

DATE: February 15, 2018

SUBJECT: Manual on Uniform Traffic Control Devices (MUTCD) Termination of Rectangular Rapid Flashing Beacon (RRFB) Interim Approval IA-11

TO: District Executives

FROM: Richard N. Roman, P.E., Director
Bureau of Maintenance and Operations

Richard Roman /s/

This Strike-off Letter (SOL) may be time and resource increasing only if designs of RRFB have already been started and looks to clarify the Federal Highway Administration's (FHWA's) recent rescission of the Interim Approval for Optional Use of Rectangular Rapid Flashing Beacons (IA-11) that was issued on July 16, 2008 (**Attachment**). This update will provide clarification to existing deployments, provide the location of existing documentation, and identify appropriate alternative solutions to be considered in lieu of the RRFB. This strike-off letter is intended for all roads open to the public in Pennsylvania where impacts to costs and resources may occur on projects where an RRFB design and/or construction work has begun.

The reason for this rescission by FHWA is because the federal regulations, through the MUTCD, prohibits the use of patented traffic control devices. This clarification is therefore intended for all roadways in Pennsylvania and is based on recent discussions with FHWA PA Division Office and feedback provided by the FHWA MUTCD team at the National Committee on Uniform Traffic Control Devices (NCUTCD) 2018 Winter Meeting. Based on those discussions, the following clarifications are needed and provided below regarding this recent rescission.

- Existing installations of RRFBs may remain in place until the end of their useful service life and do not need to be removed. Please review and update accordingly, the current listing of RRFBs within your District can be found at <P:\penndot shared\Traffic Signals\RRFB>
- Previously awarded projects, with an RRFB identified within the project, *prior to the FHWA rescission letter issuance date of December 21, 2017* will be allowed to continue to be installed and may remain in place until the end of their useful service life. If source of supply information is still needed for a project, please contact the Bureau of Maintenance and Operations (BOMO) to obtain a list of previously approved Bulletin 15 vendors.
- Previously awarded projects, with an RRFB identified within the project, *after the FHWA rescission letter issuance date of December 21, 2017* will need to re-evaluate the alternatives and replace the intended RRFB with an appropriate pedestrian crossing application. FHWA has provided an informational guide https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/informationalbrief/index.htm which can be used to assist with determining another appropriate alternative. Note that all of the identified applications are permitted for use within Pennsylvania, except for the Pedestrian Hybrid Beacon (Section 4L).

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- All RRFB performance, operational (e.g. *knockdowns*), and useful service life questions will be handled and addressed on an individual basis, and should be coordinated through BOMO.
- For questions that not specifically addressed within this strike-off letter, please initially refer to FHWA RRFB Frequently Asked Questions website https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/faq/index.htm or to the Traffic Signal Portal <http://www.dot.state.pa.us/Portal%20Information/Traffic%20Signal%20Portal/Index.html>

Should you have any questions, please contact Daniel Farley, Chief, Traffic Operations Deployment and Maintenance Section, at 717.783.0333.

Attachment

4940/DPF/hmq

cc: Moises Marrero, Acting Division Administrator, FHWA Pennsylvania Division Office
Assistant District Executives – Maintenance
Assistant District Executives – Design
Assistant District Executives – Construction
Louis Belmonte, P.E., ADE - Operations, District 6
District Traffic Engineers
District Traffic Signal Personnel
Leo Bagley, Executive Deputy Secretary, Secretary's Office
James Ritzman, P.E., Deputy Secretary, Planning Administration
Toby Fauver, Deputy Secretary, Local and Area Transportation Administration
Roger Cohen, Policy Director, Secretary's Office
Kathryn Zerfuss, Director, Legislative Affairs
Eric Nelson, Deputy Director, Legislative Affairs
Steven Roth, Senior Counsel, Office of Chief Counsel
Richard Roman, P.E., Director, BOMO
Glenn Rowe, P.E., Chief, Highway Safety and Traffic Operations Division, BOMO
Gavin Gray, P.E., Chief, Safety Management Section
Jason Hershock, Manager, Risk Management Unit, BOMO
Daniel Farley, Chief, Traffic Operations Deployment and Maintenance Section, BOMO
Benjamin Flanagan, Manager, Deployment and Asset Management Unit, BOMO
Matthew Depaoli, Traffic Signal Manager, BOMO
PennDOT Local Technical Assistance Program (LTAP)
Municipal Advisory Committee (MAC) members
American Council of Engineering Companies of Pennsylvania (ACEC-PA)
Associated Pennsylvania Constructors
Pedestrian and Pedalcycle Advisory Committee (PPAC)
Roy Gothie, Bike and Pedestrian Coordinator, Multimodal Transportation



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** MUTCD – Interim
Approval for Optional Use of Rectangular
Rapid Flashing Beacons
(IA-11) —TERMINATION

Date: DEC 21 2017

From: Martin C. Knopp 
Associate Administrator for Operations

In Reply Refer To:
HOP-1

To: Federal Lands Highway Division Directors
Division Administrators

Purpose: Through this memorandum, the Federal Highway Administration (FHWA) officially rescinds the subject Interim Approval (IA) issued on July 16, 2008.

Background: Federal regulation, through the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD),¹ prohibits the use of patented devices under an IA,² or official experimentation³ with patented devices. The MUTCD is incorporated by reference at 23 CFR, Part 655, Subpart F, and is recognized as the national standard for all traffic control devices in accordance with 23 U.S.C. 109(d) and 402(a).⁴

Action: The MUTCD prohibits patented devices from experimentation, IA, or inclusion in the MUTCD.⁵ The FHWA has learned of the existence of four issued U.S. patents, and at least one pending patent application, covering aspects of the Rectangular Rapid Flashing Beacons (RRFB) device originally approved under IA-11 of July 16, 2008.

For the aforementioned reasons, FHWA hereby rescinds IA-11 for all new installations of RRFB devices. Installed RRFBs may remain in service until the end of useful life of those devices and need not be removed.

Nothing in this memorandum should be interpreted as expressing an opinion as to the applicability, scope, or validity of any patent or pending patent application with regard to

¹ MUTCD 2009 Ed., Intro. ¶ 4 at I-1

² *Id.*; § 1A.10.

³ *Id.*

⁴ *See id.* at ¶ 02 at I-1.

⁵ *Id.* at ¶ 04.

the installation or use of RRFBs, generally, or for those currently in use. The FHWA, the U.S. Department of Transportation, and the U.S. express no opinion on the merits, and take no position on the outcome, of any litigation relating to the RRFB.

cc:

Associate Administrators

Chief Counsel

Chief Financial Officer

Directors of Field Services

Director of Technical Services