

In the wake of a jury finding that a leading guardrail maker, Trinity Industries, defrauded the federal government by failing to report design changes to a widely used guardrail system, the Federal Highway Administration demanded that Trinity perform new crash tests on guardrails. In a letter to the president of Trinity Highway Products, the acting administrator of the Federal Highway Administration (FHWA) said Trinity has until the end of October to provide a crash testing plan or the eligibility of the guardrail system, called the ET-Plus system, could be suspended or revoked.

The ultimatum from FHWA follows a jury verdict in which Trinity Industries, parent company to Trinity Highway Products, was ordered to pay \$175 million in damages after jurors decided the company had defrauded the government by altering an approved guardrail end terminal design in 2005 and then failing to tell the federal government or state transportation departments about the changes until questions were raised in 2012. An internal company email revealed that a Trinity official had estimated that making one of the modifications - reducing a piece of metal from five inches to four - would save the company \$2.00 per guardrail end terminal, or \$50,000 per year. In addition to misrepresenting the product sold, critics assert that the design changes made the guardrail system much more dangerous since the guardrail will lock up when struck from the front end, rather than cushion the impact of a vehicle. The redesigned guardrail system tends to spear straight through a vehicle and its occupants, posing additional safety hazards to motorists.

In recent months, four states - Virginia, Massachusetts, Missouri, and Nevada - have said they are suspending installation of the ET-Plus system as they investigate the safety of the guardrail system. In response to the FHWA ultimatum, Trinity released a statement reporting that it will cooperate with the Federal Highway Administration regarding additional testing of the ET-Plus system.