



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

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

July 9, 2025

In Reply Refer To:
HSST-1/B-390

Archie Scott III
Asynt Solutions
1167 Treehaven Ln.
Columbus Ohio 43204
USA

Dear Mr. Scott III:

We received your initial correspondence on May 28, 2024 requesting issuance of a Federal-aid reimbursement eligibility letter under the Federal-aid highway program for the roadside safety system, device, design, product, or hardware (collectively “device”) described below. On November 28, 2024, we received a complete set of files needed to complete our review. We write to inform you that the device Ape Barrier System is eligible for Federal-aid reimbursement. This letter is assigned Federal Highway Administration (FHWA) control number B-390.

ELIGIBILITY LETTERS

The FHWA issues Federal-aid reimbursement eligibility letters for new roadside safety devices that are crash tested in accordance with the industry standard of the American Association of State Highway and Transportation Officials (AASHTO) Manual for Assessing Safety Hardware (MASH).

FHWA, the Department of Transportation, and the United States (government) do not regulate roadside safety devices, crash test facilities, or the manufacturing industry. Issuance of eligibility letters is discretionary and provided only as a service to the states. FHWA may, at its discretion, decline to issue, revise, or rescind an eligibility letter. Eligibility letters are only issued by the FHWA headquarters Office of Safety.

Eligibility letters are issued only as notice to the states that a device is eligible for reimbursement under the Federal-aid highway program. They do not establish approval or certification for any other purpose. Issuance of an eligibility letter is not a prerequisite or requirement for state transportation agencies seeking to use Federal-aid funds for roadside safety devices. State agencies may use a device for which an eligibility letter has not been issued and seek Federal-aid reimbursement.

FEDERAL-AID REIMBURSEMENT

The request for issuance of this letter certified the device was crash tested in accordance with the industry standard of AASHTO’s MASH. This eligibility letter is based on that certification and

the material offered in support of its issuance. The device described below is eligible for reimbursement under the Federal-aid highway program.

Name of system: Ape Barrier System

Type of system: Long barrier

Test Level: Test Level 3

Testing conducted by: Calspan LLC

Date of request: May 28, 2024

Information about the device, including material such as the eligibility request, crash test reports, drawings, or images are included in one or more attachment(s) to this letter.

Eligibility letter B-390 is inapplicable to devices, optional equipment, alternate materials, or other features that were not crash tested in accordance with AASHTO's MASH.

This letter is issued only for the subject device as crash tested under AASHTO's MASH. Later modification(s) of the device are not eligible for Federal-aid reimbursement under this letter. Notice of later modification(s) should be given to transportation agencies, facility owners, and operators (collectively "agencies").

Agencies should be provided appropriate information about the device's design, installation, maintenance, materials, and mechanical properties.

Issuance of this letter is discretionary, and it may be revised or rescinded at FHWA's discretion. This letter is not a determination of compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) or ownership of any intellectual property rights.

This eligibility letter is not a determination by the government that a crash involving the subject device will result in any particular outcome. It is limited to only the device's eligibility for Federal-aid reimbursement.

INTELLECTUAL PROPERTY

Issuance of this eligibility letter does not convey property rights of any sort nor any exclusive privilege. This letter is not authorization or consent by the government for the use, manufacture, or sale of any patented or proprietary system, device, design, product, or hardware for which the requester is not the patent owner. Eligibility letters are not an expression of any view, position, or determination by the government as to the validity, scope, or ownership of any intellectual property rights to a specific device. These letters do not grant, impute, suggest, or otherwise establish any ownership, distribution, or licensing rights to the requester. The government expresses no opinion about the intellectual property rights relating to any device for which this or any other eligibility letter is issued.

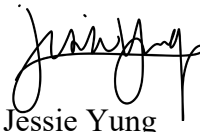
PUBLIC DISCLOSURE

To prevent any misunderstanding, and as discussed above, this Federal-aid eligibility letter is assigned FHWA control number B-390. It should only be reproduced in full with its attachment(s). This Federal-aid eligibility letter and the material offered by the requester supporting its issuance is public information. All eligibility letters and supporting material are subject to public disclosure under the Freedom of Information Act (FOIA). Eligibility letters are available to the public at

https://safety.fhwa.dot.gov/roadway_dept/countermeasures/reduce_crash_severity/.

If you have any questions please contact Paul LaFleur at Paul.LaFleur@dot.gov.

Sincerely,



Jessie Yung
Director, Office of Safety Technologies
Office of Safety

Enclosures