “flagger” and therefore the first sentence of the paragraph does not pertain to them.

Because law enforcement personnel are trained in proper hand signaling and because road users recognize the authority of a uniformed law enforcement officer, it is the FHWA's official interpretation that uniformed law enforcement officers are not required to use a hand signaling device or an AFAD when directing traffic under any circumstance, including in temporary traffic control zones, during special events, and at incident scenes.

For recordkeeping purposes, we have assigned the following official interpretation number and title: "6(09)-16 (I) – Use of STOP/SLOW Paddle by Uniformed Law Enforcement Officers." Please refer to this number and title in any future correspondence regarding this topic.

Thank you for your interest in improving the clarity of the provisions contained in Chapter 6E of the MUTCD. Please contact Mr. Ken Wood at [ken.wood@dot.gov](mailto:ken.wood@dot.gov) or 708-283-4340 if you have any further questions concerning this matter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Mark R. Kehrli". The signature is fluid and cursive, with a large initial "M" and "K".

Mark R. Kehrli  
Director, Office of Transportation  
Operations