



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

1200 New Jersey Ave., SE  
Washington, D.C. 20590

October 3, 2016

In Reply Refer To:  
HSST-1/CC-129

Mr. Kaddo Kothmann  
Road Systems, Inc.  
3616 Howard County Airport  
Big Spring, Texas 79720

Dear Mr. Kothmann:

This letter is in response to your July 29, 2016 request for the Federal Highway Administration (FHWA) to review a roadside safety device, hardware, or system for eligibility for reimbursement under the Federal-aid highway program. This FHWA letter of eligibility is assigned FHWA control number CC-129 and is valid until a subsequent letter is issued by FHWA that expressly references this device.

### **Decision**

The following devices are eligible, with details provided in the form which is attached as an integral part of this letter:

- 350 FLEAT Terminal with MASH FLEAT Impact Head

### **Scope of this Letter**

To be found eligible for Federal-aid funding, new roadside safety devices should meet the crash test and evaluation criteria contained in the American Association of State Highway and Transportation Officials' Manual for Assessing Safety Hardware (MASH) or the National Cooperative Highway Research Program (NCHRP) Report 350. However, the FHWA, the Department of Transportation, and the United States Government do not regulate the manufacture of roadside safety devices. Eligibility for reimbursement under the Federal-aid highway program does not establish approval, certification or endorsement of the device for any particular purpose or use.

This letter is not a determination by the FHWA, the Department of Transportation, or the United States Government that a vehicle crash involving the device will result in any particular outcome, nor is it a guarantee of the in-service performance of this device. Proper manufacturing, installation, and maintenance are required in order for this device to function as tested.

FHWA: HSST /CC-126\_MASH SKT.docx

FHWA: HSST: Artimovich: sf: x61331:9/14/16

File: s://directory folder/HSST/Artimovich/CC-129 MFLEAT on 350 to Kothmann.docx

cc: HSST (NArtimovich; BFouch) HSST Will Longstreet

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This finding of eligibility is limited to the crashworthiness of the system and does not cover other structural features, nor conformity with the Manual on Uniform Traffic Control Devices.

### **Eligibility for Reimbursement**

Based solely on a review of crash test results and certifications submitted by the manufacturer, and the crash test laboratory, FHWA agrees that the device described herein meets the crash test and evaluation criteria of the NCHRP Report 350. Therefore, the device is eligible for reimbursement under the Federal-aid highway program if installed under the range of tested conditions.

Name of system:	350 FLEAT Terminal with MASH FLEAT Impact Head
Type of system:	Flared W-Beam Guardrail extruder terminal
Test Level:	NCHRP Report 350 Test Level 3 (TL3)
Testing conducted by:	KARCO, Inc.
Date of request:	December 26, 2015, revised July 29, 2016
Date initially acknowledged:	December 31, 2015, and August 23, 2016
Date of completed package:	September 1, 2016

FHWA concurs with the recommendation of the accredited crash testing laboratory as stated within the attached form.

### **Full Description of the Eligible Device**

The device and supporting documentation, including reports of the crash tests or other testing done, videos of any crash testing, and/or drawings of the device, are described in the attached form.

### **Notice**

If a manufacturer makes any modification to any of their roadside safety hardware that has an existing eligibility letter from FHWA, the manufacturer must notify FHWA of such modification with a request for continued eligibility for reimbursement. The notice of all modifications to a device must be accompanied by:

- Significant modifications – For these modifications, crash test results must be submitted with accompanying documentation and videos.
- Non-signification modifications – For these modifications, a statement from the crash test laboratory on the potential effect of the modification on the ability of the device to meet the relevant crash test criteria.

FHWA's determination of continued eligibility for the modified hardware will be based on whether the modified hardware will continue to meet the relevant crash test criteria.

You are expected to supply potential users with sufficient information on design, installation and maintenance requirements to ensure proper performance.

You are expected to certify to potential users that the hardware furnished has the same chemistry, mechanical properties, and geometry as that submitted for review, and that it will meet the test and evaluation criteria of the NCRHP Report 350

Issuance of this letter does not convey property rights of any sort or any exclusive privilege. This letter is based on the premise that information and reports submitted by you are accurate and correct. We reserve the right to modify or revoke this letter if: (1) there are any inaccuracies in the information submitted in support of your request for this letter, (2) the qualification testing was flawed, (3) in-service performance or other information reveals safety problems, (4) the system is significantly different from the version that was crash tested, or (5) any other information indicates that the letter was issued in error or otherwise does not reflect full and complete information about the crashworthiness of the system.

### **Standard Provisions**

- To prevent misunderstanding by others, this letter of eligibility designated as FHWA control number CC-129 shall not be reproduced except in full. This letter and the test documentation upon which it is based are public information. All such letters and documentation may be reviewed upon request.
- This letter shall not be construed as authorization or consent by the FHWA to use, manufacture, or sell any patented system for which the applicant is not the patent holder.
- If the subject device is a patented product it may be considered to be proprietary. If proprietary systems are specified by a highway agency for use on Federal-aid projects: (a) they must be supplied through competitive bidding with equally suitable unpatented items; (b) the highway agency must certify that they are essential for synchronization with the existing highway facilities or that no equally suitable alternative exists; or (c) they must be used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes. Our regulations concerning proprietary products are contained in Title 23, Code of Federal Regulations, Section 635.411.

Sincerely yours,

Michael S. Griffith  
Director, Office of Safety Technologies  
Office of Safety

Enclosures