

XVIII. Safety Programs

Overview. Every year, more than 40,000 motorists die and almost 3,000,000 are injured on roadways in the United States. Fatalities and injuries resulting from motor vehicle crashes are a particular concern within Indian Country. Between 1975 and 2002, the number of fatal crashes on Indian reservations increased more than 50 percent, while the number of fatal crashes in the Nation declined 2 percent.

American Indians suffer far more from motor vehicle related deaths and injuries than would be expected, given their proportion of the population. In general, Native Americans have the highest risk of motor vehicle related deaths of all ethnic groups. Motor vehicle crashes are the leading cause of death for Native Americans ages 4 to 44.

This section includes various safety programs that are administered by (1) the FHWA and (2) the National Highway Traffic Safety Administration (NHTSA). The programs represent multiple strategies—engineering, education, and enforcement—that collectively help reduce the number of motor vehicle related crash fatalities and injuries.

State needs may be a higher priority when compared to competing projects or roads in Indian Country. Tribes are encouraged to solicit information about these programs from state partners. However, the principals guiding these programs may help to develop higher Safety projects regardless of the funding source used.

To address the dire safety needs in Indian Country, FHWA and BIA have developed a Tribal Safety Management System with assistance from the Tribes. This is documented in two separate plans, the Strategic Highway Safety Plan for Indian Lands and the Tribal SMS Implementation Plan. These plans, particularly the Implementation Plan identify strategies that the federal government is undertaking with the Tribes to improve safety for travelers on Indian Lands. These plans can be found at the FWA website at:

<http://flh.fhwa.dot.gov/programs/irr/safety/sms.htm>

FHWA Administered Program Highway Safety Improvement Program – HSIP

Overview. This is a Federal-aid funding program which began in fiscal year 2006 to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP emphasizes a data-driven, strategic approach to improving highway safety that focuses on results.

Statutory/Regulatory Requirements.

- Section 1401 of SAFETEA-LU – This section includes the program and policy language for implementing the new “core” Highway Safety Improvement Program (HSIP)
- Section 148 of Title 23 of the United State Code (23 U.S.C. 148)
- Section 924 of Title 23 of the Code of Federal Regulations (23 CFR 924)

Guidelines/Procedures. The SHSPs should be developed by State DOTs after consultation with safety stakeholders such as Tribal Governments. To obligate funds under the new 23 U.S.C. 148, a State must:

1. Use available crash data to develop and implement a strategic highway safety plan (SHSP);
2. Produce a program of projects or strategies that is optimized to reduce fatalities and incapacitating injuries on public roadways;
3. Evaluate and revise the plan on a regular basis; and
4. Submit an annual report to the Secretary.

The SHSPs are required to be based on crash data analysis. SHSP should address all safety disciplines including: engineering, education, enforcement, and emergency medical services (the four E's) on all public roads. In addition, the SHSPs should describe a program of projects or strategies to reduce the occurrence of fatalities and serious injuries on public roads, and be approved by the State Governor or the responsible State agencies.

Role of Tribal Governments. Tribal Governments are encouraged to work with State DOTs and/or the FHWA Division Offices in the development of the State's SHSPs because funds can only be obligated on projects or strategies included in the SHSP.

References/Resources.

http://safety.fhwa.dot.gov/safetealu/fact_sheets/ftsht1401.cfm

http://safety.fhwa.dot.gov/hsip/shsp/state_links.cfm

FHWA Administered Program High Risk Rural Roads Program (HRRRP)

Statutory/Regulatory Requirements.

- 23 U.S.C. 148. The purpose of this program is to achieve a significant reduction in traffic fatalities and incapacitating injuries on rural major or minor collectors, and/or rural local roads.

Guidelines/Procedures.

- Approximately 60 percent of roadway fatalities in the United States occur on rural roads.
- HRRRP funds construction and operational safety improvements on roadways that have crash rates for fatalities and incapacitating injuries that exceed the statewide average on rural major or minor collectors, or a rural local road that will likely have increases in traffic

volume likely to create an accident rate above the statewide average for the respective roadway functional classes.

- Implementation requires comprehensive crash data for all public roads.

References/Resources.

<http://safety.fhwa.dot.gov/safetealu/memos/memo051906.cfm>

FHWA Administered Program

Elimination of Hazards Relating to Railway-Highway Crossings

Statutory/Regulatory Requirements.

- 23 U.S.C. 130
- 23 CFR 924

Guidelines/Procedures.

- This program sets aside funds from the HSIP
- Funds are for the elimination of hazards and the installation of protective devices at railway-highway crossings.
- All public rail-highway crossing safety improvement projects meeting the eligibility description in 23 U.S.C. 130 are eligible for funding, including, but not limited to, elimination of hazards, installation of protective devices, and grade crossing separation.

References/Resources.

<http://safety.fhwa.dot.gov/xings>

FHWA Administered Program

Safe Routes to School - SRTS

Statutory/Regulatory Requirements

- SAFETEA-LU Sections: 1101(a)(17), 1404 - The purpose of the program is to enable and encourage children to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development, and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Guidelines/Procedures

- Each State administers its own program and develops its own procedures to solicit and select projects for funding.
- Funded at \$612 million over 5 Federal fiscal years (FY 2005-2009).
- The SRTS Program is funded for infrastructure and non-infrastructure projects and to administer SRTS programs that benefit elementary and middle school children in grades K - 8.
- Funds are administered by State DOTs to provide financial assistance to Tribal, State, regional, and local agencies; including non-profit organizations that demonstrate the ability to meet the requirements of the program.

Role of Tribal Governments. Tribal governments are encouraged to work with State DOTs and/or the FHWA Division office in the State to apply for SRTS funding.

A. Infrastructure - Eligible infrastructure-related projects include the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including:

1. Sidewalk improvements.
2. Traffic calming improvements.
3. Pedestrian and bicycle crossing improvements.
4. On-street bicycle facilities.
5. Off-street bicycle and pedestrian facilities.
6. Secure bicycle parking facilities.
7. Traffic diversion improvements in the vicinity of schools.

Public funds must be spent on projects within the public ROW. This may include projects on private land that have public access easements. Public property includes lands that are owned by a public entity, including those lands owned by public school districts.

Construction and capital improvement projects also must be located within approximately two miles of a primary or middle school (grades K – 8).

Schools with grades that extend higher than grade 8, but which include grades that fall within the eligible range, are eligible to receive infrastructure improvements.

The State SRTS Coordinator position in each State is funded from the infrastructure portion of the State's SRTS Program apportionment.

References/Resources.

- FHWA's SRTS Program Guidance issued on January 3, 2006 (see link below)

<http://safety.fhwa.dot.gov/saferoutes/guidance/memo060306.cfm>

B. Non-infrastructure – Each State must set aside from its SRTS annual apportionment not less than 10 percent and not more than 30 percent of the funds for non-infrastructure related activities, including:

1. Public awareness campaigns and outreach to press and community leaders.
2. Traffic education and enforcement in the vicinity of schools (within approximately two miles).
3. Student sessions on bicycle and pedestrian safety, health, and environment.
4. Funding for training, volunteers, and managers of safe routes to school programs.

References/Resources

- <http://safety.fhwa.dot.gov/saferoutes>
- www.saferoutesinfo.org

NHTSA Administered Program State and Community Highway Safety Grant Program

Statutory/Regulatory Requirements

- Sections 2001 and 2002 of SAFETEA-LU. This authorized the State and Community Highway Safety formula grant program (Section 402 of chapter 4 of Title 23, U.S.C.) to support State highway safety programs, designed to reduce traffic crashes and resulting deaths, injuries, and property damage.

Guidelines/Procedures

- Funds are administered by the BIA Office of Indian Highway Safety Program.
- BIA receives approximately \$4.3 million for highway safety under the SAFETEA-LU Authorization.
- The BIA may use these grant funds only for highway safety purposes.
- For States receiving these highway safety funds, at least 40 percent of the funds must be expended by political subdivisions of the State (which can include Tribes).
- 95 percent of the funds apportioned to the Secretary of the Interior under this section will be expended by Tribes to carry out highway safety programs within their jurisdictions.

Role of Tribal Governments. Tribes can only apply for these funds through the BIA's Office of Indian Highway Safety Program.

References/Resources.

http://www.nhtsa.gov/nhtsa/whatsup/Tea21/GrantMan/HTML/07_Sect402Leg23USC_Chap4.html

NHTSA Administered Program

State Traffic Safety Information System Improvement Grants Program

Statutory/Regulatory Requirements

- Section 2006 of SAFETEA-LU. Authorizes the State Traffic Safety Information System Improvement Grants Program (Section 408 of Title 23, U.S.C.) to encourage States to adopt and implement effective programs to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of State data that is needed to identify priorities for national, State, and local highway and traffic safety programs; to evaluate the effectiveness of efforts to make such improvements; to link these State data systems, including traffic records, with other data systems within the State; and to improve the compatibility of the State data system with national data systems and data systems of other States to enhance the ability to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Guidelines/Procedures

- These grant funds can only be used to implement data improvement programs.
- Section 408 funds received by the BIA on behalf of the Tribes are administered by the Office of Indian Highway Safety Program.

Role of Tribal Governments. Tribes can only apply for these funds through the BIA's Office of Indian Highway Safety Program.

NHTSA Administered Program Alcohol-Impaired Driving Countermeasures Incentive Program

Note: A Tribe is not directly eligible for these funds. State Highway Safety Offices can write a grant to the Tribe utilizing these funds. Tribes would be subject to all funding rules and regulations if approved.

Statutory/Regulatory Requirements

- SAFETEA-LU Section 1113, 1122, 2007, 6003;
- 23 U.S.C. 410;
- 49 CFR 1.5

Guidelines/Procedures. The purpose of this program is to reduce collisions resulting from driving while under the influence of alcohol or other controlled substances.

NHTSA Administered Program Occupant Protection Incentive Grant Program

Note: A Tribe is not directly eligible for these funds. State Highway Safety Offices can write a grant to the Tribe utilizing these funds. Tribes would be subject to all funding rules and regulations if approved.

Statutory/Regulatory Requirements

- SAFETEA-LU Section 2004;
- 23 U.S.C. 405

Guidelines/Procedures

- The purpose of this program is to reduce roadway deaths and injuries resulting from unrestrained or improperly restrained occupancy within a motor vehicle.
- A State may use the grant funds only to implement and enforce occupant protection programs.

NHTSA Administered Program Child Safety and Child Booster Seat Incentive Program

Note: A Tribe is not directly eligible for these funds. State Highway Safety Offices can write a grant to the Tribe utilizing these funds. Tribes would be subject to all funding rules and regulations if approved.

Statutory/Regulatory Requirements

- SAFETEA-LU Section 2011;
- 23 U.S.C. 405(f)

Guidelines/Procedures

- This new incentive program was established by SAFETEA-LU for the enactment and enforcement of child restraint laws requiring children up to 65 pounds and under 8 years of age to be properly restrained in a child safety or booster seat.