



National Committee on Uniform Traffic Control Devices

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ATTACHMENT NO. 7

RESOLUTION

Approved by NCUTCD Council January 6, 2017

Whereas, the City of St. Petersburg, FL. requested and received permission to experiment with a new RRFB warning device at pedestrian crossings, and
Whereas, as required by the MUTCD, the request to experiment included a certification that the device was not patented, and
Whereas, the result of the data collected as part of the experimentation showed this device to be effective, and
Whereas, an IA was issued by FHWA on July 16, 2008, and
Whereas, many agencies have requested and received permission to install RRFB devices under the IA, and
Whereas, patented devices are prohibited from being included in the MUTCD, and
Whereas, the developer of the RRFB device is aware that patented devices are prohibited from being included in the MUTCD, and
Whereas, the RRFB device was patented after the issuance of the IA, and
Whereas, that developer of the RRFB device is taking legal action to enforce the patent, and
Whereas, FHWA has stopped issuing additional authorizations for use of RRFBs under the IA due to this legal action, and
Whereas, public agencies have indicated a desire to be authorized to install and use RRFBs under the IA in order to provide for enhanced pedestrian safety at crosswalks, and
Whereas, the RRFB patent appears to be overly broad and appears to include devices and applications that have been included in the MUTCD and in general use for many decades, and
Whereas, the NCUTCD feels that the patent issuance of RRFBs is inappropriate and contrary to the public interest,
Now, therefore be it resolved, that the NCUTCD urges the FHWA to challenge the validity of the patent for RRFB device in the interest of public safety and due to the broadness of the device description. Furthermore, the NCUTCD urges FHWA to investigate options that would allow continued and expanded use of RRFBs or an alternative device that can provide similar operational benefits.

Lee E. Billingsley, P.E.

Chair

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