



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

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

April 1, 2016

In Reply Refer To:
HSST/B-246A

Mr. Barry Stephens
Trinity Highway Products, LLC
3617 Cincinnati Ave.
Rocklin, CA 95677

Dear Mr. Stephens:

This letter is in response to your November 11, 2014 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 B-246A 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:

- Retro-Rail™ Guardrail Modification

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). 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.

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

FHWA previously issued an eligibility letter for the roadside safety system described in your pending request. Your pending request now identifies a modification to that roadside safety system.

The original roadside safety device information is provided here:

Name of system: Retro-Rail™, MASH
Type of system: Longitudinal Barrier
Date of original request: October 30, 2013
Date of original FHWA eligibility letter: March 11, 2014
FHWA Control number: HSST/B-246

The pending modification(s) consists of the following changes:

1. This request is to remove the following sentence describing a concave radii distance for the Cable Mid Bracket. This sentence within the third paragraph of the Product Description section was included in error: "The Cable Mid Bracket is designed to maintain standard wire rope tension when installed on guardrail with concave radii of 100' or greater."

'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 MASH.

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 B-246A 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

Request for Federal Aid Reimbursement Eligibility of Highway Safety Hardware

Submitter	Date of Request:	March 14, 2016	<input type="radio"/> New <input checked="" type="radio"/> Resubmission
	Name:	Bret R. Eckert, P.E.	
	Company:	Trinity Highway Products, LLC	
	Address:	3617 Cincinnati, Ave., Rocklin, CA 95677	
	Country:	United States of America	
	To:	Michael S. Griffith, Director FHWA, Office of Safety Technologies	

I request the following devices be considered eligible for reimbursement under the Federal-aid highway program.

1-1-1				
System Type	Submission Type	Device Name / Variant	Testing Criterion	Test Level
'B': Barriers (Roadside, Median, Bridge Railings)	<input type="radio"/> Physical Crash Testing <input checked="" type="radio"/> Engineering Analysis	Retro-Rail™ Guardrail Retrofit	AASHTO MASH	TL3

By submitting this request for review and evaluation by the Federal Highway Administration, I certify that the product(s) was (were) tested in conformity with the AASHTO Manual for Assessing Safety Hardware and that the evaluation results meet the appropriate evaluation criteria in the MASH.

Identification of the individual or organization responsible for the product:

Contact Name:	Bret R. Eckert, P.E.	Same as Submitter <input checked="" type="checkbox"/>
Company Name:	Trinity Highway Products, LLC	Same as Submitter <input checked="" type="checkbox"/>
Address:	3617 Cincinnati, Ave., Rocklin, CA 95677	Same as Submitter <input checked="" type="checkbox"/>
Country:	United States of America	Same as Submitter <input checked="" type="checkbox"/>

Enter below all disclosures of financial interests as required by the FHWA 'Federal-Aid Reimbursement Eligibility Process for Safety Hardware Devices' document.

The Retro-Rail™ technology is the commercial embodiment of intellectual property that is protected by patents that are owned by Trinity Highway Products, LLC (THP). THP does not pay royalties for sales of the Retro-Rail™ system. The Retro-Rail™ system was designed and developed by engineers at THP. The patent holders of record for the Retro-Rail™ system are Aaron J. Cox and Brent S. Sindorf, and both, Mr. Cox as well as Mr. Sindorf, are employed by THP. The associated United States Patent Office patent application number (14/023,150) is assigned to Energy Absorption Systems, Inc. / Trinity Industries, Inc.

THP sponsored certain crash tests of the Retro-Rail™ system. Such tests were conducted by E-Tech Testing Services, an independent, wholly-owned subsidiary of THP. E-Tech Testing Services is an International Standards Organization ("ISO") 17025 accredited laboratory with American Association for Laboratory Accreditation (A2LA) Mechanical Testing certificate 989.01. Full-scale crash testing on the Retro-Rail™ system was performed in accordance with testing criteria, as set forth by the American Association of State Highway and Transportation Officials ("AASHTO") published testing criteria, as required in the Manual for Accessing Safety Hardware (2009) ("MASH").

PRODUCT DESCRIPTION

<input checked="" type="radio"/> New Hardware or Significant Modification	<input checked="" type="radio"/> Modification to Existing Hardware	<input type="radio"/> Non-Significant
<p>Original submission date November 11, 2014. The Trinity Retro-Rail™ was originally accepted in FHWA Eligibility Letter B-246 on March 11, 2014 as tested by E-Tech Testing Services per AASHTO's Manual for Assessing Safety Hardware (MASH). This request is to remove the following sentence describing a concave radii distance for the Cable Mid Bracket. This sentence within the third paragraph of the Product Description section was included in error.</p> <p>"The Cable Mid Bracket is designed to maintain standard wire rope tension when installed on guardrail with concave radii of 100' or greater".</p> <p>This modification is considered Non-Significant, Effect is Positive of Inconsequential.</p>		

CRASH TESTING

A brief description of each crash test and its result:

Required Test Number	Narrative Description	Evaluation Results
3-10 (1100C)	The Retro-Rail™ was originally tested per MASH Test 3-10 in Tests 01-0289-002 (10/4/2012) and 01-0289-004 (1/9/2013) in E-Tech Report #418. Removing the sentence in error will have no effect to the as-tested performance of the Retro-Rail™ system.	PASS
3-11 (2270P)	Four MASH 3-11 tests were successfully completed on the Retro-Rail™ system, Test 01-0289-001 (9/21/2012), 01-0289-003 (12/11/12), 01-0289-005 (7/24/2013) and 01-0289-006 (8/16/2013) on different post/blockout combinations in E-Tech Report #418. Removing the sentence in error will have no effect to the as-tested performance of the Retro-Rail™ system.	PASS
3-20 (1100C)	Not Applicable. The Retro-Rail™ system is not intended to be used for transitioning from semi-rigid to rigid barrier.	
3-21 (2270P)	Not Applicable. The Retro-Rail™ system is not intended to be used for transitioning from semi-rigid to rigid barrier.	

Full Scale Crash Testing was done in compliance with MASH by the following accredited crash test laboratory (cite the laboratory's accreditation status as noted in the crash test reports.):

Testing Laboratory's signature concurs that these modifications are considered Non-Significant.		
Laboratory Name:	E-Tech Testing Services, Inc.	
Laboratory Signature:	Paul Kruse	Digitally signed by Paul Kruse Date: 2016.03.14 14:59:29 -07'00'
Address:	3617B Cincinnati Ave., Rocklin, CA 95765	Same as Submitter <input type="checkbox"/>
Country:	United States of America	Same as Submitter <input checked="" type="checkbox"/>
Accreditation Certificate Number and Dates of current Accreditation period :	A2LA Certificate #989.01, November 20, 2015 to November 30, 2017	

Submitter Signature*: Bret Eckert P.E.

Digitally signed by
bret.eckert@trin.net
DN: cn=bret.eckert@trin.net
Date: 2016.03.14 15:41:07 -07'00'

Submit Form

ATTACHMENTS

Attach to this form:

- 1) Additional disclosures of related financial interest as indicated above.
- 2) A copy of the full test report, video, and a Test Data Summary Sheet for each test conducted in support of this request.
- 3) A drawing or drawings of the device(s) that conform to the Task Force-13 Drawing Specifications [[Hardware Guide Drawing Standards](#)]. For proprietary products, a single isometric line drawing is usually acceptable to illustrate the product, with detailed specifications, intended use, and contact information provided on the reverse. Additional drawings (not in TF-13 format) showing details that are relevant to understanding the dimensions and performance of the device should also be submitted to facilitate our review.

FHWA Official Business Only:

Eligibility Letter		AASHTO TF13	Key Words
Number	Date	Designator	