



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.  
Commissioner

1401 East Broad Street  
Richmond, Virginia 23219

(804) 482-5818  
Fax: (804) 786-2940

April 29, 2024

Docket Management Facility  
U.S. Department of Transportation, West Building  
Ground Floor, Room W12-140  
1200 New Jersey Avenue SE  
Washington, DC 20590-0001

DOT Docket ID Number FHWA-2024-0020

Dear Sir or Madam:

The Virginia Department of Transportation (VDOT) appreciates the opportunity to provide comments regarding the Federal Highway Administration's (FHWA) Agency Information Collection Activities: Request for Federal Aid Reimbursement Eligibility of Safety Hardware Devices, which was published in the March 22, 2024, edition of the *Federal Register*.

VDOT strongly supports FHWA's current practices and role relating to the issuance of eligibility letters for roadside safety hardware and would support Office of Management and Budget approval for any necessary and reasonable information collection to support the continuation of the practice.

In the *Federal Register* notice, FHWA seeks comments regarding its continued service to States and industry in reviewing tests for roadside hardware, ensuring that they have been tested in accordance with the Manual for Assessing Safety Hardware (MASH) criteria, issuing a federal aid eligibility letter for roadside hardware that meet review standards, and the collection and review of crash test results and hardware information from the submitters that is necessary to support this service. Specifically, FHWA had four questions:

1. Whether the proposed collection is necessary for FHWA's performance;
2. The accuracy of the estimated burdens;
3. Ways for FHWA to enhance the quality, usefulness, and clarity of the collected information; and
4. Ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

Regarding question 1, VDOT believes this information is necessary for FHWA's performance. VDOT strongly supports a continued FHWA role in evaluating and issuing eligibility letters for

VDOT Comments

FHWA Information Collection – Request for Federal Aid Reimbursement Eligibility of Safety Hardware Devices

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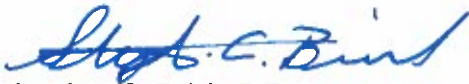
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roadside safety hardware. There is no other organization – not the American Association of State Highway Officials (AASHTO) and its National Transportation Product Evaluation Program (NTPEP), the American Traffic Safety Services Association (ATSSA), nor anyone else – who could easily take over the role of impartial arbiter and evaluator of crashworthiness claims by manufacturers. It is not feasible or realistic for each state DOT to have its own process for reviewing claims of crashworthiness by manufacturers, so it is important that state DOTs can continue to rely on FHWA for this service.

Regarding questions 2, 3, and 4, VDOT is not able to evaluate the accuracy of the estimated burdens or quality of the current data collection process, nor recommend specific technology improvements to minimize the burden without impacting the quality of the collected information. However, VDOT can attest to the usefulness and value of the Eligibility Letters themselves, which are the product of FHWA's data collection and review.

Again, we appreciate the opportunity to provide these comments.

Sincerely,



Stephen C. Brich, P.E.

Commissioner of Highways

Virginia Department of Transportation