



November 6, 2014

Dear Mr. Furst:

We look forward to working with the Federal Highway Administration (“FHWA”) to finalize the Test Plan for the ET-Plus System and conduct the tests under the terms as agreed upon. As you have requested, we will complete the FHWA-requested test series in conformity with the test criteria established under the governing National Cooperative Highway Research Program Report 350 (“NCHRP Report 350”). The safety of the American driving public is very important to Trinity, and we take very seriously the safety of the products that we manufacture for installation on the nation’s roadways. We believe that this process will confirm going forward that our products meet the NCHRP Report 350 standards.

In correspondence from FHWA dated November 4, 2014, the FHWA requested that we respond to Items 1a, 2a, 2b, 3a and 7 in your November 4, 2014 letter.

With regard to Item 1a (the timeline associated with Test Series #1 and Test Series #2), FHWA has requested that we explore the possibility of concluding both test series before the end of the year. We have again explored the options for an accelerated timeline with Southwest Research Institute (SwRI). We feel strongly that the schedule should remain as presented. As set forth in the Test Plan, the first weeks of this process will necessarily involve ensuring the calibration and accuracy of the equipment and processes to be undertaken at SwRI. SwRI is nevertheless committed to compressing the test schedule whenever possible while confirming the necessary quality control.

With regard to Items 2a and 2b, by separate correspondence, we will provide the current ET-Plus weldment assembly details (marked business confidential) for your review. These details depict the current assembly instructions for the ET-Plus extruder head. TTI and Trinity confirm that the dimensions of the ET-Plus extruder head crash tested on May 27, 2005 were equivalent to the dimensions of the current production extruder head, with the exception of a 3/4-inch difference in the length of the guide channel welded to the extruder head, as previously communicated to the FHWA and state DOTs. The dimensions of the ET-Plus extruder heads that were on the two systems crash tested in February and September of 2010 were equivalent to the dimensions of the current production extruder head.

Regarding Item 3a, the specific ET Plus heads to be used for the upcoming test series, Trinity understands that the FHWA has agreed that Trinity will provide the devices to be tested subject to the FHWA’s approval of such devices. Trinity understands that it is the FHWA’s preference that heads be identified and selected from inventories of State Departments of Transportation, to the extent acceptable heads can be located. To the extent heads are identified from existing inventories, Trinity will inspect the devices at the selected State DOT maintenance yards prior to shipment to SwRI to confirm that the heads (i) were manufactured by Trinity and have not been altered or compromised, (ii) have not been previously removed from the inventory



of the State DOT for installation or any other purpose and have not actually been installed or impacted, and (iii) have been properly stored and maintained.

The FHWA has confirmed its agreement that SwRI can use vehicle models that conform to NCHRP Report 350 test vehicle specifications. With regard to the test vehicles to be used for both NCHRP Report 350 test series, the experts in NCHRP Report 350 testing with whom we have consulted all feel that it is important to find and use vehicles that were commonly used for NCHRP Report 350 testing. Trinity will locate vehicles that comply with NCHRP Report 350, and we will provide FHWA with information on these vehicles for their review.

As we have discussed, Trinity and the experts it has consulted do not believe that modifying a 5-7 year old vehicle would effectively render it in conformance with the test vehicle specifications set forth in NCHRP Report 350. The use of newer model vehicles that have different body styles and are significantly heavier will not meet the NCHRP Report 350 criteria. The experts Trinity has consulted have indicated that stripping the vehicles down to the appropriate test weight for NCHRP Report 350 criteria will likely result in removing major parts (e.g., fuel tanks, engine components, interior seats, tailgates, etc.), and that doing so will change the inertial properties of the vehicle and potentially compromise the integrity of the structure and the test results.

We understand that FHWA does not want to modify or strip down newer model vehicles to get them to the test weight set forth in NCHRP Report 350 criteria and have confirmed that SwRI can use older vehicle models that conform to NCHRP Report 350 specifications. Trinity will locate vehicles that comply with NCHRP Report 350, and we believe such vehicles are available. We will provide for FHWA review specific information on the test vehicles proposed.

We appreciate your confirmation that we will receive a list for our review of FHWA personnel and consultants who will be attending the testing. We support FHWA's suggestion to include, along with FHWA personnel, members of AASHTO, FHWA's independent experts, and State DOT representatives. SwRI has informed us that their testing policies and procedures include, among others, the following: (i) SwRI will not allow anyone except SwRI test personnel to record the testing performed on their campus, (ii) with the exception of those used by SwRI staff to document the testing, no cameras will be allowed at the test site, (iii) anyone observing the testing activities will be restricted to an area within view of but located a safe distance from the testing activities, and (iv) only personnel materially involved in the testing will be allowed in the immediate crash testing area.



Further, in a typical testing environment, the number of parties in attendance is limited. While we understand the FHWA's request for attendance by a number of outside parties, as a publicly-traded company, Trinity has a particular interest in ensuring proper disclosure and interpretation of the test results, regardless of outcome. Third party observations of the testing and the test results may have an impact on the trading of Trinity's publicly-traded securities. Accordingly, we request that outside parties in attendance at the testing sign confidentiality agreements addressing these issues to ensure that the testing results are determined and made public through appropriate channels and in compliance with applicable securities laws.

With regard to Item 6a, you have requested additional information be provided to you by November 11, 2014. This relates to paragraph 5 of Attachment A in your letter dated October 21, 2014. Trinity will provide this information on or before such date. Additionally, we note that the experimental research and development testing performed by TTI on a flared end terminal is not testing of an ET-Plus System. There is no flared version of the ET-Plus System. Further, TTI maintains all test information relating to the ET-Plus System, as well as test information concerning their experimental research and development projects. Accordingly, Trinity has forwarded your request to the Office of General Counsel at Texas A&M University System. I understand that your office has done the same. It is our understanding that Texas A&M University System will provide you with the additional information you requested according to their procedures on or before the date you have requested.

Trinity is providing an updated testing work plan pursuant to your direction. Any business confidential information contained within the work plan will be so marked. We remain available to discuss this work plan and any other matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregg Mitchell", is written over a white background.

Gregg Mitchell, President
Trinity Highway Products, LLC