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September 1, 2015

*Via Regular Mail and Electronic Mail to Holly.Jones@VDOT.Virginia.gov*

Ms. Holly D. Jones  
Virginia Department of Transportation  
VDOT Annex Bldg.  
1401 E. Broad St., 11th Floor  
Richmond, Virginia 23219

**Re: Freedom of Information Act Request**

Dear Ms. Jones:

Pursuant to the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700, *et seq.* ("FOIA") and as described below, this letter is a request to inspect and copy certain public records of the Virginia Department of Transportation ("VDOT"). If you are not the correct VDOT representative to respond to this request, please forward my request to the appropriate representative and let me know with whom I should be communicating regarding future FOIA requests.

The documents to be inspected and copied are as follows:

1. Any and all drafts of the crash test work plan (with any exhibits or appendices) for VDOT crash testing of the ET Plus guardrail end terminal system to be conducted at KARCO Engineering, LLC ("KARCO") within the next six months.
2. All communications (including but not limited to electronic mail) to/from VDOT and any third-party (including media, outside attorneys, other states, AASHTO, and state/federal highway authorities) regarding VDOT's crash testing of the ET Plus guardrail end terminal system to be conducted at KARCO within the next six months, and any other testing of the ET Plus guardrail end terminal and/or any competing product that is currently being installed on Virginia's roads and highways.
3. Any and all VDOT communications, memoranda and/or records that contain any analysis or evaluation of VDOT's crash testing of the ET Plus guardrail end terminal system to be conducted at KARCO within the next six months.

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4. Any and all communications, memoranda and/or records of VDOT evidencing, referencing and/or related to the effort to remove the existing, in service ET Plus heads from one or more roads or highways in Glen Allen and/or elsewhere in the Commonwealth of Virginia, and to ship those heads to KARCO for crash testing within the next six months.
5. Any and all documents and/or records evidencing, referencing and/or related to the shipment of any ET Plus head to KARCO for crash testing within the next six months.
6. Any and all communications, memoranda and/or records of VDOT evidencing, referencing and/or related to the initial installation of the in service ET Plus heads that were then removed from one or more roads or highways in Glen Allen and/or elsewhere in the Commonwealth of Virginia and shipped to KARCO, any and all damage and/or repairs to the heads prior to their removal, and any and all accident/crash data pertaining to each head.
7. Any and all record of proceedings and related documents of VDOT that evidence VDOT's final decision to conduct crash testing of the ET Plus guardrail end terminal system within the next six months.
8. The contract between VDOT and KARCO (meaning the procurement documents) related to VDOT's crash testing of the ET Plus guardrail end terminal system to be conducted at KARCO within the next six months.
9. Any and all documents and/or records regarding the determination of the Commonwealth of Virginia and/or VDOT to conduct crash testing of the ET Plus guardrail end terminal system at a low angle (i.e., five degrees) rather than at an angle recommended and/or established by NCHRP Report 350.
10. Any and all documents and/or records evidencing, referencing and/or related to the qualifications of KARCO to conduct the planned crash testing of the ET Plus guardrail end terminal system within the next six months.
11. Any and all documents and/or records evidencing, referencing and/or related to any and all expenses already incurred by VDOT and/or the Commonwealth of Virginia, and any and all expenses expected to be incurred by VDOT and/or the

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ATTORNEYS AT LAW

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Commonwealth of Virginia, in conducting the planned crash testing of the ET Plus guardrail end terminal system within the next six months.

Any and all photographs responsive to these requests should be produced on CD, DVD or flash drive in their native electronic format (i.e., jpeg, jpg, etc.) with corresponding metadata. Likewise, any and all spreadsheets and/or databases should be produced on CD, DVD or flash drive in their native electronic format with all metadata and formulas preserved.

Please respond to this request consistent with the requirement that the terms of FOIA are to be "liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government." Va. Code § 2.2-3700(B). Please advise whether VDOT will be able to provide the requested records within five (5) days, and if not, I will be pleased to work with you on a reasonable delivery schedule. In addition, I agree to reimburse VDOT for all reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records.

Please contact me at your earliest convenience to discuss the scope and process of gathering the requested records to aid in focusing on the relevant records and avoiding any unnecessary efforts.

Sincerely yours,

  
Michael A. Montgomery

cc: Richard T. McGrath, Esq., Office of the Attorney General of Virginia