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Docket Management Facility  
United States Department of Transportation  
1200 New Jersey Ave. SE  
West Building , Ground Floor  
Room W12-140  
Washington, DC 20590-0001

DEPARTMENT OF  
TRANSPORTATION

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DOCKET OPERATIONS

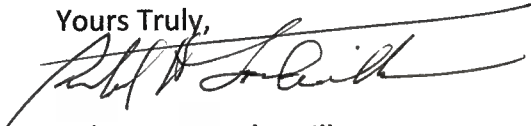
**RE: Docket No. FHWA-2020-0001, RIN 2125-AF85, National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision**

It has come to my attention that the National Standards for Traffic Control Devices, Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), has a prohibition in it that prevents the investigation and use of possible new and innovative patented devices on our nation's Streets and Highways. This provision prevents both the FHWA and our nation's state DOTs from either investigating, specifying or implementing any patented devices. I am shocked to discover that such a provision exists.

I am a retired highway contractor. My Highway Construction Company constructed highways in Colorado and the surrounding mountain states from the 1920s to the late 1980s. Every highway we constructed for the Bureau of Public Roads, the Federal Highway Administration or any of the states that we worked in was won in open competitive bids. Open competitive bidding was the method that both the Federal and State Governments used. Competitive bidding was used to get as many miles of highway built to specification with the smallest amount of public highway funds possible. It was a highway acquisition system that was designed to create highways that were safe and both economically and physically efficient.

It seems to me that the MUTCD ban on the use of patented materials discourages efficiency, innovation and practicality. By prohibiting even their investigation, let alone their implementation, this portion of the MUTC provisions seems to be extraordinarily inefficient and wasteful. Once the state and Federal DOTs have done an investigation of an item that might be included in a highway project, I'm sure that they would not adopt or implement an inadequate, inferior or less effective solution to their needs. But, if something is truly beneficial and provides a legitimate, cost effective solution to a problem it would be a shame to prevent its use, on our nation's streets and highways, simply because it is patented and thereby excluded by the MUTCD ban.

Yours Truly,



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