

Policy Resolution PR-12-19
Title: Flexibility Needed for the MASH Implementation Agreement

Whereas, The American Association of State Highway and Transportation Officials (AASHTO) and the Federal Highway Administration (FHWA) jointly developed an implementation agreement to transition roadside safety devices from compliance with NCHRP Report 350 to compliance with the *Manual for Assessing Safety Hardware* (MASH);

Whereas, States desire to transition to MASH-compliant devices to improve safety on our nation's highways;

Whereas, There is a need to ensure national consistency in the implementation of MASH;

Whereas, The last sunset date in the implementation agreement is December 31, 2019;

Whereas, There are a number of device categories that have zero or a limited number of MASH-compliant devices;

Whereas, This limited number of devices may not provide the functionality needed by a state;

Whereas, It is our understanding that some testing facilities have up to a 2-year backlog for tests, and that they will not be able to complete the testing of safety devices in the timeframe required by the states to comply with the implementation agreement;

Whereas, FHWA has indicated a desire to discontinue the issuance of eligibility letters, which states have depended on as an indication of crashworthiness;

Whereas, Most states do not have the resources and depth of technical expertise needed to conduct reviews of crash tests to determine the crashworthiness of roadside hardware;

Whereas, The AASHTO Technical Committee on Roadside Safety as a volunteer committee does not have the resources, in-depth expertise, nor jurisdiction to assume FHWA's role in reviewing crash test results;

Whereas, AASHTO explored the development of an unbiased, third-party review program with two independent organizations to provide the technical support and quality assurance reviews of crash test reports previously performed by FHWA;

Whereas, Both independent organizations withdrew themselves from consideration after several months of negotiations, and neither AASHTO nor FHWA has been able to identify an organization that is willing to fill the national-level technical assistance and review functions previously filled by FHWA; and

Whereas, It is critical that AASHTO and the states continue to pursue the goals of safety and innovation on our transportation system, while recognizing that additional flexibility in meeting the implementation deadline is needed; now, therefore, be it

Resolved, That AASHTO recommends that FHWA continue to provide for the review of crash test results and issuance of eligibility letters until such time as a new process has been jointly developed;

Resolved, That states be allowed to continue to use NCHRP 350-compliant devices when a MASH 2016 compliant device does not exist to address the situation or a MASH 2016 compliant device exists but does not meet the state's given needs or project conditions;

Resolved, That when a single MASH 2016-compliant device is available that meets a state's needs, the state may use that device;

Resolved, That FHWA will not require states to use MASH 2016-compliant devices that are not suitable for their state;

Resolved, That AASHTO and FHWA will explore shifting MASH 2016 from a manual to a performance-based specification as soon as feasible; and

Resolved, That the AASHTO Board of Directors urges FHWA headquarters to clearly communicate in writing its decision-making processes and decisions with states to ensure FHWA Division Offices are consistently implementing MASH in a practical manner.