

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.