

FULLY FUNDING SAFETY PROJECTS



EXPANDING FUNDING ACCESS

Funding is a crucial component of getting a safety project from idea to reality. Typically, the Federal share of a Federal-aid project is 80 or 90 percent; but even the remaining 10 or 20 percent can be difficult for agencies to fund, especially when local agencies are responsible for the match.¹ Section 120(c)(1) of Title 23 of the United States Code (U.S.C.) allows the Federal share payable on certain safety projects to amount to 100 percent of the cost of construction of such projects. Under 23 U.S.C. 120(c)(1), a State may apply up to 100-percent Federal share for up to 10 percent of its total Federal-aid apportionment under 23 U.S.C. 104. This provision represents a huge—and often underutilized—opportunity for States to expand available funding to construct certain safety projects, including:

- Traffic control signalization
- Roundabouts and traffic circles
- Safety rest areas
- Pavement markings
- Shoulder and centerline rumble strips and stripes
- Commuter carpooling and vanpooling
- Railway-highway crossing closures
- Priority systems for emergency or transit vehicles at signalized intersections
- Vehicle-to-infrastructure communication equipment
- Projects that maintain minimum levels of retroreflectivity on highway signs or pavement marking
- Projects that install traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, and breakaway utility poles

Many of these project types—such as roundabouts, backplates with retroreflective borders, and longitudinal rumble strips—align with [FHWA's Proven Safety Countermeasures](#), a set of countermeasures and strategies known to reduce roadway fatalities and serious injuries.

Remember, it's not only for HSIP! Section 120(c)(1) can be used to fund applicable safety components that are a part of larger projects at Federal share of up to 100 percent.² For more information, visit <https://www.fhwa.dot.gov/federalaid/141125.cfm>.

HOW STATES USED 23 U.S.C. 120(c)(1) IN FISCAL YEAR 2023



33 States took advantage of the 100% Federal share funding provision option for safety projects.



Collectively, States used 23% of the total allowable amount that may be obligated for certain safety projects.



Connecticut and Indiana both used 100% of their available allowable amounts that may be obligated for certain safety projects.



Eight additional States—Delaware, Georgia, Hawaii, Louisiana, Maryland, Rhode Island, South Carolina, and Vermont—used at least half of their allowable amounts.

Common project types with elements funded at 100% Federal share under 23 U.S.C. 120(c)(1):

- Traffic signal upgrades
- Resurfacing and safety enhancements
- Adaptive signal control technology
- High friction surface treatments
- Bridge replacements and repairs
- Roadway reallocation projects
- Guardrail and barrier upgrades
- Crosswalks
- Roundabouts
- Rumble strips

DID YOU KNOW?



It's not only for HSIP: States can use other funds at 100% Federal share for any safety project that meets the requirements.



It doesn't have to be a whole project: States can use Section 120(c)(1) to fund the safety portion of a project.



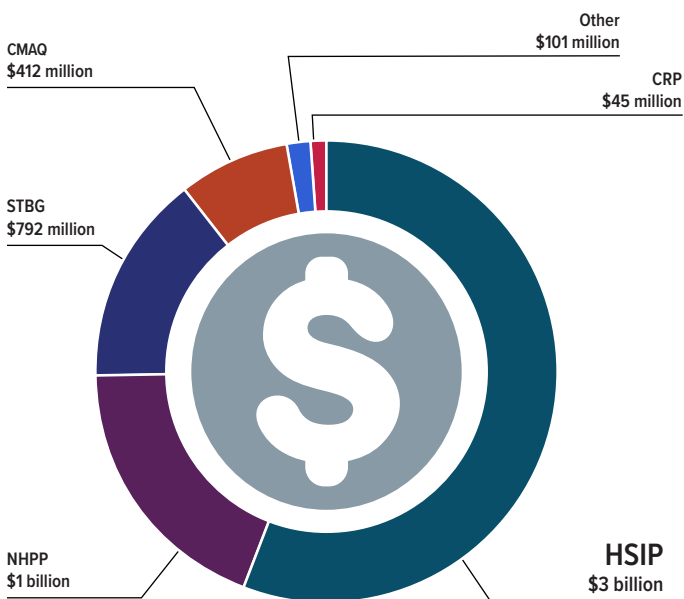
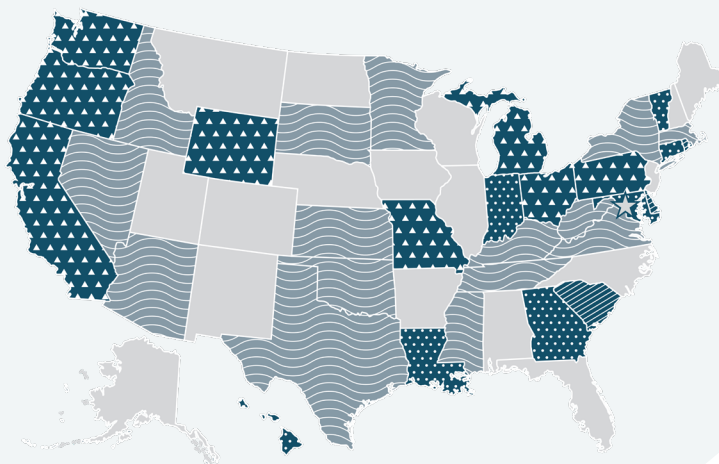
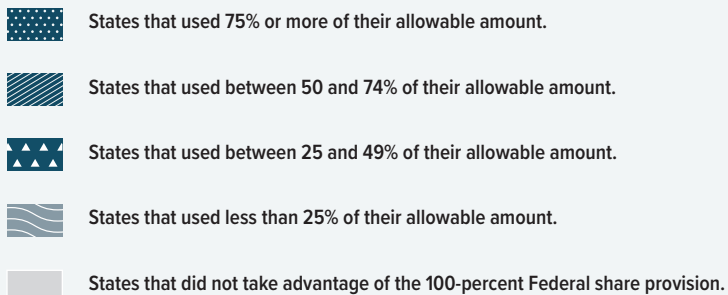
We're all in this together: States can use Section 120(c)(1) to help local agencies overcome funding challenges.

¹ 23 U.S.C. 120(a) and (b)

² Public Law 117-58, § 11107(1)(A); 23 U.S.C. 120(c)(1)

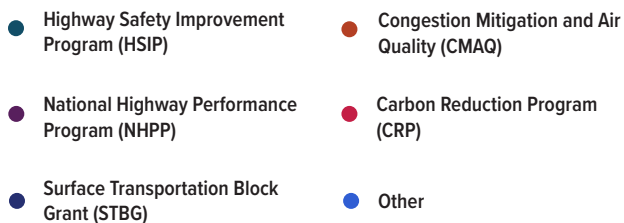
100% FEDERAL SHARE UTILIZED BY STATE IN FISCAL YEAR 2023

Of the 33 States that took advantage of the 100-percent Federal share for certain safety projects, Connecticut, Georgia, Hawaii, Indiana, Louisiana, and Vermont all used more than 75 percent of their allowable funding amount, with three other States (Delaware, Rhode Island, and South Carolina) using 50 to 74 percent.



USE OF INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS BY PROGRAM AREA

HSIP funds account for the majority of active projects using the 100% increase Federal share, with other Federal-aid programs like the National Highway Performance Program, Surface Transportation Block Grants Program, Congestion Mitigation and Air Quality Program, and other programs making up the rest.



OPPORTUNITIES REMAIN TO USE THE TOTAL AVAILABLE AMOUNTS OF 23 U.S.C. 120(C)(1)

The information below is based on the total cumulative funding available for certain safety projects under 23 U.S.C. 120(c)(1).

1 The total amount available is more than \$50 billion.

2 On average, States used just over 40% of their available funding limits, leaving nearly 60% more that is available to fund safety projects at 100% Federal share.

3 All States have taken advantage of Section 120(c)(1) at least once in the past 10 years.

4 California, Connecticut, Washington DC, Georgia, Indiana, Kansas, Louisiana, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Rhode Island, South Carolina, and Vermont all used more than 50% of their total allowable amounts.

DID YOU KNOW?

The 10% limiting amount for certain safety projects has the same lapsing rules as the Federal-aid programs under 23 U.S.C. 104. States can access the unused allowable amount from a previous fiscal year in a future fiscal year as long as the underlying apportioned funding has not lapsed.

To find out how HSIP can help save lives in your community, contact your State DOT:

<https://www.fhwa.dot.gov/about/webstate.cfm>

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U.S. Department of Transportation
Federal Highway Administration

ZERO IS OUR GOAL
A SAFE SYSTEM IS HOW WE GET THERE

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