

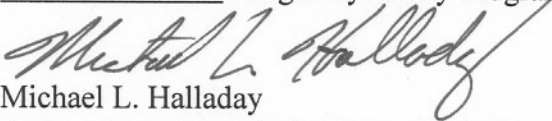


U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: INFORMATION: Highway Safety Programs in SAFETEA-LU

Date: August 26, 2005

From: 
Michael L. Halladay
Acting Associate Administrator for Safety

In Reply Refer To: HSA-30

To: Division Administrators

When President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) on August 10, a new era for the Federal Highway Administration (FHWA) safety program began. This new law establishes extensive new resources and opportunities to advance highway safety throughout the country in a comprehensive, strategic manner. We are very encouraged by the opportunity this legislation offers for saving lives and reducing injuries on our Nation's highways. This memorandum provides an overview of the safety provisions along with attachments outlining more detailed information.

Status of FY 2005 Safety Funds: First, it is important to point out that the Highway Safety Improvement Program (HSIP) remains funded for the remainder of FY 2005 as before SAFETEA-LU. Specifically, the funds available to each State for infrastructure-related highway safety improvements will be based on the 10 percent set-aside of Surface Transportation Program (STP) funds to carry out previously existing Sections 130 (Railway-Highway crossings) and 152 (Hazard elimination program) activities. The FHWA Office of Budget and Finance will provide data on remaining FY 2005 distributions soon.

Core Safety Program: Beginning with FY 2006 funds, Subtitle D, *Highway Safety*, of SAFETEA-LU elevates the HSIP to a stand-alone core Federal-aid highway safety program. It creates a positive agenda with a renewed call for data-driven, strategic highway safety programs focusing on results, and provides increased flexibility in State funding for safety. It expands the types of projects that can be defined as a highway safety improvement project by including non-infrastructure related activities such as safety conscious planning and selected public awareness, education, and enforcement activities. Higher funding levels are provided, with HSIP amounts increased from approximately \$650 million annually under the previous 10 percent STP set-aside program to nearly \$1.3 billion in FY 2009. The HSIP is structured and funded with the objective of making significant progress in reducing highway fatalities and serious injuries, and States can obligate funds for safety infrastructure improvement projects in a more proactive manner to advance highway safety strategies.



Strategic Highway Safety Plan: As part of the HSIP, State departments of transportation are to develop Strategic Highway Safety Plans (SHSPs), in consultation with other key State and local highway safety stakeholders. Developing an SHSP calls for a comprehensive, collaborative, and data driven approach to highway safety that brings together all appropriate safety stakeholders in the State to work together towards a common highway safety goal. An SHSP is to be based on accurate and timely safety information systems, processes to analyze this information to identify highway safety problems and opportunities, and planning and implementation of a comprehensive set of countermeasures.

Flexibility: States that adopt and implement an SHSP are provided additional flexibility to use HSIP funds for public awareness, education, and enforcement activities that are consistent with the SHSP. These activities would not otherwise have been eligible for funding, and transfer of funds is subject to certain restrictions and requirements.

High Risk Rural Roads and Railway-Highway Crossings: The new HSIP also requires that States address safety issues on High Risk Rural Roads and at Railway-Highway Crossings. The set-aside provision for High Risk Rural roads amounts to \$90 million per year. These funds support safety improvements on roadways functionally classified as a rural major or minor collector or a rural local road, which have fatal and serious injury crash rates higher than the statewide average for those functional classes of roads. An additional \$220 million per year is set aside for safety improvements to Railway-Highway Crossings.

Safe Routes to School: This new program is designed to enable and encourage primary and secondary school children to safely walk and bicycle to school. Both infrastructure-related and behavioral projects will be geared toward providing a safe, appealing environment for walking and biking. The authorized funding levels for the safe routes to school program are initiated at \$54 million for FY 2005 and increase to \$183 million in FY 2009

Additional Information: For your additional information and use, we are attaching a set of initial guidance and explanatory materials. Special thanks are extended to members of the "Safety Reauthorization Guidance Team," whose dedicated efforts over the first 3 weeks of this month produced an outstanding set of initial materials and program analysis:

- | | |
|----------------------------------|-----------------------------------|
| - Dee Chappell, Office of Safety | - Jeff Kolb, Mississippi Division |
| - Mike Davies, Maine Division | - Kathy Krause, Office of Safety |
| - Ken Epstein, Office of Safety | - Karen Yunk, New Jersey Division |
| - Erin Kenley, Office of Safety | - Dave Kopacz, Minnesota Division |

Attachments include:

1. Key Provisions of the new HSIP (codified as 23 USC 148),
2. Expanded explanation of HSIP, 23 USC 148 provisions, and
3. A "Side-by-side" table illustrating significant new provisions in the HSIP.

Also available at this time is the initial PowerPoint file outlining FHWA safety elements of SAFETEA-LU. This is not attached due to size limitations; and we will have this available through the Safety Exchange so that safety staff and others in FHWA can obtain it for

appropriate use. These materials can be shared with your safety partners, as you desire. We also are actively reviewing an extensive initial set of "Questions and Answers" regarding safety topics in SAFETEA-LU prepared by the Team; we expect to disseminate this material soon and will advise you and your safety staff when it is available.

Additional information pertaining to the new core HSIP, especially including the SHSP requirements, and other safety programs in SAFETEA-LU will be forthcoming in the weeks ahead. We believe that it is very important that all USDOT agencies that are stakeholders in the SHSP process have the opportunity to participate in the development of SHSP guidance, that we utilize a consistent set of guidance materials and processes during implementation, and that the multiple State-level recipients of safety funds receive a consistent set of information. To this end, we have initiated discussions with appropriate staff in the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, and the Federal Transit Administration. In addition, we expect that updates and modifications to the attached documents and development of additional materials will be occurring regularly; we plan to use the Safety Exchange, StaffNet, and/or the SAFETEA-LU section of the FHWA WebSite to post the most current set of implementation materials; and will advise you as these decisions are made.

Overall, SAFETEA-LU represents a significant step forward for the safety of our Nation's transportation network. We look forward to working with you and FHWA's partners to implement these important elements of this new legislation.

3 Attachments

Key Provisions of the Highway Safety Improvement Program in SAFETEA-LU

Section 1401 of SAFETEA-LU includes the program and policy language for implementing the new “core” Highway Safety Improvement Program (HSIP), which is codified as the new Section 148 of Title 23 of the United States Code (23USC148). Brief descriptions of the new program’s major features are included below.

1. Funding
SAFETEA-LU provides over \$5.06 billion for HSIP over four years – FY’06 through FY’09. Funds for FY’05 are provided through the current STP Safety Set-Aside. This is a significant increase over TEA-21 funding that totaled \$3.97 billion over 6 years. New HSIP apportionment formula includes a factor on the ratio of the number of fatalities on each State’s Federal-aid system to total fatalities and the ratios of lane miles and vehicle miles traveled to national totals on each State’s Federal-aid highways. All three factors are equally weighted.

2. Eligibility
In addition to the activities currently eligible under secs. 152 and 130, SAFETEA-LU provides eligibility for:
 - a. Construction and operational improvements on high-risk rural roads
 - b. Improvements for safety of the disabled
 - c. Improvement in the collection and analysis of crash data
 - d. Conduct of a model traffic enforcement activity at a rail crossing
 - e. Safety conscious planning
 - f. Integrated interoperable emergency communications equipment, traffic enforcement or operational activities related to work zones.
 - g. Measures to eliminate or reduce vehicle and wildlife accidents
 - h. Installation and maintenance of signs at ped/bike crossings and school zones
 - i. Roundabouts/Traffic Circles (now eligible at 100%)
 - j. Public awareness and education activities related to highway safety and projects to enforce highway safety laws (potentially allows up to 10% of HSIP funds for these activities)

3. HSIP Requirements
To obligate “core” safety funds a State must have in effect an HSIP under which the State:
 - a. develops and implements a Strategic Highway Safety Plan (SHSP) that identifies and analyzes highway safety problems and opportunities
 - b. produces a program of projects or strategies to reduce identified safety problems
 - c. evaluates the plan regularly
 - d. submits an annual report to the Secretary

4. SHSP
- a. The SHSP is developed by the State DOT after consultation with:
- 1) a highway safety representative of the Governor of the State
 - 2) Regional transportation planning organizations, MPOs
 - 3) Major transportation mode representative
 - 4) State and local traffic enforcement
 - 5) Persons responsible for administering section 130 at the State level
 - 6) Operation Lifesaver
 - 7) Motor vehicle administrators
 - 8) Other major state and local safety stakeholders
- b. The SHSP:
- 1) analyzes and makes effective use of state, regional or local crash data
 - 2) addresses engineering, management, operation, education, enforcement, EMS in evaluating highway projects
 - 3) considers safety needs, and high fatality segments of, public roads in the State
 - 4) considers results of State, regional or local transportation and highway safety planning processes
 - 5) describes a program of projects or strategies to reduce or eliminate hazards
 - 6) is approved by the Governor or responsible State agency
 - 7) is consistent with the requirements of the Statewide planning process, sec. 135(g)
- c. As part of the SHSP, a State shall:
- 1) have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis
 - 2) identify hazardous locations sections or elements that constitute a danger to motorists bicyclists, and pedestrians
 - 3) establish the relative severity of these locations
 - 4) adopt strategic and performance-based goals
 - 5) advance the capabilities of the State for traffic records data collection, analysis, and integration
 - 6) determine priorities for the correction of hazardous road locations, sections, and elements as identified through crash data analysis
 - 7) establish an evaluation process to assess results achieved by improvement projects

5. Set Asides

Two major set-asides included in HSIP. They are:

- a. \$90 million per year for high-risk rural roads. There is a waiver for States who certify to the Secretary that they have met all of the State needs for construction and operational improvements on these roads.

- b. \$220 million per year for rail grade crossing safety (elimination of hazards and the installation of protective devices at railway-highway crossings). If a State has met all of its needs for protective devices at crossings, the Secretary may permit the State to use the set-aside funds for other Section 130 needs.

- 6. Railway-highway crossing formula
SAFETEA-LU includes a new formula to apportion rail safety funds – 50% based on STP formula and 50% on ratio of total public crossings in each state to total public crossings in all States.

- 7. Reporting requirements
 - a. SAFETEA-LU requires annual State reports that:
 - 1) describe progress in implementing safety projects
 - 2) assess effectiveness
 - 3) assess reductions in fatalities and injuries
 - 4) describe at least 5% of most hazardous locations & assessment of potential remedies, costs and impediments to correcting hazards
 - 5) assess the Highway-Rail Grade Crossing program

 - b. SAFETEA-LU also requires the Secretary to publish information on 5% of the most hazardous locations in each state, including remedies, costs, and impediments to implementation of remedies, on the Department’s website

 - c. SAFETEA-LU requires biennial reports from Secretary to Congress on railway-highway crossing safety

- 8. Transition
 - a. States are required to have developed and implemented a SHSP by 10/1/06 to obligate funds under Section 148. Prior to developing a SHSP, a State may only obligate HSIP funds for projects that were previously eligible under Sections 130 and 152.

 - b. States that have not developed a SHSP by 10/1/07 will have their HSIP apportionments “Capped” at the FY 2007 level for each subsequent fiscal year until a SHSP is developed.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

(23 USC 148 Requirements)

DEFINITIONS

- The term “high risk rural road” means any roadway functionally classified as a rural major or minor collector or a rural local road-
 - (A) on which the accident rate for fatalities and incapacitating injuries exceeds the statewide average for those functional classes of roadway; or
 - (B) that will likely have increases in traffic volume that are likely to create an accident rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roadway.

- The term ‘highway safety improvement program’ means the program carried out under this section

- The term “highway safety improvement project” means a project described in the State strategic highway safety plan that-
 - (i) corrects or improves a hazardous road location or feature; or
 - (ii) addresses a highway safety problem

- The term “highway safety improvement project” includes a project for one or more of the following:
 - Intersection safety improvement.
 - Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
 - Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists, pedestrians, and the disabled.
 - Installation of a skid-resistant surface at an intersection or other location with a high frequency of accidents.
 - An improvement for pedestrian or bicyclist safety or safety of the disabled.
 - Construction of any project for the elimination of hazards at a railway highway crossing that is eligible for funding under section 130, including the separation or protection of grades at railway highway crossings.
 - Construction of a railway-highway crossing safety feature, including installation of protective devices.
 - The conduct of a model traffic enforcement activity at a railway-highway crossing.
 - Construction of a traffic calming feature.
 - Elimination of a roadside obstacle.
 - Improvement of highway signage and pavement markings.
 - Installation of a priority control system for emergency vehicles at signalized intersections.

- Installation of a traffic control or other warning device at a location with high accident potential.
 - Safety-conscious planning.
 - Improvement in the collection and analysis of crash data.
 - Planning, integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to workzone safety.
 - Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators.
 - The addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife.
 - Installation and maintenance of signs (including fluorescent, yellow-green signs) at pedestrian-bicycle crossings and in school zones.
 - Construction and yellow-green signs at pedestrian-bicycle crossings and in school zones.
 - Construction and operational improvements on high risk rural roads.
- The term “safety project under any other section” means a project carried out for the purpose of safety under any other section of Title 23, USC.
 - The term “State highway safety improvement program’ means projects or strategies included in the State strategic highway safety plan carried out as part of the State transportation improvement program.
 - The term “State strategic highway safety plan” means a plan developed by the State transportation department that comprehensively identifies and analyzes highway safety problems and opportunities.

PROGRAM

- PURPOSE—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads.

ELIGIBILITY

- To obligate funds apportioned under the new Section 104(b)(5) {Highway Safety Improvement Program} to carry out this section, a State shall have in effect a State Highway Safety Improvement Program in which the State –
 - (A) develops and implements a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities;

- (B) produces a program of projects or strategies to reduce identified safety problems;
- (C) evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements; and
- (D) submits to the Secretary an annual report (*see expanded discussion of reports on pg. 4-5 of this doc.*)

ELIGIBLE PROJECTS

- In General—A State may obligate funds apportioned to the State under the Highway Safety Improvement Program to carry out -

Any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or

As provided under **Flexible Funding for States With a Strategic Highway Safety Plan**, other safety projects

- Use of other funding for safety

Effect of Section—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.

Use of Other Funds—States are encouraged to address the full scope of their safety needs and opportunities by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).

FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN

- To further the implementation of a State strategic highway safety plan, a State may use up to 10 percent of the amount of funds apportioned to the State under the Highway Safety Improvement Program for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan if the State certifies that-
 - (A) the State has met needs in the State relating to railway-highway crossings; and
 - (B) the State has met the State’s infrastructure safety needs relating to highway safety improvement projects
- Nothing in this subsection requires a State to revise any State process, plan, or program in effect on the date of enactment of this section.

HIGH RISK RURAL ROADS

- After making an apportionment under the Highway Safety Improvement Program for a fiscal year beginning after September 30, 2005, the Secretary shall ensure, from amounts made available to carry out this section for such a fiscal year, that a total of \$90,000,000 of such apportionment is set aside by the States, proportionally according to the share of each State of the total amount so apportioned, for use only for construction and operational improvements on high risk rural roads.
- A State may use funds apportioned to the State pursuant to this subsection for any project under this section if the State certifies to the Secretary that the State has met all of State needs for construction and operational improvements on high risk rural roads.

ELIMINATION OF HAZARDS RELATING TO RAILWAY-HIGHWAY CROSSINGS

- Before making an apportionment under the Highway Safety Improvement Program for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, at least \$220,000,000 for the elimination of hazards and the installation of protective devices at rail-highway crossings.
- If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other purposes under this subsection.

REPORTS

- A State shall submit to the Secretary a report that:
 - (A) describes progress being made to implement highway safety improvement projects under this section;
 - (B) assesses the effectiveness of those improvements; and
 - (C) describes the extent to which the improvements funded under this section contribute to the goals of:
 - (i) reducing the number of fatalities on roadways;
 - (ii) reducing the number of roadway related injuries;
 - (iii) reducing the occurrences of roadway-related crashes;
 - (iv) mitigating the consequences of roadway-related crashes; and
 - (v) reducing the occurrences of crashes at railway-highway crossings.

- CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for this report.
- TRANSPARENCY—States shall also submit to the Secretary an annual report that describes in a clearly understandable fashion, not less than 5 percent of locations determined by the State as exhibiting the most severe safety needs, using such criteria as the State determines to be appropriate to establish the relative severity of those locations, in terms of accidents, injuries, deaths, traffic volume levels, and other relevant data; and containing an assessment of—
 - (I) potential remedies to hazardous locations identified;
 - (II) estimated costs associated with those remedies; and
 - (III) impediments to implementation other than cost associated with those remedies.

These reports shall be made available to the public by the Secretary through-

- (A) the Web site of the Department; and
- (B) such other means as the Secretary determines to be appropriate

- DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose directly relating the reporting requirements under the State highway safety improvement program, or published by the Secretary, shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in such reports, surveys, schedules, lists, or other data.

(Note that an additional report on Section 130 efforts is also required; see pg. 8)

FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS—

- Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement carried out with funds apportioned to a State under the Highway Safety Improvement Program shall be 90 percent.

APPORTIONMENT FORMULA

- For the highway safety improvement program, in accordance with the following formula:
 - (i) 33 1/3 percent of the apportionments in the ratio that—
 - (I) the total lane miles of Federal-aid highways in each State; bears to
 - (II) the total lane miles of Federal-aid highways in all States.
 - (ii) 33 1/3 percent of the apportionments in the ratio that—

- (I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to
 - (II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.
- (iii) 33 1/3 percent of the apportionments in the ratio that
- (I) the number of fatalities on the Federal-aid system in each State in the latest fiscal year for which data are available; bears to
 - (II) the number of fatalities on the Federal-aid system in all States in the latest fiscal year for which data are available.
- **MINIMUM APPORTIONMENT** - Notwithstanding the above apportionment formula, each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under the Highway Safety Improvement Program.

TRANSITION

- **Implementation:**
 Except as provided below (Interim Period), the Secretary shall approve obligation of funds apportioned under the Highway Safety Improvement Program, only if, not later than October 1, 2006, a State has developed and implemented a State strategic highway safety plan as required pursuant to Section 148(c).
- **Interim Period:**
- (A) Before October 1 of the second fiscal year after the date of the enactment of this Act and until the date on which a state develops and implements a State strategic highway safety plan, the Secretary shall apportion funds to a state for the highway safety Improvement program and the state may obligate funds apportioned to the State for the highway safety improvement program under section 148 for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.
 - (B) **No Strategic Highway Safety Plan** - If a State has not developed a strategic highway safety plan by October 1, 2007, the state shall receive for the highway safety improvement program for each subsequent fiscal year until the date of development of such plan an amount that equals the amount apportioned to the State for that program for fiscal year 2007.

HIGH RISK RURAL ROADS

- **Definition:** The term “high risk rural road” means any roadway functionally classified as a rural major or minor collector or a rural local road –
 - (A) On which the crash rate for fatalities and incapacitating injuries exceeds the statewide average for those functional classes of roadway; or

(B) That will likely have increases in traffic volume that are likely to create a crash rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roadways

- **Annual Set Aside Funding:** Section 148 requires that a total of \$90,000,000 is set aside by the States for use only for construction and operational improvements on high risk rural roads.
- **Apportionment:**
 - \$90,000,000 apportioned proportionately according to the share of each State of the total amount apportioned under Section 148. Each State shall receive a minimum of ½ of 1% of the set-aside funds.
- **Federal Share:** Ninety percent (90%) of the cost except as provided by Section 120(c) - Increased Federal Share for Certain Safety Projects.
- **Data Needs:** Crash data will be needed to develop crash rates for fatalities and incapacitating injuries on a statewide and corridor basis for rural major or minor collectors and rural local roads. Projected traffic volumes may be used to justify a rural road as a future high risk roadway if the additional traffic will likely create a crash rate that is higher than the statewide average.
- **Special Rule:** If a State certifies to the Secretary that it has met all of its needs for construction and operational improvements on high risk rural roads, the State may use these funds for any project under Section 148.
- **Obligation of funds**
 - Interim Period: Before October 1, 2006 and until the State develops and implements a SHSP, funds will be apportioned and may be obligated for projects that were eligible for funding under the previous Section 130 and 152 programs.
 - Once a State has developed a SHSP, the State may obligate funds as apportioned.
 - If no SHSP is developed by October 1, 2007, the State will receive the amount apportioned to that State for fiscal year 2007. This amount will remain fixed for each subsequent fiscal year until the date of development of a SHSP.

**23USC130 as Amended by SAFETEA-LU
(Title I, Subtitle D, Section 1401)**

Elimination of Hazards Relating to Railway-Highway Crossings

- **Annual Set Aside Funding:** Section 130(e) is amended to state that at least \$220M is “set aside” from amounts made available to carry out the Highway Safety Improvement Program for the elimination of hazards and the installation of protective devices at railway-highway crossings. At least 50% of the set aside funds shall be available for the installation of protective devices at railway-highway crossings.
- **Special Rule:** If a State demonstrates to the satisfaction of the Secretary that it has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section (Section 130 “set-aside”) for other purposes under this subsection (Section 130(e)). [Those other purposes generally being elimination of hazards at railway-highway crossings.]
- **Eligible Projects:**
 - Installation of grade crossing protective devices¹ at or near grade crossings (for the specific benefit of the road user at the crossing)
 - Separation grades at crossings
 - Reconstruction of existing railroad grade crossing structures
 - Relocation of highways to eliminate grade crossings
 - Relocation of a portion of a railway, only if less costly than the above methods
- **Apportionment:**
 - Fifty percent of the funds set aside shall be apportioned pursuant to section 104(b)(3)(A).
 - Fifty percent of the funds set aside shall be apportioned based on the ratio of total public railway-highway crossings in each State to the total number of public railway-highway crossings in all States.
 - The minimum apportionment for each State is ½ of 1% of the set aside funds.
- **Obligation of funds:** Funds allocated under this section (Section 130 set-aside) are available for 3 years after the end of the fiscal year in which the funds are allocated. Funds are subject to the overall Federal-aid obligation limitation.
- **Federal Share:** Ninety percent (90%) of the cost, except as provided in Section 120(c), effective October 1, 2005.
- **Reports to Congress:** No later than April 1, 2006, and every two years thereafter, the Secretary shall submit a report to Congress pursuant to section 130(g).
- **Data compilation and analyses:** A new section, 130(k), has been added that states that no more than 2% of the funds apportioned to a State to carry out Section 130 may be used for compilation and analysis of data in support of activities required by section 130(g) (Biennial Reports to Congress).

¹ The FHWA has defined the following grade crossing improvements as “protective devices”: installation of standard signs and pavement markings; installation or replacement of active warning devices; upgrading active warning devices, including track circuit improvements and interconnections with highway traffic signals; crossing illumination; crossing surface improvements; general site improvements.

SAFETEA-LU vs TEA-21 – Highway Safety Improvement Program

| TEA-21 and Previous (HES and Rail-Hwy Safety) | SAFETEA-LU (SECTION 148) |
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| Railway-Highway Crossings (Sec. 130) and Hazard Elimination (Sec. 152) | Highway Safety Improvement Program (HSIP) (Sec. 148) |
| 10% set aside from STP totaling approximately \$650 Million per year (FY 2000 – 2005) | Stand alone “core” program of approximately \$1.3 Billion per year (FY 2006-2009) |
| No comparable provision | Requires a Strategic Highway Safety Plan (SHSP) developed through a collaborative, comprehensive and data driven approach. |
| Section 152 Hazard Elimination Program and 130 Rail-Highway Program. | States with an SHSP can obligate funds for projects that are eligible under Section 148 Hazard Elimination Program. States without an SHSP are limited to projects eligible under the Section 152 Hazard Elimination Program and Section 130 Rail-Highway Program. |
| No comparable provision | After FY 2007, States without an SHSP will have their safety funds capped at the FY 2007 level. |
| No comparable provision, however all public roads eligible for funding. | Establishes a set aside program (\$90 Million each FY) for High Risk Rural Roads. |
| Railway-Highway Crossing Safety program is funded through 10% set aside (approximately \$155 Million each FY) from STP | Establishes a set aside program (\$220 Million each FY) for Railway-Highway Crossing Safety (Section 130) |
| Program is a 10% set aside from STP which does not consider fatalities in the distribution formula | HSIP distribution formula equally considers fatalities on federal-aid system, VMT, and lane miles on federal-aid highways. |
| No comparable provision | 10% of HSIP funds may be used for other safety projects listed in a State’s SHSP if railway-highway crossing and infrastructure safety needs are met. |
| No comparable provision | Annual report must be completed describing 5% of a State’s locations with the most severe safety needs and this information will be made available to the public on the internet |
| Annual implementation and evaluation reports required, but no requirement to submit to Congress. No provision on funding for reporting requirements. | Biennial report to Congress required for railway-highway safety projects. No more than 2% of funds can be used for reporting requirements |

SAFETEA-LU vs TEA-21 – Highway Safety Improvement Program

| TEA-21 and Previous (HES and Rail-Hwy Safety) | SAFETEA-LU (SECTION 148) |
|--|---|
| Annual reports required describing progress and effectiveness of Hazard Elimination Program and Railway-Hwy Safety Program | Annual reports describing progress and effectiveness of the HSIP required |
| Roundabouts not included in Section 120 under “Increased federal share for certain safety projects” | Roundabouts eligible for 100% Federal funding in Section 120 under “Increased federal share for certain safety projects” |
| <p>Safety improvement project means a project that:</p> <ul style="list-style-type: none"> - corrects or improves high hazard locations - eliminates roadside obstacles - improves highway signing and pavement marking - installs priority control systems for emergency vehicles at signalized intersections - installs or replaces emergency motorist aid call boxes - installs traffic control or warning devices at locations with high accident potential - improves safety on a publicly owned bike/ped pathway or trail - installs a traffic calming measure to improve safety | <p>The term “highway safety improvement project” means a project described in the State strategic highway safety plan that corrects or improves a hazardous road location or feature, or addresses a highway safety problem. The term includes a project for one or more of the following:</p> <ul style="list-style-type: none"> - Intersection safety improvement. - Pavement and shoulder widening - Installation of rumble strips or another warning device- Installation of a skid-resistant surface - An improvement for pedestrian or bicyclist safety or safety of the disabled. - Construction of any project for the elimination of hazards at a railway highway crossing - Construction of a railway-highway crossing safety feature, including installation of protective devices. - The conduct of a model traffic enforcement activity at a railway-highway crossing. - Construction of a traffic calming feature. - Elimination of a roadside obstacle. - Improvement of highway signage and pavement markings. - Installation of a priority control system for emergency vehicles at signalized intersections. - Installation of a traffic control or other warning device at a location with high accident potential. - Safety-conscious planning. - Improvement in the collection and analysis of crash data. - Planning, integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to workzone safety. |

SAFETEA-LU vs TEA-21 – Highway Safety Improvement Program

| TEA-21 and Previous (HES and Rail-Hwy Safety) | SAFETEA-LU (SECTION 148) |
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| | <ul style="list-style-type: none">- Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators.- The addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife.- Installation and maintenance of signs (including fluorescent, yellow-green signs) at pedestrian-bicycle crossings and in school zones.- Construction and operational improvements on high risk rural roads. |