

June 21, 2018

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

Re: Coordination of MASH Implementation

Dear Acting Administrator Hendrickson:

I am writing to express the concerns of the state departments of transportation with regard to the role of the Federal Highway Administration (FHWA) in the continued implementation of the *AASHTO Manual for Assessing Safety Hardware* (MASH).

AASHTO and the state DOTs are committed to working with FHWA on continual improvements in safety and on the transition to roadside hardware devices that are compliant with the latest crash-test guidance in MASH. However, discussions at recent meetings of the AASHTO Council on Highways and Streets and the Committee on Design have indicated that there is confusion and frustration within the states regarding the path forward in reviewing and certifying crashworthy devices for use on the nation's roadways. Several requests from these meetings are summarized below with the hope that FHWA and AASHTO will partner to achieve a smoother transition to the implementation of MASH-compliant devices.

The first request from the states is for clarification, in writing, regarding FHWA's position on providing federal-aid eligibility letters for roadside hardware going forward. States have expressed confusion over statements in an April 9, 2018, memo from FHWA's Office of Safety [https://safety.fhwa.dot.gov/roadway\\_dept/countermeasures/reduce\\_crash\\_severity/docs/memo040918.pdf](https://safety.fhwa.dot.gov/roadway_dept/countermeasures/reduce_crash_severity/docs/memo040918.pdf), leading some to believe that FHWA will continue to provide eligibility letters indefinitely. Others have heard FHWA representatives state that eligibility letters will be discontinued as of December 31, 2019. The continuation or termination of these letters greatly impacts how the states and AASHTO will approach the certification process in the future.

Clarification on the continuation of eligibility letters also impacts how states plan to determine the crashworthiness of roadside hardware, as numerous states rely on the federal-aid eligibility letters to confirm that crash tests have been conducted in accordance with MASH. Thus, AASHTO is requesting an extension of the June 30, 2018, deadline for states to provide FHWA

Division Offices with these plans, as additional time will be needed to modify plans based on the continuation or termination of the eligibility letter process mentioned above.

Another concern of the states is related to the MASH implementation schedule and the timeliness in announcing extensions when compliant devices are not yet available. The process for extending deadlines in the joint implementation agreement is a joint effort of AASHTO and FHWA. The states expressed frustration with the timing of past deadline extensions and are requesting that AASHTO and FHWA work expeditiously to announce an immediate extension of the December 31, 2018, deadline for cable barrier and cable barrier terminals. Currently, there are no MASH-compliant devices available, and states need at least three to six months to make changes to their construction documents. Related to this concern is the acceptability to states of devices that are deemed MASH-compliant by the established deadlines. The simple availability of two or three devices in any given category of roadside safety hardware does not ensure that a device is acceptable to the state DOT for use on their roadways and/or available for use in the applications for which they are needed. Additionally, our recent history has shown that although a device is available at the time a project is bid, circumstances may require the removal of the product from eligibility. If a limited number of devices are approved for use, nationwide shortages could occur and place the states with no other option than to use devices that historically have performed well but do not meet current MASH requirements. Thus, we would like to discuss interpreting the availability of devices to include that the MASH-compliant devices are “acceptable to the state DOT.”

Finally, based on discussions at both the Council on Highway and Streets and Committee on Design meetings, AASHTO is supportive of establishing a third-party to review and certify crash tests. However, transferring these responsibilities and getting a new entity up to speed is expected to take longer than 18 months. Thus, if FHWA does plan to cease providing eligibility letters, we request the continuation of this process at least until the new third party has been established and AASHTO and FHWA are comfortable with the proposed new process.

In summary, AASHTO is requesting the following:

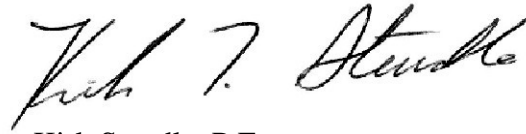
- Clarification in writing on FHWA’s position on providing federal-aid eligibility letters for roadside hardware going forward.
- An extension of the June 30, 2018, deadline for states to provide FHWA Division Offices with a plan for how they will determine the crashworthiness of roadside hardware.
- An extension of the December 31, 2018, deadline in the joint implementation agreement for cable barrier and cable barrier terminals.
- An understanding allowing for “acceptability by states” in the joint implementation agreement for available MASH-compliant devices.
- Continuation of the eligibility letter process until a new third-party process has been established.

AASHTO appreciates the priority FHWA has placed on implementing newer, safer roadside hardware devices, and welcomes the opportunity to meet in-person to discuss these issues in more detail. Please do not hesitate to share your thoughts or questions by contacting Jim McDonnell, Engineering Program Director, at 202-624-5448 or [jmcdonnell@aaashto.org](mailto:jmcdonnell@aaashto.org).

Sincerely,



Carlos Braceras, P.E.  
Chair, AASHTO Committee on Design  
Executive Director, Utah Department of  
Transportation



Kirk Steudle, P.E.  
Chair, AASHTO Council on Highways  
and Streets  
Director, Michigan Department of  
Transportation

cc: Cheryl Walker, Acting Executive Director, FHWA  
Elizabeth Alicandri, Associate Administrator for Safety, FHWA  
Michael Griffith, Director, Office of Safety Technologies, FHWA  
Joyce Taylor, Chief Engineer, Maine Department of Transportation  
Bud Wright, Executive Director  
King Gee, Director, Engineering and Technical Services