

FEDERAL PROGRAM: HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

FEDERAL AGENCY: U.S. Department of Transportation

PROGRAM DESCRIPTION:

The IJA substantially increased the HSIP funding. The HSIP is a core Federal-aid highway program with the purpose of achieving a significant reduction in fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land.

*Apportionment Levels **

	IJA Estimated Apportionments						
<i>\$ in millions</i>	FAST Act (2016-2020) Total	2022	2023	2024	2025	2026	IJA Total
WA	249.6	67.9	67.6	68.9	70.3	71.7	346.4

*The amounts for FFY2022 come from FHWA apportionment notice N4510.858 found at https://www.fhwa.dot.gov/legsregs/directives/notices/n4510858/n4510858_t1.cfm. The numbers in the table above include a 2% reduction from the federal notices to reflect the SPR set aside and an increase for the Section 164 penalty.

The amounts for FFY2023 – FFY2026 come from FHWA Estimated Highway Apportionments under the IJA (before post-apportionment set-asides; penalties, and sequestration) found at https://transportation.house.gov/download/ta_est-fy-2022-2026-apportionments_ans-as-passed-by-senate-infrastructure-investment-and-jobs-act. Estimates increase 2.16% annually based on the data shown in the highway authorizations estimates document found at https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/highway_authorizations_nov302021.pdf.

BACKGROUND

In 2005, SAFETEA-LU established the Highway Safety Improvement Program (HSIP) as a new core program, with flexibility to allow states to target safety funds to their most critical safety needs. As part of this flexibility, each state was required to develop and implement a Strategic Highway Safety Plan that includes all public roads in the state. Target Zero is Washington State’s Strategic Highway Safety Plan.

As originally established, the program included set-asides for the Railway-Highway Crossing Program and for High-Risk Rural Roadways (HRRR), which was eliminated in 2012 in MAP-21. **Instead, if the fatality rates on rural roads in a state increase over the most recent two-year period, the state must obligate in the next fiscal year an amount equal to 200% of the amount of funds the state received for HRRR in FFY2009 for projects on HRRR.**

In general, the Federal share for highway safety improvement projects funded through HSIP is 90% although certain safety projects are eligible for 100% federal share. In general, states are allowed to transfer a maximum of 50% of the annual HSIP apportionment to another program. Washington state, however, has been subject to an annual Safety penalty since FFY 2021. Because this penalty requires the state to use a specific amount of obligation limitation on safety projects, Washington is not able to transfer any safety funds to another program.

Safety Penalty

If a State does not meet or make significant progress towards meeting its annual safety performance targets, the State must comply with the provisions set forth in 23 U.S.C. 148(i) for the subsequent fiscal year which includes using obligation authority equal to the HSIP apportionment for the year prior to the year for which the targets were not met or significant progress was not made only for HSIP projects and developing an HSIP implementation plan.

Fund Distribution

In Washington, HSIP funds are split between state programs and local responsibilities based on the top two priority infrastructure areas within the Target Zero Strategic Highway Safety Plan (Target Zero). Those areas are Run Off the Road and Intersection Crashes. The numbers of serious and fatal crashes are used to develop a program split that equals 30% to state programs and 70% to local agencies, primarily cities and counties. The local responsibility includes crashes on city streets designated as state highways in cities that exceed 25,000 population.

FAST work group continued the \$2 million set-aside for the statewide Safe Routes to School program each biennium from the local share.

IIJA CHANGES:

- [Executive Order 13985](#) on “Advancing Racial Equity and Support for Underserved Communities through the Federal Government” (86 FR 7009, Jan. 25, 2021) requires a systematic approach to embedding fairness in decision-making processes. Accordingly, States should incorporate demographic information into their safety data collection and analysis procedures to ensure that the needs of underserved communities are considered in their State HSIP.
- The IIJA emphasizes the importance of vulnerable road user safety in the HSIP by adding a definition for vulnerable road users, creating a vulnerable road user special rule, and requiring States to develop and update a vulnerable road user safety assessment. States and other funding recipients should prioritize projects that maximize the existing right-of-way for accommodation of non-motorized modes and transit options that increase safety, equity, accessibility, and connectivity. Projects that separate users in time and space, match vehicle speeds to the built environment, and increase visibility (e.g., lighting) advance implementation of a Safe System approach and improve safety for vulnerable road users.
- The IIJA does not extend the FAST Act prohibition (FAST Act § 1401) on using HSIP funds to purchase, operate, or maintain an automated traffic enforcement system.
- Additional types of projects
 - intersection safety improvements that provide for the safety of all road users, as appropriate, including multimodal roundabouts.
 - construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices [NEW] or a grade separation project
 - construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds.
 - installation or upgrades of traffic control devices for pedestrians and bicyclists including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals.
 - roadway improvements that provide separation between motor vehicles and bicyclists, including medians, pedestrian crossing islands, protected bike lanes, and protected intersection features; and
 - pedestrian security features designed to slow or stop a motor vehicle
- The IIJA requires States to complete a vulnerable road user (non-motorist) safety assessment within 2 years of enactment and update that assessment in accordance with updates required to the Strategic Highway Safety Plan. Vulnerable road user safety assessments are required to include—
 - a quantitative analysis of vulnerable road user fatalities and serious injuries; and
 - a program of projects or strategies to reduce safety risks to vulnerable road users identified as high-risk.
- The IIJA establishes a new Vulnerable Road User Safety Special Rule, which applies to each State in which vulnerable road user fatalities account for not less than 15% of all annual crash fatalities; and requires a State subject to the special rule to obligate not less than 15% of its HSIP funds the following FY for highway safety improvement projects to address vulnerable road user safety.