

Department of Transportation (DOT)

Federal Highway Administration (FHWA)

The Supporting Statement A

Request for Federal Aid Reimbursement Eligibility of Safety Hardware Devices

OMB Control No. 2125-XXXX

Introduction: The FHWA issues Federal-aid eligibility letters as a service to State and local agencies. If an interested party (submitter) wants a Federal-aid reimbursement eligibility letter, then it must submit a request with the required information to FHWA for review.

The information collection is completely voluntary. It's not required for anyone to respond. The collected information will be FHWA records and is subject to the Freedom of Information Act, 5 U.S.C. Â§ 552. A FHWA Federal-aid reimbursement eligibility letter will be sent electronically to the submitter in PDF format when it's issued. Federal-aid reimbursement eligibility letters are also posted on the [FHWA Eligibility Web site](#). An eligibility letter package includes the submittal form, crash test summary sheets and hardware drawings as attachments to the letter. The information collected is necessary for FHWA to analyze whether the roadside safety hardware meets criteria set by the American Association of State Highway and Transportation Officials in their "Manual on Assessing Safety Hardware." When the FHWA issues an eligibility letter, if the attached files (hardware drawings and the crash test summaries) do not conform to Section 508 standards, FHWA will only post the eligibility letter on the agency's website without the non-conformant attachments. An electronic document with a copy of the letter and the non-conformant attachments will be sent to the requestor for posting on its public website; if the attached files (hardware drawings and crash test summaries) conform to Section 508 standards, FHWA will post the eligibility letter with the files on the agency's website [FHWA Eligibility Web site](#).

Part A. Justification.

1. Circumstances that make collection of information necessary:

The FHWA' s longstanding policy is that all roadside safety hardware installed on the National Highway System (NHS) be crashworthy. To support this policy, the AASHTO/FHWA Joint Implementation Agreement for the Manual for Assessing Safety Hardware (MASH) was adopted. This agreement implemented AASHTO MASH as the criteria for determining crashworthiness of roadside safety hardware.

In support of ensuring latest roadside hardware that is crash tested in accordance with MASH installed on NHS, the FHWA is providing a service to States and industry by reviewing crash test results for federal aid eligibility. An eligibility letter is not a requirement for roadside safety hardware to be determined eligible for Federal funding. Roadside safety hardware is eligible for Federal funding if it has been determined to be crash worthy by the user agency.

To issue eligibility letters for roadside safety hardware, the FHWA needs to collect and review crash test results and hardware information from the submitters.

2. How, by whom, and for what purpose is the information used:

All requests for FHWA review of hardware devices must include a complete "Form to Request a Federal-aid Reimbursement eligibility letter" (e-form). The e-form must be signed by both the submitter and a crash testing laboratory (if the submitter is not the laboratory). The e-form should be submitted electronically and must be accompanied by the appropriate supporting documents described below in section II B. The form can be located and downloaded from the FHWA Office of Safety Web site here: http://safety.fhwa.dot.gov/roadway_dept/countermeasures/reduce_crash_severity/elig_process.cfm.

All supporting documentation, including crash test reports for the full suite of American Association of State Highway and Transportation Officials (AASHTO) Manual for Assessing Safety Hardware (MASH) recommended tests, photos, videos, and other related documentation, should be provided in an electronic format. This material may be submitted to FHWA electronically by using a file transfer protocol site (FTP) or by sending files to fhwaeligibilityinbox@dot.gov. Large files may need to be transferred via FTP or mailed to the following address

Safety Design Team, Room E71-322
Office of Safety Technologies – HSST
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington DC 20590

The FHWA posts information about devices on its website whenever it issues a Federal-aid reimbursement eligibility letter.

Some State Departments of Transportation do not currently review roadside safety hardware crash test results; rather they rely on FHWA to review and issue eligibility letters. By posting the eligibility letters on the FHWA website, the State agencies are able to see roadside safety hardware that has been crash tested in accordance with MASH.

3. Extent of automated information collection:

All requests for FHWA review of hardware devices must include a complete "Form to Request a Federal-aid Reimbursement eligibility letter" (e-form). The e-form must be signed by both the submitter and a crash testing laboratory (if the submitter is not the laboratory). The e-form should be submitted electronically and must be accompanied by the appropriate supporting documents described below in section II B. The form can be located and downloaded from the FHWA Office of Safety Web site here: http://safety.fhwa.dot.gov/roadway_dept/countermeasures/reduce_crash_severity/elig_process.cfm.

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4. Efforts to identify duplication:

There is no similar or duplicate information available.

5. Efforts to minimize the burden on small businesses:

Submitting an eligibility letter request is voluntary. There is no requirement to collect the information. If the business would like the FHWA to review the device and receive an eligibility letter, they need to provide the information needed for the agency to make a Federal-aid funding eligibility determination.

6. Impact of less frequent collection of information:

Some State Departments of Transportation do not currently review roadside safety hardware crash test results; rather they rely on FHWA to review and issue eligibility letters. By posting the eligibility letters on the FHWA website, the State agencies are able to see roadside safety hardware that has been crash tested in accordance with MASH. Less collection of this information would mean State and local transportation agencies would need to conduct their own review of crash test results.

7. Special circumstances:

Submitting an eligibility letter request is voluntary. Submission of information is voluntary. All records submitted to FHWA are subject to the Freedom of Information Act, 5 U.S.C. Â§ 552. Therefore, any information submitted to FHWA that is considered trade secrets or confidential business information should be clearly labeled. Before release of trade secrets or confidential business information, FHWA will notify the submitter of the request and afford the submitter the opportunity to object to disclosure of the information and to state the basis for the objection.

8. Compliance with 5 CFR 1320.8:

The 60-day Federal Register notice was published on March 22, 2024, at [89 FR 20529]. Four comments were received, and they are attached to this document.

Comment received from Louisiana Department of Transportation and Development (LADOTD) on April 26, 2024. LADOTD requests that FHWA continue the service of issuance of Federal-aid eligibility letters. LADOTD expressed that it does not have staff and experience to determine MASH crashworthiness for roadside safety hardware and relies on the FHWA letters in order to decide of crashworthiness. LADOTD states that if states were to be solely responsible for determination of crashworthiness, it would be ideal to implement an online forum/message-board for the states to share data regarding crash tests reports, so that state subject matter experts could assist and or provide comments/concerns regarding a particular device.

Comment received from Virginia Department of Transportation (VDOT) on May 2, 2024. VDOT strongly appreciate FHWA's current practice and role relating to issuing issuance of Federal-aid eligibility letters for roadside safety hardware. VDOT believes the information collection is necessary for FHWA to continue the service to states of issuance of eligibility letters, and there is

no other organization can take over the FHWA's role of evaluator of crashworthiness. VDOT does not have recommendation in terms of technology improvement to minimize burden of data collection. VDOT is willing to attest the usefulness and value of the eligibility letters issued by FHWA.

Comment received from Glenn Kowalske on May 13, 2024. The comment is irrelevant to this notice. No action from FHWA.

Comment received from American Traffic Safety Services Association (ATSSA), 2024, received May 7, 2024. FHWA – Office of Safety has drafted a response letter to ATSSA and will the letter to ATSSA.

The 30-day Federal Register notice was published on July 19, 2024, at [89 FR 58873].

9. Payments or gifts to respondents:

Not applicable.

10. Assurance of confidentiality:

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11. Justification for collection of sensitive information:

Sensitive information such as those listed above are not collected. All records submitted to FHWA are subject to the Freedom of Information Act, 5 U.S.C. Â§ 552. Therefore, any information submitted to FHWA that is considered trade secrets or confidential business information should be clearly labeled. Before release of trade secrets or confidential business information, FHWA will notify the submitter of the request and afford the submitter the opportunity to object to disclosure of the information and to state the basis for the objection.

12. Estimate of burden hours for information requested:

Respondent	# of Respondents	Frequency of Respondents	Annual hour burden per respondent	Total annual hour burden
Manufacture	50	Annually	2	100

The estimated total annual burden hours on the 50 responding manufactures for the collection of the Federal-aid eligibility letter request is 100 hours.

13. Estimate of total annual costs to respondents:

Any cost associated with submitting crash test documents would be minimal.

14. Estimate of cost to the Federal government:

The cost would be around \$126,252 annually.

Staff	Review Effort						Coordination Effort
	GS-13, Step 6	GS-14, Step 1	GS-14, Step 10	GS-15, Step 10	GS-15, Step 6	SES	GS-14, Step 1
Hourly Rate (\$/hour) ¹	58.4	66.79	86.83	91.95	91.66	106.68	66.79
# of requests	20	30	50	50	50	50	50
# of hours for each request	6	6	2	0.75	0.5	0.25	2
Cost of each staff	7008	12022.2	8683	3448.03	2291.5	1333.5	6679
Total cost of staff	76251.65						

Cost of Contractor on Section 508 service	\$50,000
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Total cost = 76251.65 + 50000.00 = 126251.65. Round to \$126252.

15. Explanation of program changes or adjustments:

None.

16. Publication of results of data collection:

A FHWA Federal-aid reimbursement eligibility letter will be sent electronically to the submitter in PDF format. Federal-aid reimbursement eligibility letters from FHWA are also posted on the [FHWA Eligibility Web site](#). An eligibility letter package includes submittal form, crash test summary sheets and hardware drawings as attachments to the letter. When the FHWA issues an eligibility letter, if the attached files (hardware drawings and the crash test summaries) do not conform to Section 508 standards, FHWA will only post the eligibility letter on the agency's website without the non-conformant attachments. An electronic document with a copy of the letter and the non-conformant attachments will be sent to the requestor for posting on its public website; if the attached files (hardware drawings and crash test summaries) conform to Section 508 standards, FHWA will post the eligibility letter with the files on the agency's website [FHWA Eligibility Web site](#). There is no set timetable for the review process and the reviewer will review the requests in the order received. A letter will be dated with the date it is issued.

17. Approval for not displaying the expiration date of OMB approval:

Not Applicable.

18. Exceptions to certification statement:

Not Applicable.

¹ The hourly wage rate is from 2024 OPM Pay Scale.

