

North Dakota Highway Safety Improvement Program 2015 Annual Report

Prepared by: ND

Disclaimer

Protection of Data from Discovery & Admission into Evidence

23 U.S.C. 148(h)(4) states "Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose relating to this section [HSIP], shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in the reports, surveys, schedules, lists, or other data."

23 U.S.C. 409 states "Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data."

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Executive Summary

This year the NDDOT has completed the Local Road Safety Program (LRSP). This program provides local agencies locations for possible safety projects based on a data-driven process. This year was the first year that we have received requests for projects that were generated from the LRSP. These projects have been programmed into the safety program and will be built in the next few years.

Also, the NDDOT is transitioning to an updated HSIP Implementation Plan based on the most recent SHSP document (from September 2013). The plan emphasizes the systemic method for identifying atrisk locations and provides an outline for a "State Road Safety Plan" (SRSP). Both the SRSP and LRSP documents will be used to develop safety projects. The updated HSIP Plan also provides an improved decision making process to select appropriate countermeasures and prioritize projects.

Introduction

The Highway Safety Improvement Program (HSIP) is a core Federal-aid program with the purpose of achieving a significant reduction in fatalities and serious injuries on all public roads. As per 23 U.S.C. 148(h) and 23 CFR 924.15, States are required to report annually on the progress being made to advance HSIP implementation and evaluation efforts. The format of this report is consistent with the HSIP MAP-21 Reporting Guidance dated February 13, 2013 and consists of four sections: program structure, progress in implementing HSIP projects, progress in achieving safety performance targets, and assessment of the effectiveness of the improvements.

Program Structure

Program Administration
How are Highway Safety Improvement Program funds allocated in a State?
☐ Central
District
Other Solicitation process

The NDDOT sends out an annual solicitation letter to state and local agencies each year. These agencies fill out an application form for potential projects based on the high crash listings and their own knowledge of safety issues. These applications are evaluated by the NDDOT Programming Division. This has been the process for the last several years. However the NDDOT is transitioning to a more systemic approach through the development of the "Local Road Safety Plan" (LRSP). This plan identifies potential projects based on a risk assessment. Agencies have the option of developing safety projects directly from the risk assessment instead of chasing "hot spot" locations.

Describe how local roads are addressed as part of Highway Safety Improvement Program.

The NDDOT addresses safety on local roads through the Local Road Safety Program (LRSP). Identify which internal partners are involved with Highway Safety Improvement Program planning.	
☑Design	
Planning	
☐ Maintenance	
Operations	
Governors Highway Safety Office	
Other: Other-Safety Division, Local Government	

Briefly describe coordination with internal partners.

Design

The Design Division is included in the distribution of the high crash listings. All road safety reviews require at least one member of the Design Division. Their participation and review of at-risk locations helps in the development of potential project countermeasures.

Planning

The Planning Division provides data for the development of the HSIP. Roadway features are collected and maintained in the Planning Division include: traffic volume, truck volumes, traffic projections, roadway features, roadway viewer (for state highways) and mapping. The Planning Division is also included in the distribution of the high crash listings.

Safety Division

Crash data and statistics are provided by the Safety Division. This information is used to identify areas of focus through the Strategic Highway Safety Plan (SHSP). The Safety Division also participates in road safety reviews.

Local Government

Members of the Local Government Division provide project development through city, county and tribal agencies. The local government assists in the solicitation of safety projects. They also participate in road safety reviews.

Describe any other aspects of Highway Safety Improvement Program Administration on which you would like to elaborate.

Schedule for HSIP requests:

• October 20th – send out HSIP solicitation letter and high crash location lists/maps

- - December 20th HSIP application forms (SFN 59959) are due to NDDOT (this is the cutoff date for projects to be included in the following year's draft HSIP listing)
 - January through March NDDOT analysis of HSIP requests
 - April 1st Draft HSIP project listing
 - August 1st verify the construction year for previously approved projects
 - August 31st Final HSIP project list due to FHWA, HSIP online reporting due
 - October 15th Send responses out on approvals (or non-approvals) for the HSIP applications

Program Methodology

Select the programs that are adm	inistered under the HSIP.	
Median Barrier	⊠Intersection	Safe Corridor
Horizontal Curve	Bicycle Safety	Rural State Highways
Skid Hazard	Crash Data	Red Light Running Prevention
⊠Roadway Departure	Low-Cost Spot Improvements	Sign Replacement And Improvement
Local Safety	Pedestrian Safety	Right Angle Crash
Left Turn Crash	Shoulder Improvement	Segments
Other:		

Intersection Program:

Date of Program Methodology: 6/17/2014

What data types were used in the program methodology?

Crashes	Exposure	Roadway		
All crashes	⊠Traffic	Median width		
Fatal crashes only	Volume	⊠Horizontal curvature		
Fatal and serious injury crashes only	Population	Functional classification		
Other	Lane miles	Roadside features		
	Other	Other-Intersection skew, intersections of curves, intersection traffic control device, presence of adjacent development		
What project identification metho	dology was used for this program?			
☐ Crash frequency				
Expected crash frequency with EB adjustment				
Equivalent property damage only (EPDO Crash frequency)				
EPDO crash frequency with EB adjustment				
Relative severity index				
Crash rate				
☐ Critical rate				
Level of service of safety (LOSS)				
Excess expected crash frequency using SPFs				
Excess expected crash frequency with the EB adjustment				
Excess expected crash frequency using method of moments				
Probability of specific crash types				
Excess proportions of specific cr	ash types			
Other-Systemic project identific	ation, local agency or NDDOT distric	t requests		

Highway Safety Improvement Program

2015

North Dakota

Are local roads (non-state owned and o	perated) included or addressed in this program?
⊠Yes	
□No	
If yes, are local road projects identified u	using the same methodology as state roads?
⊠Yes	
□No	
How are highway safety improvement	projects advanced for implementation?
Competitive application process	
selection committee	
Other	
the relative importance of each process rankings. If weights are entered, the su	projects for implementation. For the methods selected, indicate in project prioritization. Enter either the weights or numerical m must equal 100. If ranks are entered, indicate ties by giving the next highest rank (as an example: 1, 2, 2, 4).
Relative Weight in Scoring	
Rank of Priority Consideration	
Ranking based on B/C	
	1
☐Incremental B/C	
□ Ranking based on net benefit	2
Other	

Program:	Roadway Departure			
Date of Program Methodology:	6/17/2014			
What data types were used in the	e program methodology?			
Crashes	Exposure	Roadway		
	⊠Traffic	Median width		
Fatal crashes only	 Volume	⊠Horizontal curvature		
Fatal and serious injury crashes only	Population	Functional classification		
Other	Lane miles	⊠Roadside features		
	Other	Other-shoulder width, access density		
What project identification meth	odology was used for this program?			
Crash frequency				
Expected crash frequency with EB adjustment				
Equivalent property damage only (EPDO Crash frequency)				
EPDO crash frequency with EB adjustment				
Relative severity index				
Crash rate				
Critical rate				
Level of service of safety (LOSS)				
Excess expected crash frequency using SPFs				
Excess expected crash frequen	cy with the EB adjustment			

Excess expected crash frequency using method of moments
Probability of specific crash types
Excess proportions of specific crash types
Other
Are local roads (non-state owned and operated) included or addressed in this program?
⊠Yes
□No
If yes, are local road projects identified using the same methodology as state roads?
⊠Yes
□No
How are highway safety improvement projects advanced for implementation?
Competitive application process
selection committee
Other
Select the processes used to prioritize projects for implementation. For the methods selected, indicate the relative importance of each process in project prioritization. Enter either the weights or numerical rankings. If weights are entered, the sum must equal 100. If ranks are entered, indicate ties by giving both processes the same rank and skip the next highest rank (as an example: 1, 2, 2, 4).
Relative Weight in Scoring
Rank of Priority Consideration
Ranking based on B/C
⊠Available funding 1

Highway Safety Improvement Program

2015

North Dakota

Describe any other aspects of the Highway Safety Improvement Program methodology on which you would like to elaborate.

None

Progress in Implementing Projects

Funds Programmed

Reporting period for Highway Safety Improvement Program funding.
Calendar Year
State Fiscal Year
Federal Fiscal Year

Enter the programmed and obligated funding for each applicable funding category.

Funding Category	Programmed*		Obligated	
HSIP (Section 148)	13495711	68 %	10326337	62 %
HRRRP (SAFETEA-LU)	1439158	7 %	1439158	9 %
HRRR Special Rule				
Penalty Transfer - Section 154				
Penalty Transfer - Section 164	4985957	25 %	4985957	30 %
Incentive Grants - Section 163				
Incentive Grants (Section 406)				
Other Federal-aid Funds (i.e. STP, NHPP)				
State and Local Funds				

Totals	19920826	100%	16751452	100%

How much funding	is pro	grammed	to local	(non-state	owned and	maintained)	safety	proi	iects?
TIOW IIIacii Iaiiaiiiş	, is pic	Brannica	to local	tiioii state	OWIICA alla	minumitamica	Juicty	PIO	CCC3.

\$116,000.00

How much funding is obligated to local safety projects?

\$116,000.00

How much funding is programmed to non-infrastructure safety projects?

0 %

How much funding is obligated to non-infrastructure safety projects?

0 %

How much funding was transferred in to the HSIP from other core program areas during the reporting period?

0 %

How much funding was transferred out of the HSIP to other core program areas during the reporting period?

0 %

Discuss impediments to obligating Highway Safety Improvement Program funds and plans to overcome this in the future.

None

Describe any other aspects of the general Highway Safety Improvement Program implementation progress on which you would like to elaborate.

None

General Listing of Projects

List each highway safety improvement project obligated during the reporting period.

Project	Improvement Category	Outp	HSIP	Total	Fundin	Functiona	AAD -	Spe	Roadwa	Relationshi	ip to
		ut	Cost	Cost	g Catego	l Classificat	Т	ed	y Ownersh	SHSP	
					ry	ion			ip	Emphasis	Strate
										Area	gy
GF GUIDE SIGN	Roadway signs and traffic		60700	66800	HSIP	Multiple			State	Older	
DW REFLECTIVITY	control Sign sheeting -		0	0	(Sectio	Functional			Highway	Drivers	
#2	upgrade or replacement				n 148)	classes			Agency		
FARGO VARIOUS	Pedestrians and bicyclists		27000	30000	HSIP					Intersecti	
INTERSECTIONS	Pedestrian signal - modify				(Sectio					ons	
	existing				n 148)						
JAMESTOWN	Intersection geometry		89700	99700	HSIP	Rural			State	Intersecti	
BYPASS	Auxiliary lanes - modify		0	0	(Sectio	Principal			Highway	ons	
	free-flow turn lane				n 148)	Arterial -			Agency		
						Other					
US 281 AND	Intersection geometry		57400	63800	HSIP	Rural	128	65	State	Intersecti	
99TH ST NE	Auxiliary lanes - add left-		0	0	(Sectio	Principal	0		Highway	ons	
	turn lane				n 148)	Arterial -			Agency		
						Other					
ND 18 AND CASS	Intersection geometry		10665	11850	HSIP	Rural	166	25	State	Intersecti	
COUNTY ROAD	Intersection geometrics -		00	00	(Sectio	Minor	4		Highway	ons	
10	modify skew angle				n 148)	Arterial			Agency		

SIGNING - WESTERN DISTRICTS	Intersection traffic control Intersection signing - miscellaneous/other/uns pecified	12410 00	13790 00	HSIP (Sectio n 148)				State Highway Agency	Intersecti ons	
JUNCTION OF ND 1 AND ND 46	Advanced technology and ITS Congestion detection / traffic monitoring system	19500 0	21600 0	HSIP (Sectio n 148)	Rural Principal Arterial - Other		65	State Highway Agency	Intersecti ons	
US 83 AND ND 23 INTERSECTION	Advanced technology and ITS Congestion detection / traffic monitoring system	38800	43100 0	HSIP (Sectio n 148)	Rural Principal Arterial - Other	709	70	State Highway Agency	Intersecti ons	
BLANCHARD EAST TO JCT ND 200	Roadway Roadway - other	61420 00	68240 00	HRRR Special Rule	Rural Major Collector	539	65	State Highway Agency	Varies	
BIA ROADS - VARIOUS LOCATIONS	Roadside Roadside grading	46000	81000	HSIP (Sectio n 148)	Rural Local Road or Street			Local Park, Forest or Reservati on Agency	Lane Departur e	
TURN LANES ALONG US 52, NEAR DRAKE	Intersection geometry Auxiliary lanes - add left- turn lane	18900 00	21000 00	HSIP (Sectio n 148)	Rural Principal Arterial -	229 0	55	State Highway Agency	Intersecti ons	

					Other				
CAVALIER COUNTY ROADS	Roadway delineation Longitudinal pavement markings - new	46000	51000	HSIP (Sectio n 148)	Rural Major Collector		County Highway Agency	Lane Departur e	
DISTRICTWIDE RETROREFLECTI VITY	Roadway signs and traffic control Sign sheeting - upgrade or replacement	61800 0	68600 0	HSIP (Sectio n 148)			State Highway Agency	Older Drivers	
DISTRICTWIDE RETROREFLECTI VITY	Roadway signs and traffic control Sign sheeting - upgrade or replacement	13980 00	15540 00	HSIP (Sectio n 148)			State Highway Agency	Older Drivers	

Progress in Achieving Safety Performance Targets

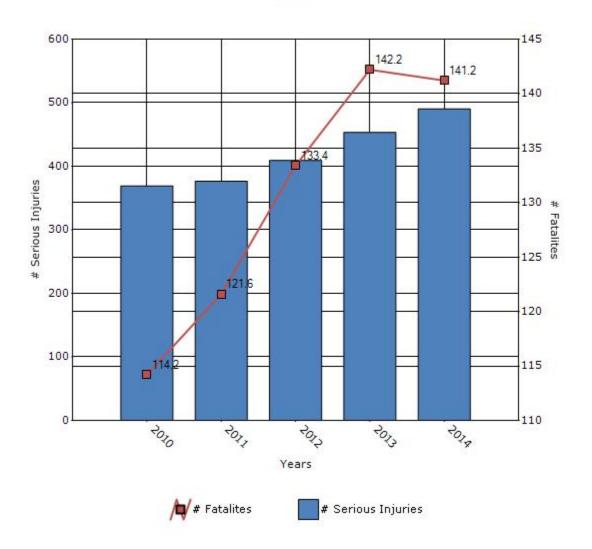
Overview of General Safety Trends

Present data showing the general highway safety trends in the state for the past five years.

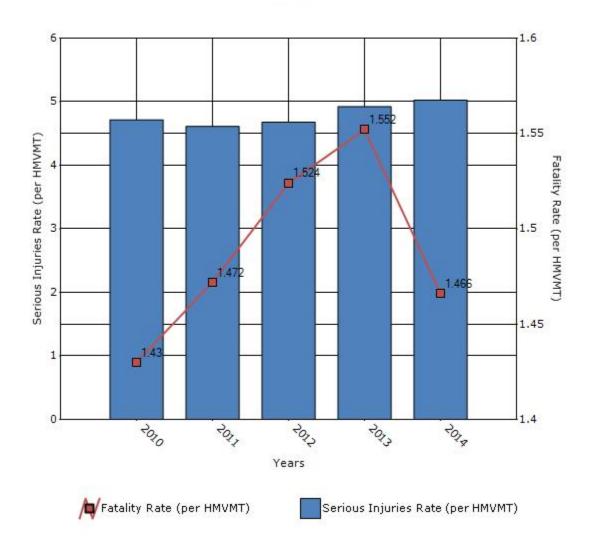
Performance Measures*	2010	2011	2012	2013	2014
Number of fatalities	114.2	121.6	133.4	142.2	141.2
Number of serious injuries	369.2	376.4	409.2	453.2	490.4
Fatality rate (per HMVMT)	1.43	1.472	1.524	1.552	1.466
Serious injury rate (per HMVMT)	4.716	4.612	4.68	4.924	5.026

^{*}Performance measure data is presented using a five-year rolling average.

Number of Fatalities and Serious injuries for the Last Five Years



Rate of Fatalities and Serious injuries for the Last Five Years



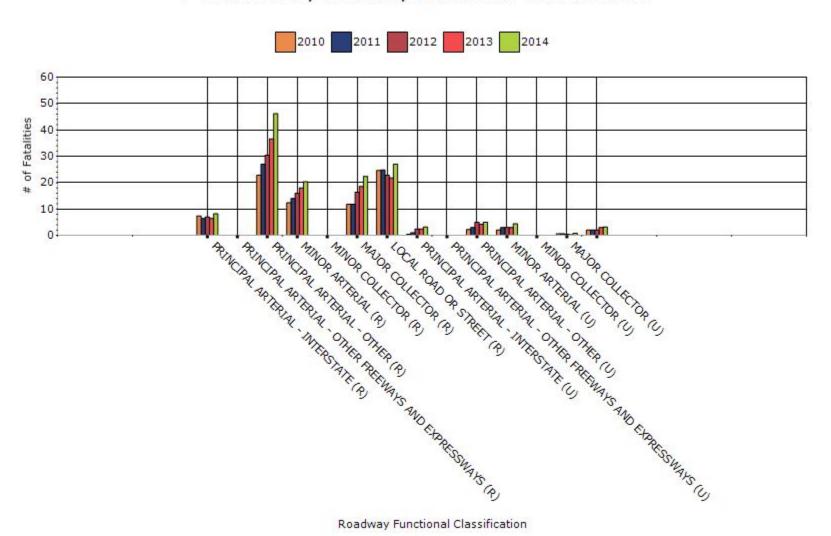
To the maximum extent possible, present performance measure* data by functional classification and ownership.

Year - 2014

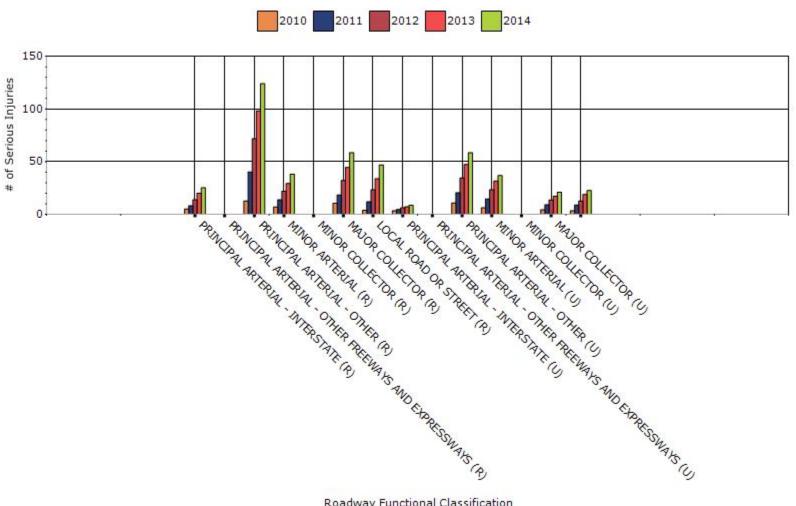
Function Classification	Number of fatalities	Number of serious injuries	Fatality rate (per HMVMT)	Serious injury rate (per HMVMT)
RURAL PRINCIPAL ARTERIAL - INTERSTATE	8.2	25.2	0.5	1.52
RURAL PRINCIPAL ARTERIAL - OTHER FREEWAYS AND EXPRESSWAYS	0	0	0	0
RURAL PRINCIPAL ARTERIAL - OTHER	46.2	124	1.89	5.01
RURAL MINOR ARTERIAL	20.4	38.2	2.45	4.59
RURAL MINOR COLLECTOR	0	0	0	0
RURAL MAJOR COLLECTOR	22.4	58.6	8.8	23.23
RURAL LOCAL ROAD OR STREET	27	46.8	1.44	2.29
URBAN PRINCIPAL	3.2	8.6	0.73	1.98

ARTERIAL - INTERSTATE				
URBAN PRINCIPAL ARTERIAL - OTHER FREEWAYS AND EXPRESSWAYS	0	0	0	0
URBAN PRINCIPAL ARTERIAL - OTHER	5	58.6	0.64	7.66
URBAN MINOR ARTERIAL	4.4	36.8	0.76	6.42
URBAN MINOR COLLECTOR	0	0	0	0
URBAN MAJOR COLLECTOR	0.8	21	0.31	8.4
URBAN LOCAL ROAD OR STREET	3.2	22.6	0.79	5.56

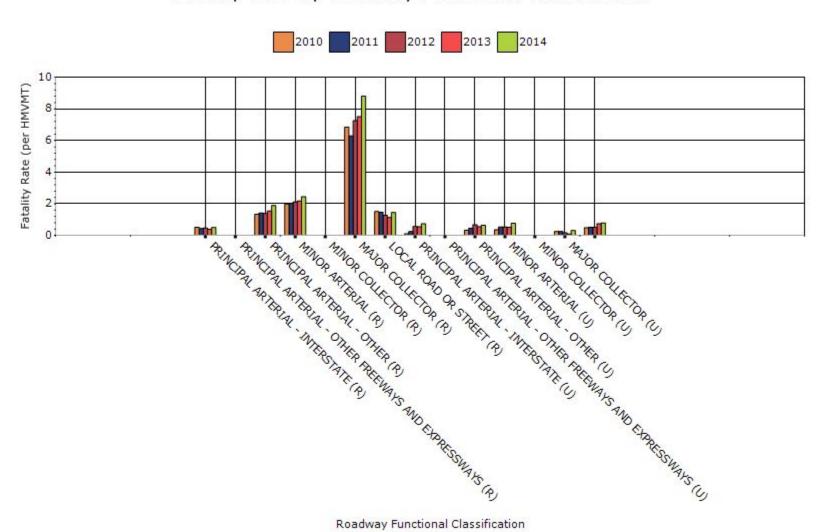
Fatalities by Roadway Functional Classification



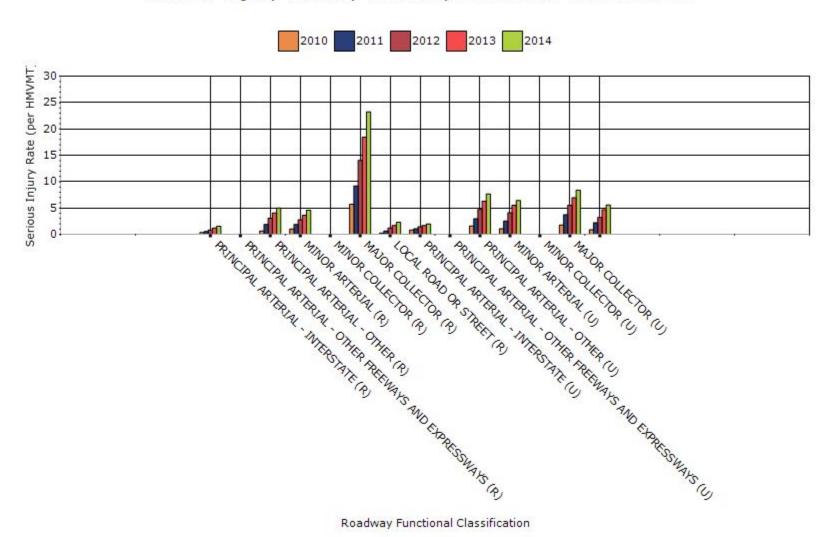
Serious Injuries by Roadway Functional Classification



Fatality Rate by Roadway Functional Classification



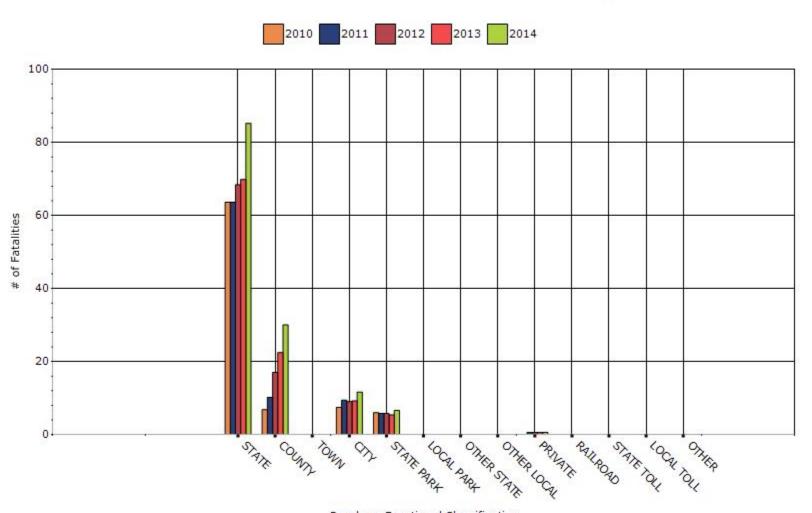
Serious Injury Rate by Roadway Functional Classification



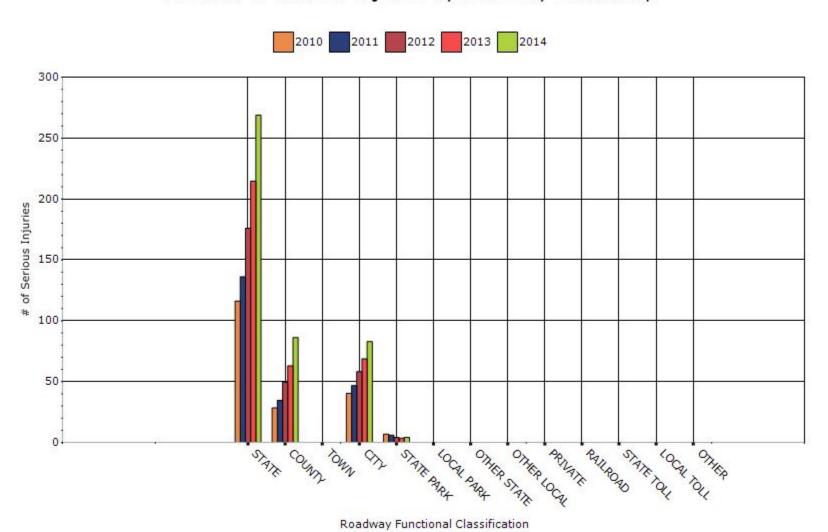
Year - 2014

Roadway Ownership	Number of fatalities	Number of serious injuries	Fatality rate (per HMVMT)	Serious injury rate (per HMVMT)
STATE HIGHWAY AGENCY	85.2	268.8	1.22	3.85
COUNTY HIGHWAY AGENCY	30	86.2	1.49	4.25
TOWN OR TOWNSHIP HIGHWAY AGENCY	0	0	0	0
CITY OF MUNICIPAL HIGHWAY AGENCY	11.6	83	1.77	12.65
STATE PARK, FOREST, OR RESERVATION AGENCY	6.6	4.2	0	0
LOCAL PARK, FOREST OR RESERVATION AGENCY	0	0	0	0
OTHER STATE AGENCY	0	0	0	0
OTHER LOCAL AGENCY	0	0	0	0
PRIVATE (OTHER THAN RAILROAD)	0.6	0.2	0	0
RAILROAD	0	0	0	0
STATE TOLL AUTHORITY	0	0	0	0
LOCAL TOLL AUTHORITY	0	0	0	0
OTHER PUBLIC INSTRUMENTALITY (E.G. AIRPORT, SCHOOL, UNIVERSITY)	0	0	0	0

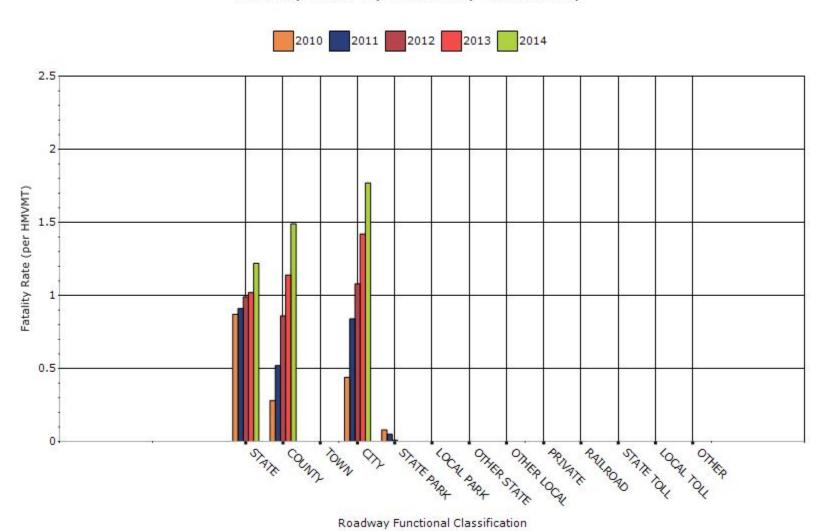
Number of Fatalities by Roadway Ownership



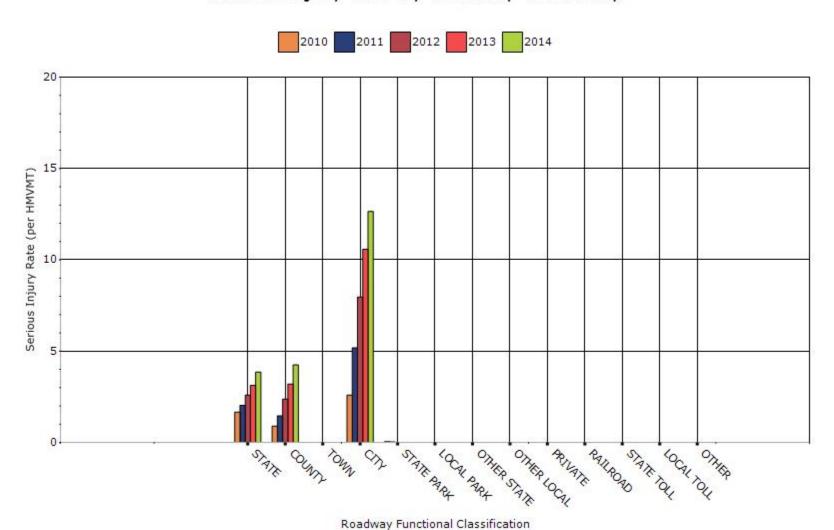
Number of Serious Injuries by Roadway Ownership



Fatality Rate by Roadway Ownership



Serious Injury Rate by Roadway Ownership



Describe any other aspects of the general highway safety trends on which you would like to elaborate.

None

Application of Special Rules

Present the rate of traffic fatalities and serious injuries per capita for drivers and pedestrians over the age of 65.

Older Driver	2009	2010	2011	2012	2013
Performance Measures					
Fatality rate (per capita)	0.04	0.046	0.072	0.084	0.08
Serious injury rate (per capita)	0.036	0.074	0.112	0.13	0.152
Fatality and serious injury rate (per capita)	0.076	0.12	0.184	0.216	0.234

^{*}Performance measure data is presented using a five-year rolling average.

Fatalities Age 65+ Serious Inj Age 65+ Population 65+ Fatal+Injury Rate

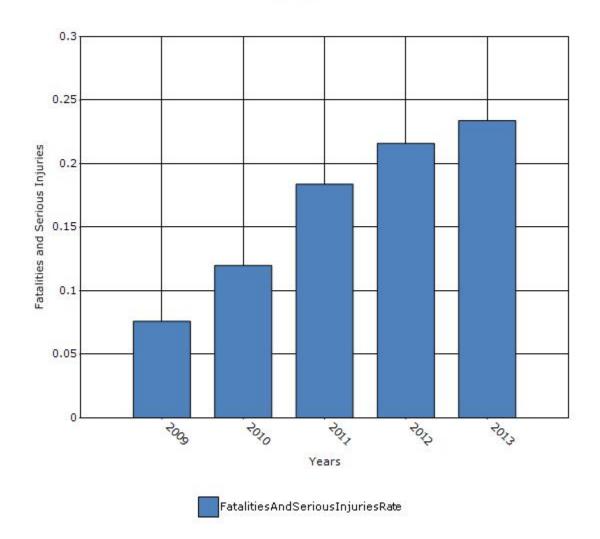
2007	6	9	144,000	0.10
2008	11	8	146,000	0.13
2009	12	10	147,000	0.15
2010	5	27	145,000	0.22
2011	19	27	144,000	0.32
2012	15	22	144,000	0.26
2013	8	23	142,000	0.22
2014	10	36	N/A	

Example calculations:

Fatality plus injury rate for 2007 = (6+9)/144 = 0.10

2007 - 2011 Average of fatalities and serious injuries = (0.10+0.13+0.15+0.22+0.32) / 5 = 0.18

Rate of Fatalities and Serious injuries for the Last Five Years



Does the older driver special rule apply to your state?

Yes

If yes, describe the approach to include respective strategies to address the increase in those rates in the State SHSP.

Because of the increasing trend in severe crashes involving older drivers, the SHSP Steering Committee discussed key strategies. From ND SHSP section 3.3.1:

Review license renewal policies for older drivers identified as an excessive risk through screening by motor vehicle personnel (such as restrict vs. rescind, age and interval schedule for license renewal, etc.). Continue to evaluate policies and relevant data in the future.

Poevelop informational resources and conduct outreach for older driver safety screening for family, friends, physicians, and law enforcement to report at-risk drivers:

>Establish a statewide "one-stop" resource to guide the public on addressing driving skill assessments, educational courses, licensing, and safe mobility choices.

Provide educational and training opportunities to the general older driver population to assess their driving capabilities and limitations, improve skills, and voluntarily limit their driving to safer driving conditions.

Fstablish a broad-based coalition to plan for addressing older adults' transportation needs and strengthen transportation options.

North Dakota intends to have further consideration for older drivers in the next update to the SHSP.

Assessment of the Effectiveness of the Improvements (Program **Evaluation)**

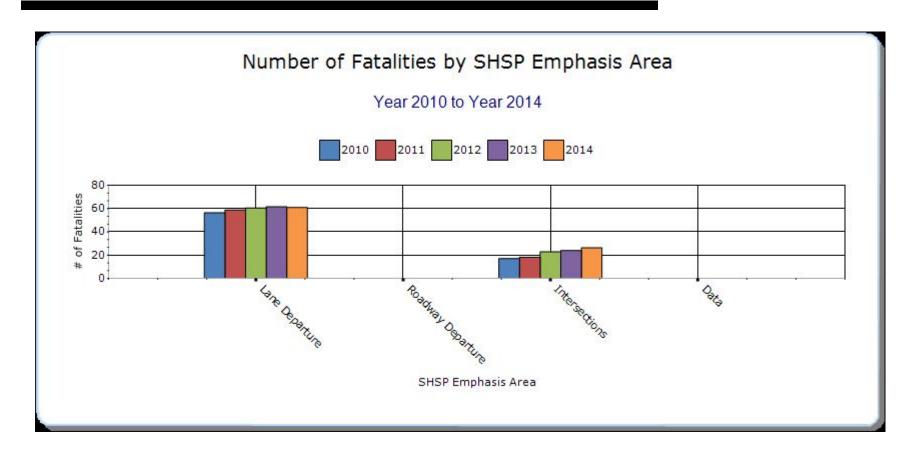
Safety Improvement Program?
⊠None
Benefit/cost
Policy change
Other:
What significant programmatic changes have occurred since the last reporting period?
Shift Focus to Fatalities and Serious Injuries
Include Local Roads in Highway Safety Improvement Program
Organizational Changes
None
Other:
Briefly describe significant program changes that have occurred since the last reporting period.
None

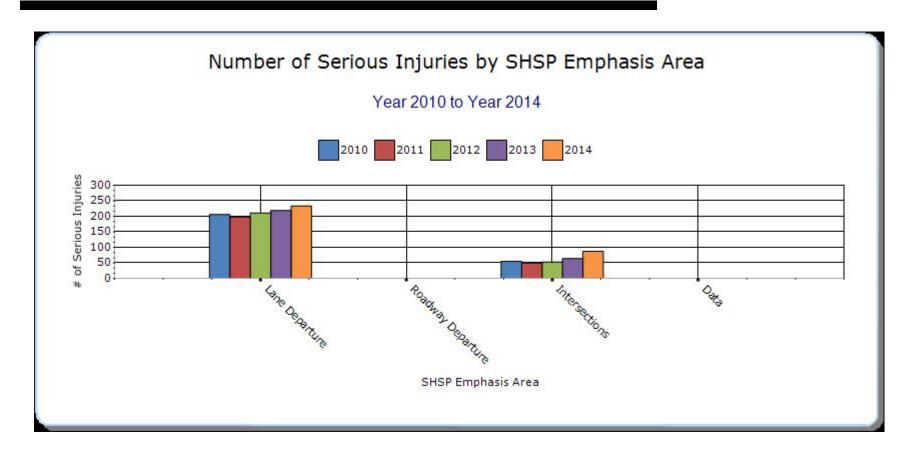
SHSP Emphasis Areas

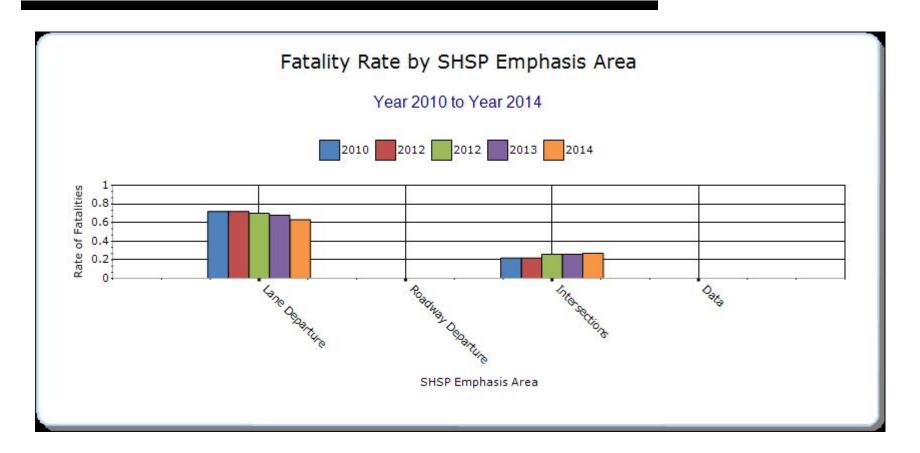
For each SHSP emphasis area that relates to the HSIP, present trends in emphasis area performance measures.

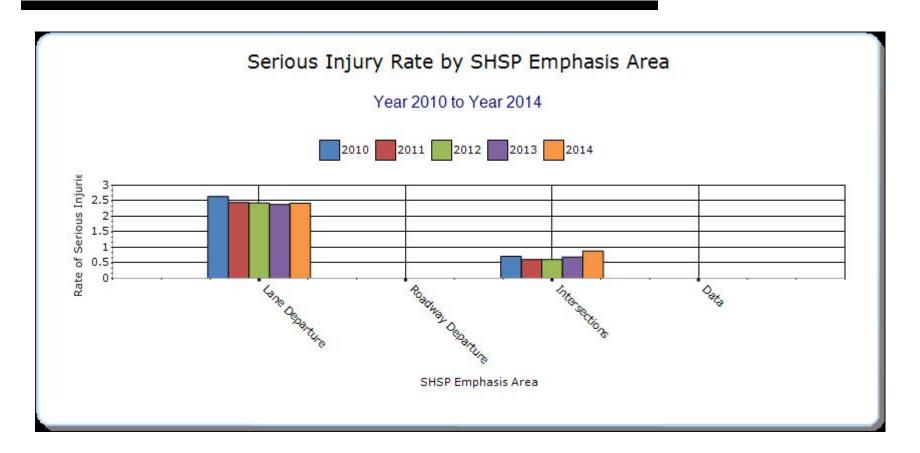
Year - 2014

HSIP-related SHSP Emphasis Areas	Target Crash Type	Number of fatalities	Number of serious injuries	Fatality rate (per HMVMT)	Serious injury rate (per HMVMT)	Other- 1	Other- 2	Other- 3
Lane Departure		61	233.6	0.63	2.42	0	0	0
Intersections		26.4	87.4	0.27	0.88	0	0	0
Data		0	0	0	0	0	0	0







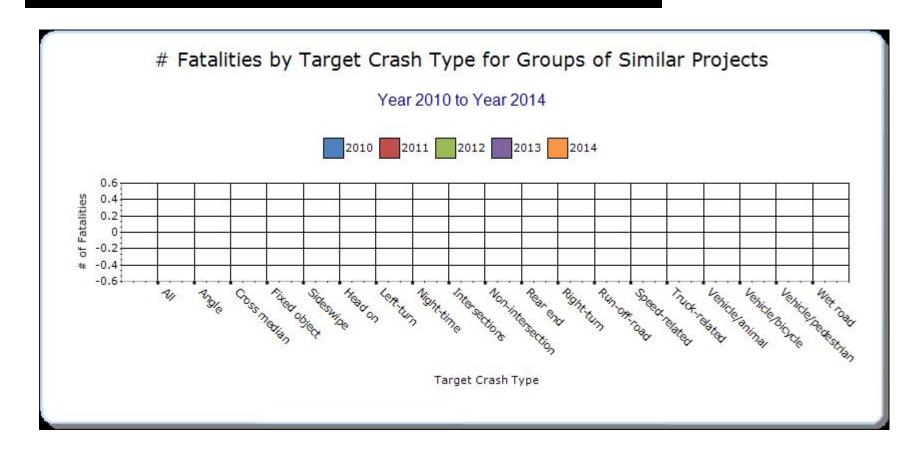


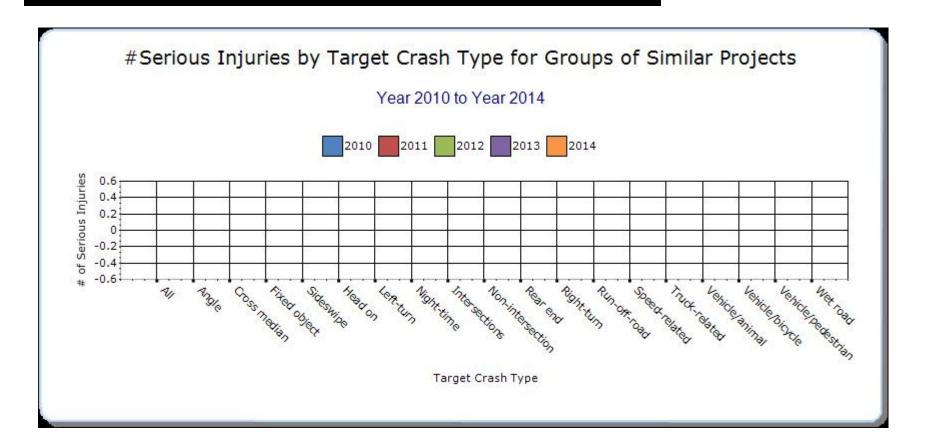
Groups of similar project types

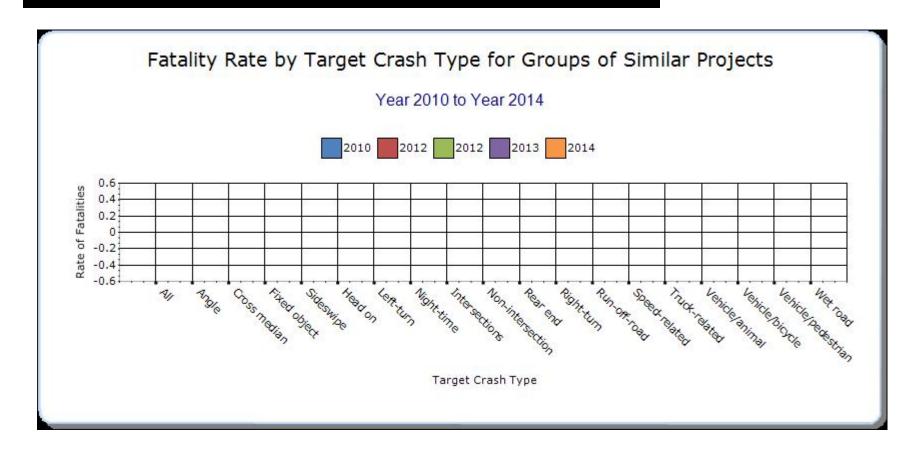
Present the overall effectiveness of groups of similar types of projects.

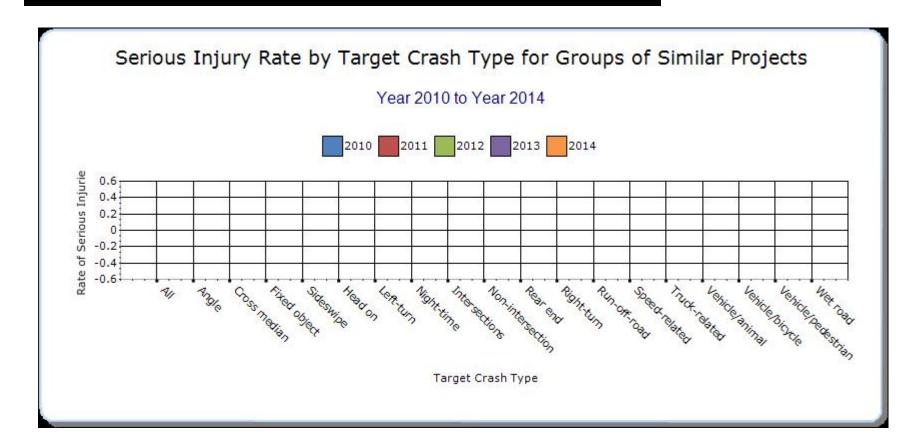
Year - 2013

HSIP Sub- program Types	Target Crash Type	Number of fatalities	Number of serious injuries	Fatality rate (per HMVMT)	Serious injury rate (per HMVMT)	Other- 1	Other- 2	Other- 3
Roadway Departure		49.2	183.4	0.52	1.94	0	0	0
Intersection		19.6	54.2	0.2	0.56	0	0	0







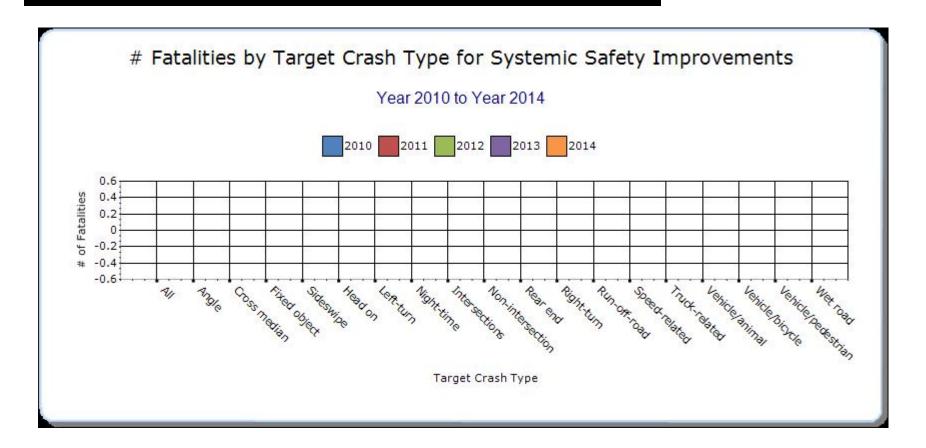


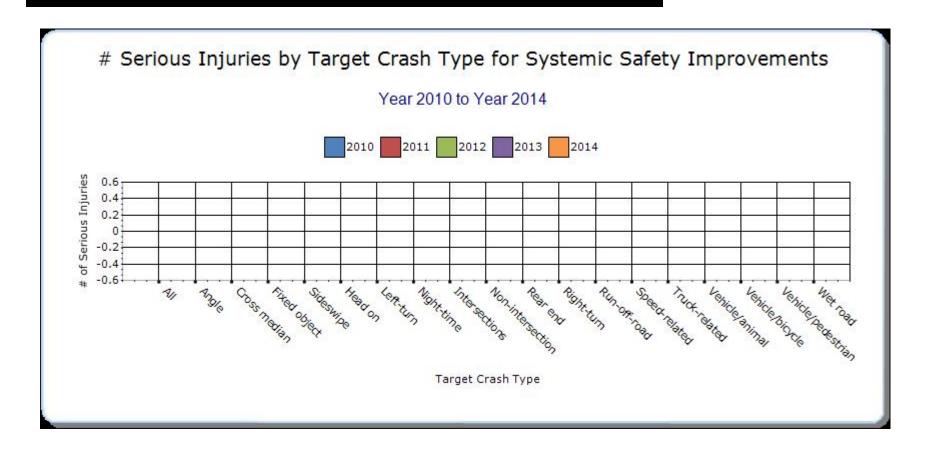
Systemic Treatments

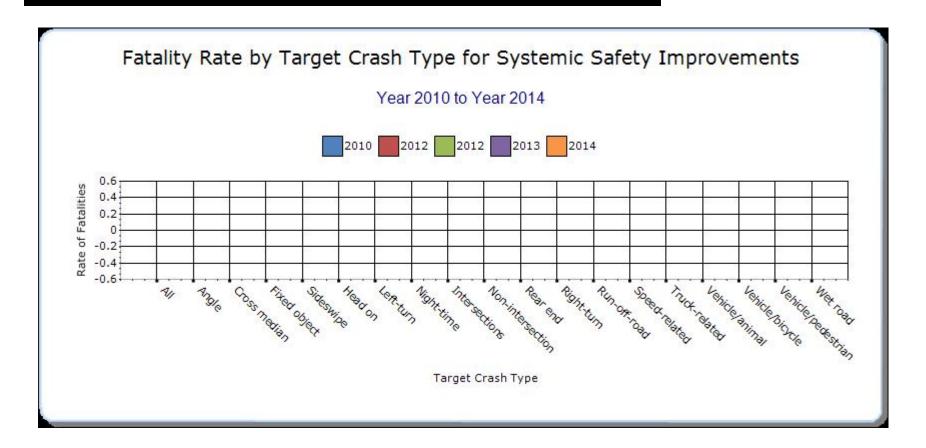
Present the overall effectiveness of systemic treatments.

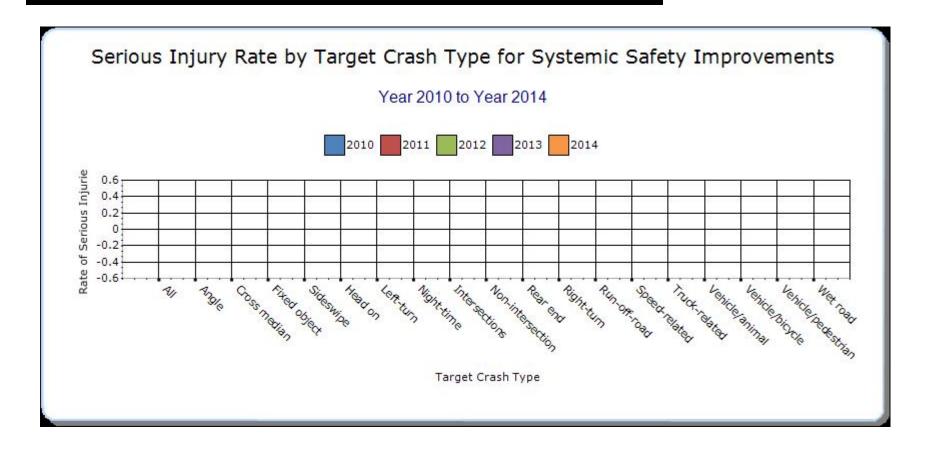
Year - 2014

Systemic improvement	Target Crash Type	Number of fatalities	Number of serious injuries	Fatality rate (per HMVMT)	Serious injury rate (per HMVMT)	Other- 1	Other- 2	Other-
Rumble Strips		61	233.6	0.63	2.42	0	0	0









Describe any other aspects of the overall Highway Safety Improvement Program effectiveness on which you would like to elaborate.

None

Project Evaluation

Provide project evaluation data for completed projects (optional).

Location	Functional	Improvement	Improvement	Bef-	Bef-	Bef-All	Bef-	Bef-	Aft-	Aft-	Aft-All	Aft-	Aft-	Evaluation
	Class	Category	Туре	Fatal	Serious	Injuries	PDO	Total	Fatal	Serious	Injuries	PDO	Total	Results
					Injury					Injury				(Benefit/
														Cost Ratio)
n/a														
•														

Optional Attachments

Sections Files Attached

Progress in Implementing Projects: General

Listing of Projects

HSIP Update 2015.pdf

Glossary

5 year rolling average means the average of five individual, consecutive annual points of data (e.g. annual fatality rate).

Emphasis area means a highway safety priority in a State's SHSP, identified through a data-driven, collaborative process.

Highway safety improvement project means strategies, activities and projects on a public road that are consistent with a State strategic highway safety plan and corrects or improves a hazardous road location or feature or addresses a highway safety problem.

HMVMT means hundred million vehicle miles traveled.

Non-infrastructure projects are projects that do not result in construction. Examples of non-infrastructure projects include road safety audits, transportation safety planning activities, improvements in the collection and analysis of data, education and outreach, and enforcement activities.

Older driver special rule applies if traffic fatalities and serious injuries per capita for drivers and pedestrians over the age of 65 in a State increases during the most recent 2-year period for which data are available, as defined in the Older Driver and Pedestrian Special Rule Interim Guidance dated February 13, 2013.

Performance measure means indicators that enable decision-makers and other stakeholders to monitor changes in system condition and performance against established visions, goals, and objectives.

Programmed funds mean those funds that have been programmed in the Statewide Transportation Improvement Program (STIP) to be expended on highway safety improvement projects.

Roadway Functional Classification means the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

Strategic Highway Safety Plan (SHSP) means a comprehensive, multi-disciplinary plan, based on safety data developed by a State Department of Transportation in accordance with 23 U.S.C. 148.

Systemic safety improvement means an improvement that is widely implemented based on high risk roadway features that are correlated with specific severe crash types.

Transfer means, in accordance with provisions of 23 U.S.C. 126, a State may transfer from an apportionment under section 104(b) not to exceed 50 percent of the amount apportioned for the fiscal year to any other apportionment of the State under that section.