

Elimination of Hazards Relating to Railway-Highway Crossings

§1401 (d)

Program Purpose

The program sets aside funds, from the Highway Safety Improvement Program (HSIP), for the elimination of hazards and the installation of protective devices at railway-highway crossings.

Statutory References

- SAFETEA-LU Section 1401 (d).
- Amends §130 (e) of Title 23 USC.
- Funds allocated under §104 (b)(5) set aside from §148 of Title 23.

Program Features

SAFETEA-LU §1401 (d) amends 23 USC 130. The previous Section 130, *Railway-Highway Crossings*, is carried forward essentially intact. The primary changes are that the funding source is now a “set aside” from the Highway Safety Improvement Program of \$220 million per year, and that a new provision has been added allowing that States may use up to 2% of the funds apportioned to their State under this program for compilation and analysis of data in meeting their reporting requirements.

Biennial reports to Congress from the Secretary of transportation on the Highway-Rail Grade Crossings Program are required, with the first report due by April 1, 2006. Although the frequency of the report to congress has changed from each year to every other year, States are still required to submit their reports to USDOT annually.

Funding

Before apportioning HSIP funds, \$220M is set-aside for the *Railway-Highway Crossing Program* under 23 USC 130.

Year	2005*	2006	2007	2008	2009
Authorization	\$155 M	\$220M	\$220M	\$220M	\$220M

*2005 reflects Section 130 funding from surface transportation extension acts.

50% of funds set aside out of HSIP are apportioned to the states using the formula in 104(b)(3)(A); and 50% of funds are apportioned to the states in the ration that total public railway-highway crossings in each state bear to the total of such crossings in all states.

Each state receives a minimum of ½ of 1% of the \$220M crossings fund.

Eligible Use of Funds

All public crossing safety improvement projects meeting the eligibility description in the 23 USC section 130 are eligible for the funding, including, but not limited to, elimination of hazards, installation of protective devices, and grade crossing separation.

Federal Share

The Federal share is ninety percent (90%).

Implementation

Guidance for 23 USC 130 Reporting Requirements on Railway-Highway Crossings will be developed and issued to help ensure in reporting consistency and compliance, as discussed in SAFETEA-LU and 23 USC 130.

See Also

- Program Fact Sheets – <http://safety.fhwa.dot.gov/safetealu/>
- Questions and Answers – http://safety.fhwa.dot.gov/safetealu/qa_programarea.htm
- United States Code – <http://uscode.house.gov/>

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