

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$2.407 B	\$2.980 B*	\$3.044 B*	\$3.110 B*	\$3.177 B*	\$3.246 B*

*Calculated (sum of estimated individual State HSIP apportionments)

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL continues the Highway Safety Improvement Program (HSIP) to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

Statutory Citations

- § 11111; 23 U.S.C. 148

Funding Features

Except as specified above and below, the BIL continues all funding features that applied to HSIP under the FAST Act.

Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Pre-apportionment Set-asides

- The BIL continues to require FHWA to set aside, prior to apportionment, HSIP funding for the Railway-Highway Crossings Program. (See “Railway-Highway Crossings Program” fact sheet for additional information on this program) [§ 11108(a); 23 U.S.C. 130(e)(1)]
- The BIL continues the annual set-aside (prior to apportionment) of \$3.5 million in HSIP funds to carry out specified safety-related activities and operate specified safety-related clearinghouses. [§ 11124; MAP-21 § 1519(a)]

Apportionment of Funds

- As under the FAST Act, the BIL directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs.
- Each State’s HSIP apportionment is calculated based on a percentage specified in law. [23 U.S.C. 104(b)(3)] (See “Apportionment” fact sheet for a description of this calculation)

Post-apportionment Set-asides

- After apportionment, 2% of the State's HSIP apportionment is set aside for State Planning and Research. [23 U.S.C. 505]

Specified Safety Projects

- The BIL allows a State to use up to 10% of its HSIP funding for specified safety projects. This ("specified safety projects") includes a project that—
 - promotes public awareness and informs the public regarding highway safety matters;
 - facilitates enforcement of traffic safety laws;
 - provides infrastructure and infrastructure-related equipment to support emergency services;
 - conducts safety-related research to evaluate experimental safety countermeasures or equipment; or
 - supports safe routes to school non-infrastructure-related activities.(§ 11111(a)(4); 23 U.S.C. 148(e)(3))

Transferability to and from Other Federal-aid Apportioned Programs

- A State may transfer up to 50% of HSIP funds made available each fiscal year to any other apportionment of the State, including the National Highway Performance Program, Surface Transportation Block Grant Program, Congestion Mitigation and Air Quality Improvement Program, National Highway Freight Program, **[NEW]** Carbon Reduction Program, and **[NEW]** Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Formula Program. Conversely, subject to certain limitations, a State may transfer up to 50% of funds made available each fiscal year from each other apportionment of the State to HSIP. [23 U.S.C. 126(a)] (See other program-specific fact sheets for additional details.)

Use of Funds for Automated Traffic Enforcement

- The BIL does not extend the FAST Act prohibition (FAST Act § 1401) on using HSIP funds to purchase, operate, or maintain an automated traffic enforcement system.

Federal Share

- Except as provided in 23 U.S.C. 120 and 130, the Federal share is 90%. [23 U.S.C. 148(j)] (See the "Federal Share" fact sheet for additional detail.)

Eligible Activities

- The BIL maintains the definition of highway safety improvement project and adds under that definition several additional types of projects [§ 11111(a)(1)(A)]:
 - intersection safety improvements that provide for the safety of all road users, as appropriate, including multimodal roundabouts; [23 U.S.C. 148 (a)(4)(B)(i)]
 - construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices **[NEW]** or a grade separation project; [23 U.S.C. 148(a)(4)(B)(vi)]
 - construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds; [23 U.S.C. 148(a)(4)(B)(viii)]
 - 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; [23 U.S.C. 148(a)(4)(B)(xxvi)]
 - roadway improvements that provide separation between motor vehicles and bicyclists, including medians, pedestrian crossing islands, protected bike lanes, and protected intersection features; and [23 U.S.C. 148(a)(4)(B)(xxvii)]

- pedestrian security features designed to slow or stop a motor vehicle. [23 U.S.C. 148(a)(4)(B)(xxviii)]

Vulnerable Road Users

Vulnerable Road User Safety Assessment

- The BIL 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. [§ 11111(a)(6); 23 U.S.C. 148(l)(1) and (5)]
- Vulnerable road user safety assessments are required to include—
 - a quantitative analysis of vulnerable road user fatalities and serious injuries (including data such as location, roadway functional classification, design speed, speed limit, and time of day; considering demographics of the locations of fatalities and serious injuries; and identifying areas as “high-risk” to vulnerable road users); and
 - a program of projects or strategies to reduce safety risks to vulnerable road users identified as high-risk. [§ 11111(a)(6); 23 U.S.C. 148(l)(2)]
- The BIL requires States, when carrying out a vulnerable road user safety assessment, to take into consideration a safe system approach (i.e., a roadway design that emphasizes minimizing road users’ risk of injuries or fatalities, takes human error into consideration, accommodates human injury tolerance, and considers vulnerable road users). [§ 11111(a)(6); 23 U.S.C. 148(a)(9) and (l)(4)(A)]
- The BIL requires the Secretary to establish guidance for States to carry out the vulnerable road user safety assessments. [§ 11111(a)(6); 23 U.S.C. 148(l)(7)]

Vulnerable Road User Safety Special Rule

- The BIL establishes a new 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. [§ 11111(a)(5); 23 U.S.C. 148(g)(3)]

Additional Information and Assistance

- For more information about this program, visit: <https://safety.fhwa.dot.gov/hsip/>.
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm.