



Memorandum

Subject: **ACTION:** Follow-up Information on HAPCO
Decorative Lighting Poles

Date: MAR 23 2017

From: Scott T. Johnson 
Acting Director, Office of Safety Technologies

In Reply Refer To:
HSST-1

To: Division Administrators
Directors of Field Services
Federal Lands Highway Division Directors

Purpose

The purpose of this memorandum is to share additional information on breakaway decorative lighting poles manufactured by HAPCO Aluminum Pole Products.

Background

On January 17, 2017, the Office of Safety distributed a memorandum (attached) to the field regarding test discrepancies that were brought to our attention by HAPCO. As the original memorandum stipulated, our office requested HAPCO provide a plan-of-action to address the discrepancy between the device, that was successfully tested and subsequently received a letter of eligibility in 2007, and the device that was actually sold to State Departments of Transportation (SDOTs) and other customers.

In summary, HAPCO retested the lighting poles using new, retrofit components and sent a summary of the test results from an independent, accredited laboratory to the Federal Highway Administration (FHWA). In HAPCO's response to the FHWA, HAPCO agreed to directly notify users, *including 19 SDOTs*, of any modifications to the device and the relevant crash test results certifying the modifications meet NCHRP 350 criteria. The 19 SDOTs that purchased these devices since 2007 include: AL, CA, GA, IL, KY, MD, MN, MO, NC, NJ, NM, NY, OH, PA, SC, TN, TX, VT, VA.

Action

Please share this memorandum and its enclosure with your SDOT and any city, county or municipality in your State with responsibility for the operation and maintenance of their roadways. Please note HAPCO's customers, including SDOTs, are responsible for deciding whether or not to accept the modified device using the retrofit components HAPCO developed and tested, i.e., some customers may accept the retrofit while others may request full replacement and/or other negotiated scenario. Those discussions and decisions are solely between HAPCO and their customers.

If you have any questions or concerns, please contact Mr. William Longstreet
William.Longstreet@dot.gov or (202) 366-0087.

Attachment



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **ACTION:** HAPCO Decorative Lighting
Poles

Date: JAN 25 2017

From: Elizabeth Alicandri
Associate Administrator for Safety

In Reply Refer To:
HSA-1

To: Division Administrators
Director for Field Services
Federal Land Highway Division Engineers

Purpose

The purpose of this memorandum is to share information with you regarding breakaway decorative lighting poles manufactured by HAPCO Aluminum Pole Products. The information pertains to a recent voluntary disclosure made by HAPCO that identifies discrepancies between the manufactured device and the device crash tested as described in the August 20, 2007 FHWA eligibility letter LS-64. The discrepancies are primarily associated with the type of hex nuts and washers used with the device.

Background

On December 15, 2016, HAPCO voluntarily disclosed to FHWA that they believe, based on in-house testing, their lighting pole breakaway mechanism could have variable performance depending on hardware choice and configurations. FHWA responded to HAPCO in a letter dated January 18, 2017 (see attached letter). FHWA has recommended HAPCO notify the public of this issue in a manner reasonably likely to reach all purchasers and users of the HAPCO decorative lighting poles. FHWA has also recommended HAPCO develop a plan to offer a modification or replacement of any of their lighting poles that an owner or operator identifies and that is tested by an accredited laboratory.

Action

Please share this memorandum and its enclosure with your State DOT and any city, county or municipality in your State with responsibility for the operation and maintenance of their roadways. FHWA expects to provide additional information on this matter after HAPCO develops a plan of action and responds to FHWA by February 17, 2017. If you have questions, please contact Scott Johnson at 202-366-2201 or scott.johnson@dot.gov.



U.S. Department
of Transportation
Federal Highway
Administration

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

In Reply Refer To:
HSST-1

January 19, 2017

Mr. Ray Minor, P.E.
HAPCO
26252 Hillman Highway
Abingdon, VA 24210

Dear Mr. Minor:

Thank you for your letter dated December 15, 2016 regarding HAPCO breakaway light pole testing as per NCHRP Report 350. We greatly appreciate you bringing this issue to our attention in a proactive and transparent manner. In your letter, you indicate there is a discrepancy between the device your company is supplying and the device you had crash tested and is described in the August 20, 2007 FHWA eligibility letter LS-64. This letter is a follow-up to the email dated December 30, 2016 from Mr. William Longstreet, Office of Safety.

FHWA eligibility letters make clear to manufacturers that they are responsible for making quality control a priority, with processes in place to ensure all devices marketed as covered by an FHWA eligibility letter have been successfully tested. Whenever a manufacturer relies on an FHWA eligibility letter, the manufacturer is expected to certify to potential users that the hardware furnished to the buyer has the same chemistry, mechanical properties, and geometry as that submitted for review by FHWA, and it will meet the test and evaluation criteria of the NCHRP Report 350. If the manufacturer becomes aware of differing conditions, as you described to FHWA for this device, corrective action options may include replacement of hardware not meeting specifications or the retrofit of hardware not meeting specifications with concurrence from an accredited crash test laboratory on the crashworthiness of the retrofit.

In response to your proposal, FHWA recommends HAPCO seek appropriate testing from an accredited laboratory for evaluation of any retrofit of a device that is already sold and installed based on the existence of an FHWA eligibility letter. FHWA recommends HAPCO inform existing and/or prospective customers of this situation and keep each buyer or user, including applicable state DOTs, apprised of the results of additional laboratory testing and of the option to receive a retrofit for the devices that are already installed and in use.

As per FHWA Memorandum 'AASHTO/FHWA Joint Implementation Agreement for Manual for Assessing Safety Hardware' dated January 7, 2016, for contracts on the National Highway System with a letting date after December 2019, only safety hardware evaluated using the 2016 edition of AASHTO MASH criteria will be allowed for new permanent installations and full replacements.

In addition and as explained in the FHWA Memorandum 'Federal-aid Reimbursement Eligibility Process For Safety Hardware Devices' dated November 12, 2015, in an effort to encourage installation of AASHTO MASH crash tested devices after December 31, 2015, FHWA no longer reviews requests for Federal-aid eligibility determinations for any modification of a device using NCHRP 350 criteria. Every modification of an NCHRP 350-tested device requires testing under AASHTO MASH in order to receive a Federal-aid reimbursement eligibility letter from FHWA.

As per the existing HAPCO lighting pole eligibility letter based on NCHRP Report 350 criteria, HAPCO should directly notify users including state DOT(s) of any modifications to the device and the relevant crash test results. These users, including each state DOT, are responsible for deciding whether or not to accept the modified device. FHWA recommends that any notice of modifications to a device be accompanied by signature of an accredited laboratory agreeing that the modification meets NCHRP 350 criteria. Please note FHWA's Office of Safety intends to notify the FHWA Division Offices who work with each State Department of Transportation about the existence of these devices on highways.

FHWA further recommends HAPCO (1) seek review of any proposed retrofit(s) by an ISO 17025 accredited laboratory, (2) develop a plan to identify all current owners of the device, and (3) notify all current owners of this issue and seek their approval of your proposed solution. Please provide FHWA's Office of Safety with your updated plan of action by February 17, 2017 that addresses these issues.

Our point of contact is William Longstreet. If you have any questions or would like to discuss further, please feel free to call Mr. Longstreet at (202)366-0087 or me at (202) 366- 2201, respectively.

Sincerely yours,

**Scott
Johnson**

Digitally signed by Scott Johnson
DN: cn=Scott Johnson, o=Office of
Safety, ou=HSA,
email=scott.johnson@dot.gov,
c=US
Date: 2017.01.19 07:43:34 -0500

Scott T. Johnson
Acting Director, Office of Safety Technologies
Office of Safety