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January 10, 2018

ITE Calls on FHWA to Provide Flexibility on RRFB Rescission Implementation

Washington, DC—On December 21, 2017, the Federal Highway Administration (FHWA) terminated the *Manual on Uniform Traffic Control Device* (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.

Yesterday, [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...

“Our members understand the difficult choice FHWA faced with regard to allowing a patented device to remain in the MUTCD; however, public agencies who were installing these proven safety devices in good faith should not have to bear unnecessary costs,” said ITE Executive Director and CEO, Jeffrey F. Paniati.

ITE intends to work with its public agency members and the National Committee on Uniform Traffic Control Devices to develop alternative configurations that accomplish the safety performance objectives of RRFBs and requests that FHWA assist in these efforts and provide expedited approvals, as appropriate.

ITE also encourages FHWA to continue to seek a solution with the 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 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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