

August 11, 2004

Refer to: HSA-10/WZ-190

Mr. Chuck Mettler
Plastic Safety Systems
2444 Baldwin Road
Cleveland, Ohio 44104

Dear Mr. Mettler:

Thank you for your letter of May 29, 2004, requesting Federal Highway Administration (FHWA) acceptance of your company's Anchor Sign Stand as a crashworthy traffic control device for use in work zones on National Highway System (NHS). Accompanying your letter were photographs and engineering drawings of the stand. You requested that we find these devices acceptable for use on the NHS under the provisions of National Cooperative Highway Research Program (NCHRP) Report 350 "Recommended Procedures for the Safety Performance Evaluation of Highway Features" based on comparison to your Type III barricade which was successfully crash tested using similar components.

Introduction

The FHWA guidance on crash testing of work zone traffic control devices is contained in two memoranda. The first, dated July 25, 1997, titled "INFORMATION: Identifying Acceptable Highway Safety Features," established four categories of work zone devices: Category I devices are those lightweight devices which are to be self-certified by the vendor, Category II devices are other lightweight devices which need individual crash testing but with reduced instrumentation, Category III devices are barriers and other fixed or heavy devices also needing crash testing with normal instrumentation, and Category IV devices are trailer mounted lighted signs, arrow panels, etc., for which crash testing requirements have not yet been established. The second guidance memorandum was issued on August 28, 1998, and is titled "INFORMATION: Crash Tested Work Zone Traffic Control Devices." This later memorandum lists devices that are acceptable under Categories I, II, and III.

A brief description of the devices follows:

The Anchor Sign Stand consists of components which have been found acceptable in the PSS Type III barricade systems. The Anchor feet were accepted in the FHWA acceptance letters WZ-152 and WZ-166. The HDPE uprights are the same as those accepted in WZ-61, WZ-152, and WZ-166. The stand will support a 48x48 inch diamond roll-up sign at a mounting height of approximately 13 inches and a top height of approximately 80 inches. The pultruded fiberglass

spreaders supporting the roll up sign are 1 1/4 inch wide. The maximum thickness of the vertical spreader is 1/4 inch, and the maximum thickness of the horizontal spreader should be 3/16 inch. An additional 34-inch long fiberglass rib is attached to the uprights and the sign's vertical spreader at a height of 25 inches above the ground to provide additional stability.

Testing

Full-scale automobile testing was conducted on your company's Type III barricades using similar framing materials. There was only slight to moderate cracking of the windshield from the impacts of the barricade rails and uprights which extended to a height of 64 inches.

Findings

The components of this stand conform to those used in your crash tested and accepted Type III barricade. Also the proposed sign stand can be considered a "compact" portable sign stand that has no substantial components that are likely to come in contact with the windshield. The typical "compact" stand is an "X-footprint" design with a steel or aluminum mast no taller than approximately 12 to 18 inches tall that supports the vertical fiberglass spreader of a roll up sign.

We concur in your assessment that the Anchor Sign Stand would meet the crashworthiness requirements of the FHWA and, therefore, the devices described above and detailed in the enclosed drawings are acceptable for use on the NHS under the range of conditions the "parent" type III barricade was 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-190 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 Anchor Sign Stand 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 by a highway agency* for use on Federal-aid 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. These provisions do not apply to exempt non-NHS projects. 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 for which the applicant is not the patent holder. The acceptance letter is limited to the crashworthiness characteristics of the candidate device, and the FHWA is neither prepared nor required to become involved in issues concerning patent law. Patent issues, if any, are to be resolved by the applicant.

Sincerely yours,

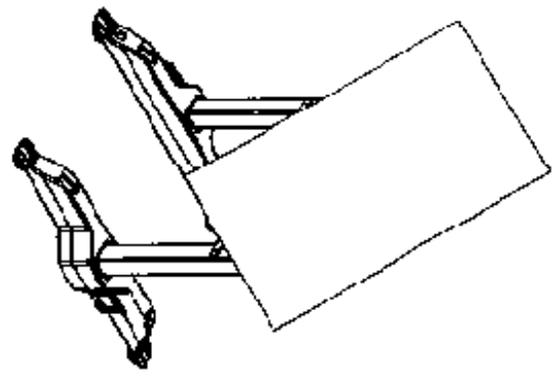
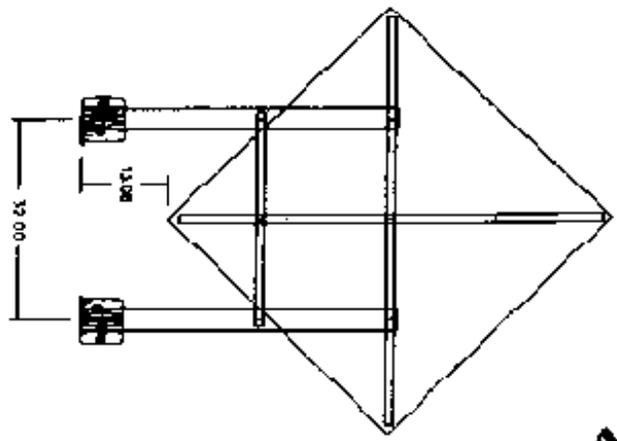
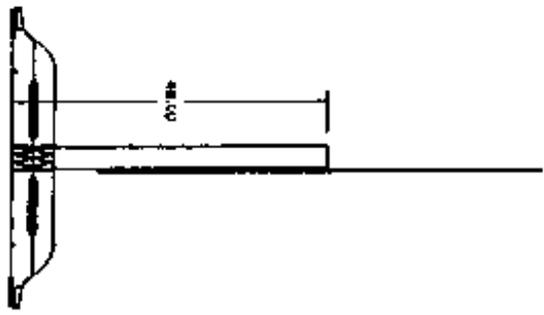
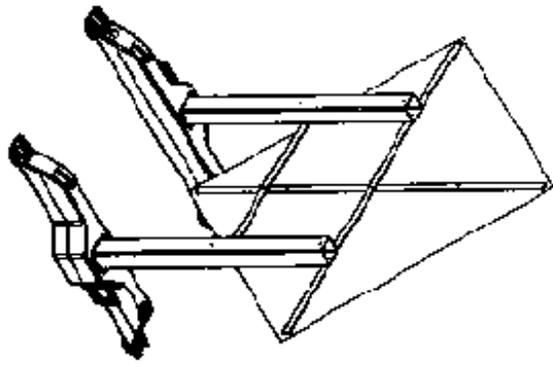
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~for~

John R. Baxter, P.E.
Director, Office of Safety Design
Office of Safety

Enclosures

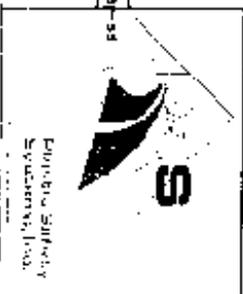
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cc: HSA-10 (Reader, HSA-1; Chron File, HSA-10;
N. Artimovich, HSA-10)



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REV	DATE	DESCRIPTION
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Material Size note	Sheet: 1 of 1	Scale: Full	Title	Rev: 2/18/04	By: CMM	Manufacturer: DS8
Manufacturer name and address	Ergo-Soft Systems, Inc.		4000	ANCHOR SIGN Stone		
Author	Ergo-Soft Systems, Inc.		2/18/04			



Sec: 635.411 Material or product selection

(a) Federal funds shall not participate, directly or indirectly, in payment for any premium or royalty on any patent or proprietary material, specification, or process specifically set forth in the plans and specifications for a project, unless:

(1) Such patented or proprietary item is purchased or obtained through competitive bidding with equally suitable unpatented items; or

(2) The State highway agency certifies either that such patented or proprietary item is essential for synchronization with existing highway facilities, or that no equally suitable alternate exists; or

(3) Such patented or proprietary item is used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes.

(b) When there is available for purchase more than one nonpatented, nonproprietary material, semifinished or finished article or product that will fulfill the requirements for an item of work of a project and these available materials or products are judged to be of satisfactory quality and equally acceptable on the basis of engineering analysis and the anticipated prices for the related item(s) of work are estimated to be approximately the same, the PS&E for the project shall either contain or include by reference the specifications for each such material or product that is considered acceptable for incorporation in the work. If the State highway agency wishes to substitute some other acceptable material or product for the material or product designated by the successful bidder or bid as the lowest alternate, and such substitution results in an increase in costs, there will not be Federal-aid participation in any increase in costs.

(c) A State highway agency may require a specific material or product when there are other acceptable materials and products, when such specific choice is approved by the Division Administrator as being in the public interest. When the Division Administrator's approval is not obtained, the item will be nonparticipating unless bidding procedures are used that establish the unit price of each acceptable alternative. In this case Federal-aid participation will be based on the lowest price so established.

(d) Appendix A sets forth the FHWA requirements regarding (1) the specification of alternative types of culvert pipes, and (2) the number and types of such alternatives which must be set forth in the specifications for various types of drainage installations.

(e) Reference in specifications and on plans to single trade name materials will not be approved on Federal-aid contracts.