



Brandye Hendrickson
FHWA Acting Administrator
Federal Highway Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Acting Administrator Hendrickson,

I am writing on behalf of the 15,000 members of the Institute of Transportation Engineers (ITE)—transportation professionals who, first and foremost, are charged with ensuring the safety of transportation system users, including vulnerable users such as bicyclists and pedestrians. We are concerned about the impacts of FHWA's recent decision to rescind the *Manual on Uniform Traffic Control Devices* (MUTCD) interim approval of Rectangular Rapid Flash Beacons (RRFBs), which have been documented to be highly effective in improving the safety of pedestrians on uncontrolled roadway approaches. We understand the basis for FHWA's decision, since the RRFB is a patented device that is prohibited from inclusion in the MUTCD, but we are concerned about the removal of a lower cost proven safety countermeasure from the toolbox of ways to improve pedestrian safety, as well as the impacts on state and local transportation agencies that have and are currently deploying RRFBs.

ITE's International Board of Direction discussed this issue at their recent January 7 meeting. As a result, we would like to raise a few specific concerns. First, we believe more flexibility needs to be granted to public agencies that are already in the process of deploying RRFBs. Based on feedback received from our members, 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 agency facilities awaiting installation at a future date. Based on FHWA's guidance to 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 that are already operating with limited resources. We believe that public agencies should be given more time, and perhaps a specific target date, to allow RRFB installations already in process to be completed.

Further, ITE intends to work with its public agency members and the National Committee on Uniform Traffic Control Devices (NCUTCD) to continue to develop and evaluate alternative configurations that accomplish the safety performance objectives of RRFBs, but use combinations of approved, non-proprietary devices. We request that FHWA assist in these efforts and move in an expedited fashion to approve experimentation with, and eventual Interim Approval of these devices, if appropriate.

Finally, we hope that FHWA will continue to seek a solution with the patent holder that would allow the RRFB to eventually be re-approved for use.

Institute of Transportation Engineers

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Both ITE and FHWA have a shared interest in the safety of the travelling public, particularly vulnerable users. We look forward to working with FHWA on the issues outlined above. If ITE can assist your staff in any way to resolve these issues, please let us know.

Sincerely,

Michael P. Sanderson, P.E., PTOE, LEED AP
ITE International President

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