

Marianne Saglam
Communications and Media Senior Director
msaglam@ite.org | 202.785.0060 ext. 123

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FHWA Responds to ITE's Call for More Flexibility on RRFB Rescission Implementation

Washington, DC—On December 21, 2017, the Federal Highway Administration (FHWA) terminated the *Manual on Uniform Traffic Control Devices* (MUTCD) Interim Approval granted in 2008 for Rectangular Rapid Flashing Beacons (RRFBs), a device that is proven to save lives at pedestrian crossings on uncontrolled approaches.

On January 9, [in a letter](#) to Acting FHWA Administrator Brandye Hendrickson, ITE International President Michael P. Sanderson called on FHWA to provide flexibility to public agencies already in the process of deploying RRFBs. ITE member concerns were outlined in the letter:

...we believe that there are hundreds if not thousands of these devices that are not yet installed but part of active construction projects, included in projects that are well along in the design process, and/or stored in public facilities awaiting installation at a future date...public agencies are being advised that many of these devices cannot or should not be installed without risk of federal sanctions or tort liability, and that other, less effective and often more costly solutions need to be substituted, with all associated costs borne by state and local public agencies...

FHWA has now revised the Q&A (https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/faq/index.htm) on this subject and added the following language: "FHWA believes it is in the public interest...to complete projects that have documentation of RRFBs with procurements issued and/or construction plans underway prior to FHWA's December 21, 2017 notice." In the Q&A, FHWA also indicates a willingness for its Division Offices to work with agencies faced with challenges in replacing RRFBs in projects in the design process.

"ITE applauds this action by FHWA, which addresses many of ITE's concerns and provides additional flexibility to public agencies already in the process of designing, procuring, and installing RRFBs," said Jeffrey F. Paniati, ITE Executive Director and CEO.

ITE intends to continue to work with its members and the National Committee on Uniform Traffic Control Devices (NCUTCD) to develop and promote alternative traffic control device configurations that accomplish the safety performance objectives of RRFBs. In their updated Q&A, FHWA indicated an openness to "...ideas of modifications or configurations to existing devices or potentially new non-patented ones."

ITE also encourages FHWA to continue to seek a solution with the RRFB patent holder that would allow the RRFBs to eventually be re-approved for use.

About the RRFB Rescission:

The termination memo

https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/terminationmemo/ia11_termination_memo.pdf explains that since the MUTCD prohibits inclusion of patented devices, in either the *Manual*, an Interim Approval, or an approved experiment, and since it has been discovered that aspects of the RRFB devices covered by the 2008 Interim Approval are covered by patents, the Interim Approval for these devices is being rescinded. FHWA has posted an Informational Brief https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/informationalbrief/informationalbrief.pdf of alternative treatments for uncontrolled marked pedestrian crosswalks that remain available for use.

About ITE

Founded in 1930, ITE is a community of transportation professionals including, transportation engineers, transportation planners, consultants, educators, technologists, and researchers. Through meetings, seminars, publications, and a network of more than 15,000 members working in more than 90 countries, ITE is your source for expertise, knowledge, and ideas. Learn more at www.ite.org.

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Institute of Transportation Engineers

1627 Eye Street, NW, Suite 600, Washington, DC 20006 USA
Tel 202-785-0060 | Fax 202-785-0609 | Web www.ite.org