

APPENDIX B-4

Memorandum

To: DISTRICT TRAFFIC ENGINEERS

Date : December 9,1991

File No. :

From: DEPARTMENT OF TRANSPORTATION
Division of Traffic Operations

Subject : Ownership of Caltrans Developed Software

A question has been asked recently concerning Caltrans maintained and/or operated traffic signals which are not on state highways. When Caltrans relinquishes the maintenance and/or operation of these traffic signals, any Caltrans developed traffic signal control software and/or firmware (memory chips) are to be removed from the Model 170 Controller Unit. The local agency must obtain the operating software and/or firmware from a private contractor.

The justification for this is as follows:

1. The Legislature has decreed in the Budget Act that all software developed by State personnel is copyrighted and is not in the public domain.
2. Caltrans' legal counsel has stated that Caltrans developed software shall not be provided to non-State agencies, as it exposes Caltrans to the possibility of tort liability claims and places Caltrans in competition with private sector contractors.

There may be situations such that it would be mutually beneficial if Caltrans developed software were allowed to remain in a local agency's controller. One such situation occurs when there is a local agency maintained signal, not on State Highway, which is closely spaced to State signals and must be coordinated with the State signals. In a situation such as this we would most likely allow state developed software to remain at the local agency's intersection.



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