

RAILWAY-HIGHWAY CROSSINGS PROGRAM

Year	2013	2014
Funding	\$ 220 M	\$ 220 M

Program purpose

This program funds safety improvements to reduce the number of fatalities, injuries, and crashes at public grade crossings.

Statutory citation(s): MAP-21 §1519; 23 USC 130

Funding features

Funded by contract authority from the Highway Account of the Highway Trust Fund. Funds are subject to the overall Federal-aid obligation limitation.

Funds are derived from a set-aside of amounts calculated for apportionment to the Highway Safety Improvement Program (HSIP).

First, each State's funding level is determined based on the following factors:

- 50% based on the formula factors for the Surface Transportation Program (STP) in 23 USC 104(b)(3)(A), as in effect the day before enactment of MAP-21; and
- 50% based on the number of public railway-highway crossings.

[23 USC 130(f)]

Each State is guaranteed to receive a minimum of ½% of the program funds.

The railway-highway crossings program funding level determined for each State is set aside from the State's HSIP amount.

50% of each State's railway-highway crossings funds must be set aside for the installation of protective devices at railway-highway crossings. [23 USC 130(e)]

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 funds may be used for other highway safety improvement purposes. [23 USC 130(e)]

Federal share: The Federal share is 90 percent. [23 USC 130(f)(3)]

Eligible activities

All previous eligibilities under 23 USC 130 continue.

A State may use up to 2% of its railway-highway crossings funds for compilation and analysis of data for the required annual report to the Secretary on the progress that is being made implementing the program.

Activities funded under this program are also eligible for funding under the broader HSIP eligibilities. The STP also includes eligibility for funding of railway-highway crossings projects.

Program features

Many of the requirements of the program remain unchanged, including:

- Each State is required to conduct and systematically maintain a survey of all highways to identify those railroad crossings that may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum this schedule is to provide signs for all railway-highway crossings. [23 USC 130(d)]
- A railroad participating in a hazard elimination project is responsible for compensating the State transportation department for the net benefit to the railroad of the project. The net benefit is determined by the Secretary of Transportation, but may not exceed 10 percent of the project cost. [23 USC 130(b) and (c)]
- States are required to submit annual reports, and the Secretary is required to report to Congress every two years on the progress being made by the States to implement this program. [23 USC 130(g)]
- A State may use its railway-highway crossings funds to make an incentive payment to local government for a public at-grade crossing closure, as long as the railroad owning the track also makes an incentive payment. [23 USC 130(i)]
- *National Crossing Inventory* – Each State is required to annually update information in the DOT crossing inventory database, including information about warning devices and signage, for each public crossing located within its borders. [23 USC 130(l)]