



**** Roadway Safety Summary ****

**The Safe, Accountable, Flexible, Efficient Transportation
Equity Act: A Legacy for Users (SAFETEA-LU)**

ATSSA spent six years and significant resources working to enhance the emphasis that policymakers place on roadway safety. Our Roadway Safety Program proposal was presented to Secretary of Transportation Norman Y. Mineta in April of 2001. Additional presentations were made to FHWA, AASHTO and numerous other organizations both private and public. ATSSA membership joined this effort by attending Capitol Hill visits to educate their elected officials, supporting the ATSSA-PAC, Roadway Safety Advancement Fund (RSAF) and awareness activities sponsored by the ATSS Foundation. The result: Due to the extraordinary leadership by Secretary Mineta, Federal Highway Administrator Mary Peters and roadway safety professionals at FHWA; the Bush Administration's reauthorization bill was titled – SAFETEA, and a core roadway safety program was at its center. The Administration's focus on safety led others to focus on safety as well. The House and Senate both developed legislation with safety components built around their priorities. The final result combined the best of both pieces of legislation. ATSSA is extremely grateful for those men and women who worked diligently to craft this piece of legislation. On Capitol Hill, special thanks are extended to Chairman Tom Petri (R-Wisconsin), Ranking Member James Oberstar (D-Minn.), Chairman John Duncan (R-Tenn.) and their staffs. Our combined efforts leave a legacy that will be felt for years to come as this legislation makes safer roads save lives a greater reality.

Prepared by the American Traffic Safety Services Association

August 2005

ROADWAY SAFETY PROVISIONS

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

Summary: The HSIP is the direct result of ATSSA's efforts to create a federal core roadway safety program. The program provides \$5.01 billion dollars over four years to implement the core program. HSIP requires the development of strategic highway safety plans and reporting to Congress regarding the type and success of safety projects. Once a state enacts a strategic highway safety plan, certifies that all highway-rail crossings have appropriate safety devices installed and addressed all roadway safety engineering issues, they are then eligible to flex 10% of their HSIP funds for any safety activity. Another ATSSA effort to enhance roadway safety specifically at the local level is also incorporated into this proposal.

Funding:

\$1,235,810,000 for fiscal year 2006

\$1,255,709,322 for fiscal year 2007

\$1,275,929,067 for fiscal year 2008

\$1,296,474,396 for fiscal year 2009

Program Elements:

Strategic Highway Safety Plan (SHSP)

To access HSIP funds, a state must have a strategic highway safety plan in place by October 1, 2007. This plan is to outline in plain language where the state's safety resources will be targeted to maximize the reduction of fatalities. If a state refuses to develop a strategic highway safety plan their funds will be frozen at fiscal year 2007 levels. The plan must identify and analyze highway safety problems, define countermeasures to be employed and evaluate the plan's progress on a regular basis. Congress is to receive a report compiled by the U.S. Secretary of Transportation outlining the progress states are making to implement their plans. This report is also supposed to include information regarding any potential hurdles to implementing the plan with proposed remedies.

The SHSP is to be developed by bringing together those organizations most directly involved in improving roadway safety. Public and private sector groups are invited to participate in the process and the plan is to be incorporated into a state's Surface Transportation Improvement Program (STIP). Participants are to include:

- Governor's Highway Safety Representative;
- Regional transportation planning organizations and metropolitan planning organizations, if any;
- Representatives of major modes of transportation;
- State and local traffic enforcement officials;
- Persons responsible for administering highway-rail programs at the State level;
- Representatives conducting Operation Lifesaver;
- Representatives conducting a motor carrier safety program;
- Motor vehicle administration agencies; and

- Other major State and local safety stakeholders.

These individuals analyze and make effective use of state, regional, or local crash data to determine high-risk locations or activities. Elements under consideration include engineering, management, operation, education, enforcement, and emergency services as key factors in evaluating highway projects. They may also consider the results of State, regional, or local transportation and highway safety planning processes. The final plan must be approved by the Governor of the State or a responsible State agency; and comply with requirements relative to the state transportation improvement program (U.S. Code Title 23, Section 135 (f)).

Identification and Analysis of Highway Safety Problems and Opportunities

States are required to upgrade their crash data system and to utilize information gathered to develop strategic highway safety plans. The crash data system must have the ability to perform safety problem identification and countermeasure analysis; identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked or poorly marked roads) that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, and other highway users. States are given flexibility in determining those elements to track in ascertaining the relative severity of those locations, in terms of accidents, injuries, deaths, traffic volume levels, and other relevant data. However, elements to consider include behavioral and infrastructure problems and opportunities on all public roads. This enhanced data analysis is also designed to advance the capabilities of the State for traffic record data collection.

Eligible Projects:

Congress provided the states with flexibility in how to spend safety dollars. Accountability comes in each state reporting their progress in reducing crashes. Expending costs on high cost, low benefit safety improvements would demonstrate poor stewardship. Eligible projects under the HSIP include:

- Intersection safety improvements;
- 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 and pedestrians;
- **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 for 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; or the conduct of a model traffic enforcement activity at a railway-highway crossing, 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;
- Or installation and maintenance of signs (including fluorescent, yellow-green signs) at pedestrian-bicycle crossings and in school zones; The conduct of a model traffic enforcement activity at a railway-highway crossing.

HSIP ELIGIBLE PROJECT LOCATIONS

A State may obligate funds apportioned to the State under the HSIP program to carry out any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail. States are encouraged to address the full scope of safety needs by utilizing the full range of funding provided it under SAFETEA-LU, unless a section specifically prohibits its use.

FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN

While salvaging the concept of flexibility, Congress reinforced its preference that HSIP funds be spent to improve structural aspects of roadway safety. States are permitted to flex 10 percent of their HSIP funds for use on other safety projects if they certify that the state has completed work on all possible highway-rail and HSIP projects.

REPORTS

States are required to submit a report to the U.S. Secretary of Transportation describing the progress being made to implement safety projects. The report is to include information assessing the effectiveness of the improvements and the extent to which the project helps a state achieve its crash reduction goals. The Secretary will establish the timetable for the submission of this report and the report will be posted on the U.S. DOT website.

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 project carried out with funds made available under this section shall be 90 percent.

HIGH RISK RURAL ROADS

ATSSA strongly supported the creation of a High-Risk Rural Road Safety Program. Congress decided to require that \$90 million annually of the HSIP be set-aside to make improvements on rural roads. In addition, rural roads are eligible for improvements as part of a state’s Strategic Highway Safety Plan.

HIGHWAY-RAIL

The HSIP program requires that \$220 million annually be spent to improve Highway-Rail crossings. However, if a state certifies that it has installed protective devices at all crossings, it may use these funds for other HSIP projects. States are to submit a biennial report to Congress regarding their expenditure of highway rail funds.

Additional Roadway Safety Initiatives

ROADWAY SAFETY IMPROVEMENTS FOR OLDER DRIVERS AND PEDESTRIANS

ATSSA requested that Congress work to help create a more forgiving environment for older drivers by incorporating the FHWA's Older Driver Highway Design Handbook as an eligible activity under the HSIP. Congress went beyond our initial proposal and requires the Secretary of transportation "to carry out a program to improve traffic signs and pavement markings in all states in a manner consistent with the recommendations" of the handbook. Congress has authorized whatever sums may be necessary to implement the program. This provision may require assistance from congressional appropriators to provide specific funding.

WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC

The Secretary of Transportation has one year from date of enactment of SAFETEA-LU to issue regulations requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments.

TOLL FACILITIES WORKPLACE SAFETY STUDY

The Secretary has one year to conduct a study and report to Congress on highway-toll collection facility safety. The focus of the study will be to enhance worker safety. Areas of consideration include:

- The effect of design or construction of the facilities on the likelihood of vehicle collisions with the facilities;
- The safety of crosswalks used by toll collectors in transit to and from toll booths;
- The extent of the enforcement of speed limits in the vicinity of the facilities;
- The use of warning devices, such as vibration and rumble strips, to alert drivers approaching the facilities;
- The use of cameras to record traffic violations in the vicinity of the facilities;
- The use of traffic control arms in the vicinity of the facilities;
- Law enforcement practices and jurisdictional issues that affect safety in the vicinity of the facilities; and
- The incidence of accidents and injuries in the vicinity of toll booths.

SAFE ROUTES TO SCHOOLS PROGRAM

Congress enacted a Safe Routes to School Program to assist communities in creating safe pathways for children to walk or ride their bikes to school. Congress allocated the following amounts to fund Safe Routes:

\$54,000,000 for fiscal year 2005

\$100,000,000 for fiscal year 2006

\$125,000,000 for fiscal year 2007

\$150,000,000 for fiscal year 2008

\$183,000,000 for fiscal year 2009

The Federal share of the cost of a project or activity funded under this section is 100 percent. These funds do not expire and remain available to a state until spent. Federal funds can be spent to plan, design, and construct infrastructure-related projects that substantially improve the ability of students to walk and bicycle to school. Specific projects include sidewalk improvements, traffic calming, pedestrian and bicycle crossings, on and off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

Projects may be carried out on any public road or any bicycle or pedestrian pathway or trail within two miles of a school. In addition to enhancing the safety infrastructure, the program requires that 10% of the program's funds be spent to promote the program. Education programs should encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders; traffic education and enforcement in the vicinity of schools; and student sessions on bicycle and pedestrian safety, health, and environment.

SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

Under TEA-21, States that enacted primary seat belt laws or demonstrated that they had 90% of motorists wearing seat belts, received additional safety funding. An additional \$112 million for this program was authorized for fiscal year 2005.

SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS

Under TEA-21 states that enacted .08 blood alcohol content levels would be given additional funds. This section extends that program but implements penalties for those states that do not implement .08. The penalty rescinds up to 5% of National Highway System, Surface Transportation Program and Interstate Maintenance funds. States can have those funds restored if they enact .08 legislation within a four-year period.

NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE.

The National Work Zone Information Clearinghouse receives \$4 million through 2009 to assemble and disseminate information to improve roadway work zone safety. The federal share for these funds is 100%.

IMPROVEMENT OR REPLACEMENT OF HIGHWAY FEATURES ON NATIONAL HIGHWAY SYSTEM

This new section requires the Secretary of Transportation to work with the American Association of State Highway and Transportation Officials (AASHTO) to update NCHRP-350 performance recommendations. The purpose of the report is to provide states with additional guidance regarding when to improve or replace highway features on the NHS with 350 compliant devices.

WORK ZONE SAFETY GRANTS

This section provides \$20 million through 2009 to establish and implement a work zone safety grant program under which the Secretary may make grants to provide training to

prevent or reduce highway work zone injuries and fatalities. Grants may be made for the following activities:

- Train construction craft workers on the prevention of injuries and fatalities in highway and road construction,
- Develop guidelines for the prevention of highway work zone injuries and fatalities,
- Training state and local government agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

Non-profit and not-for-profit organizations are eligible for grants to implement this program.

ROADWAY SAFETY

The Secretary of Transportation will provide a total of \$2 million to a non-profit roadway safety organization and \$2.3 million to a non-profit pedestrian and bicycle safety organization to carry out public awareness, research and technology transfer activities.

The roadway safety organization is charged to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which public road hazards and design features are a factor in motor vehicle crashes.

TEMPORARY TRAFFIC CONTROL DEVICES

This section amends section 109(e) of title 23 by reinforcing the necessity of states to remain in compliance with the Manual on Uniform Traffic Control Devices. Special emphasis is placed on the use of temporary traffic control devices and their application in work zones. The Secretary of Transportation is required to issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility and maintenance operations. States will be required to develop separate pay items for the use of law enforcement officers, positive protective measures, and the installation and maintenance of temporary traffic control devices during construction, utility and maintenance operations. Such pay items must be incorporated into state contracts to ensure compliance.

The provision also defines positive protective measures as ‘temporary traffic barriers, crash cushions, and other strategies to avoid traffic accidents in work zones, including full road closures.’

PAVEMENT MARKING SYSTEMS DEMONSTRATION PROJECTS

This section requires the Secretary of Transportation to conduct a demonstration project in Alaska and Tennessee to study the safety impacts, environmental impacts and cost-effectiveness of different pavement marking systems and the effect of bidding and procurement processes on the quality of pavement marking material employed in highway projects. The report must be submitted to Congress not later than June 30, 2009. The projects shall include an evaluation of the impacts and effectiveness of increasing the width of pavement marking edge lines from 4 inches to 6 inches and an evaluation of advanced acrylic water-borne pavement markings. The report is to provide recommendations on methods to optimize the cost-benefit ratio of the use of Federal

funds on pavement marking. The Federal share is 100% and 4 million are provided for this project. Funds for this project are not transferable.

MOTORCYCLIST ADVISORY COUNCIL

The Secretary of Transportation is required to appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including:

- Barrier design;
- Road design, construction, and maintenance practices; and
- The architecture and implementation of intelligent transportation system technologies.

The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including at least one member each recommended from the following organizations:

- A national motorcyclist association;
- A national motorcycle riders foundation;
- A representative of the National Association of State Motorcycle Safety Administrators;
- A member recommended by a national organization that represents builders of highway infrastructure;
- A member recommended by a national association that represents the traffic safety industry;
- A member of a national safety organization;
- At least one and not more than two members who are motorcyclists and traffic system design engineers or state transportation department officials; and
- Two members of a State motorcyclists' organizations.

ELIGIBLE SAFETY IMPROVEMENTS

Traffic circles, also known as 'roundabouts,' are added to the list of eligible safety activities located in U.S.C. Section 120(c). Section 120(c) funded safety projects can be reimbursed with 100% federal funds.

TRANSPORTATION SAFETY INFORMATION MANAGEMENT SYSTEM PROJECT

The Secretary of Transportation is charged with developing a comprehensive transportation safety information management system (TSIMS). TSIMS is a computer program to assist in the collection, integration, management, and dissemination of safety data from and for use among State and local safety and transportation agencies. Its scope includes driver licensing, vehicle registration, emergency management system, injury surveillance, roadway inventory, and motor carrier databases. Total federal funding is set at \$2 million. States are expected to contribute the remaining funds to develop the system.

SURFACE TRANSPORTATION CONGESTION RELIEF SOLUTIONS RESEARCH INITIATIVE

Congress is providing \$36 million to conduct two congestion relief research studies. The first study measures the effectiveness of congestion management systems in use since the enactment of ISTEA and to identify the best examples of congestion relief projects that could be incorporated into a national model. The second program evaluates the process currently used to assess congestion problems and communicate this information to decision-makers. In addition, the program wants to better understand how to target funds towards alleviating congestion and develop training to assist local officials in better analyzing congestion.