

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

# Highway Safety Improvement Program

## Summary of Notice of Proposed Rulemaking

Docket #: FHWA-2023-0045



U.S. Department of Transportation  
Federal Highway Administration

FHWA-SA-24-019

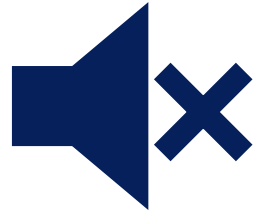




# Disclaimer

Except for any statutes or regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the States or the public in any way. This presentation is intended only to provide information regarding existing requirements under the law or agency policies.

# Housekeeping



<https://highways.dot.gov/safety/hsip/hsip-rulemaking>

# Background

## Core Federal-aid Highway Program

- Purpose: To achieve a significant reduction in fatalities and serious injuries on all public roads, including non-state owned roads and roads on tribal land.
- Apportionment:

## 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)

## Last rulemaking update took effect April 14, 2016

# Why is FHWA Proposing this Change?



- ↳ Address provisions in Bipartisan Infrastructure Law
- ↳ Reflect current priorities and state-of-practice
- ↳ Clarify existing program requirements
- ↳ Strengthen and advance the safety and equity priorities of the DOT National Roadway Safety Strategy
- ↳ Assist States with making safety gains designed to eliminate fatalities and serious injuries on the Nation's roads

# Summary of Proposed Major Provisions

# Major Provisions



-  Incorporates the Safe System Approach
-  Improves Evaluation Practices
-  Streamlines Reporting Efforts
-  Ensures States Collect MIRE Fundamental Data Elements

# Incorporates Safe System Approach

- Revise the policy to focus on advancing a Safe System Approach in support of the long-term goal to eliminate fatalities and serious injuries.
- Clarify throughout the regulation that the HSIP applies to all public roads and for all road users.
- Emphasize how a State's Strategic Highway Safety Plan can support a Safe System Approach.
- Expand definition of safety stakeholders to include representatives from public health and underserved communities.
- Clarify that a State's SHSP must include a vulnerable road user safety assessment
- Require each State to conduct a systemwide safety risk assessment as part of its HSIP data analysis process.







# Systemwide Safety Risk Assessment

## Proposed Definition

A framework to assign risk ratings to all public roads considering primarily roadway characteristics, and other safety data and analysis results, as appropriate. The risk ratings shall classify all sections of the roadway network in no fewer than three categories according to their level of safety.

# Improves Evaluation Practices

- ↳ Requires each State to establish a process to evaluate the effectiveness of data improvement activities for MIRE fundamental data elements
- ↳ Clarifies that HSIP evaluation shall include individual project evaluations, countermeasure evaluations, and program evaluations.

**Highway Safety Improvement Program (HSIP) Evaluation Guide**

3	Number of "before" years	1	
4	Number of "after" years	1	193
5	Variance of comparison		0.001
6	Desired level of confidence		0.1
7	Comparative risk reduction (CRR)	$1 - \frac{1}{1.64}$	1.64
8	Expected reduction [100*(1-CMF)]	User Input	20
11	Comparison group	$=B4/B2$	193
12	Estimated number of fatalities in comparison group		193
13	Estimated number of fatalities in treatment group		193
14	Estimate of the variance of the difference between the two groups without change	$=B5+B9/B11+B9$	616.249
15	Estimated index of effectiveness [CMF]	$=B10/B13$	0.8

**1. Planning**

**2. Implementation**

**3. Evaluation**

**Communication (Feedback Loop)**

FHWA Safety Program

May 2017

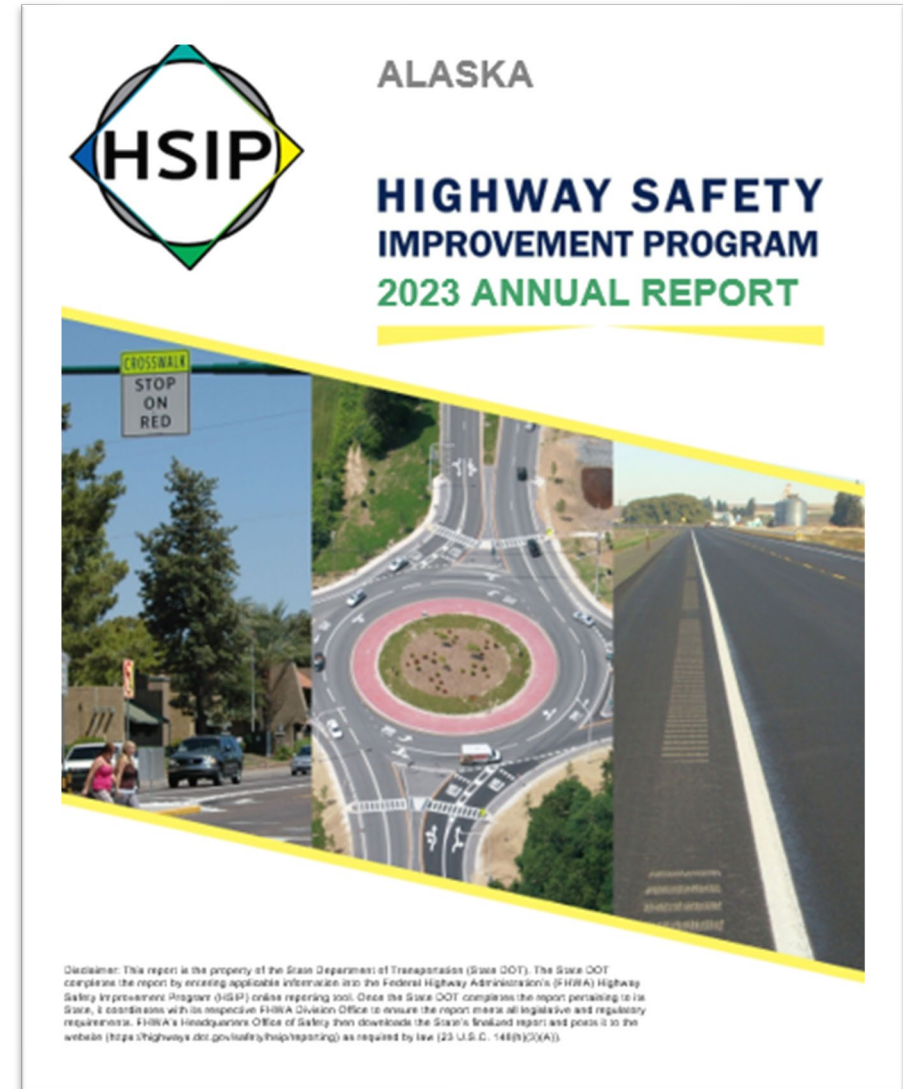
U.S. Department of Transportation  
Federal Highway Administration

Safe Roads for a Safer Future  
Investment in roadway safety saves lives

<http://safety.thwa.dot.gov>

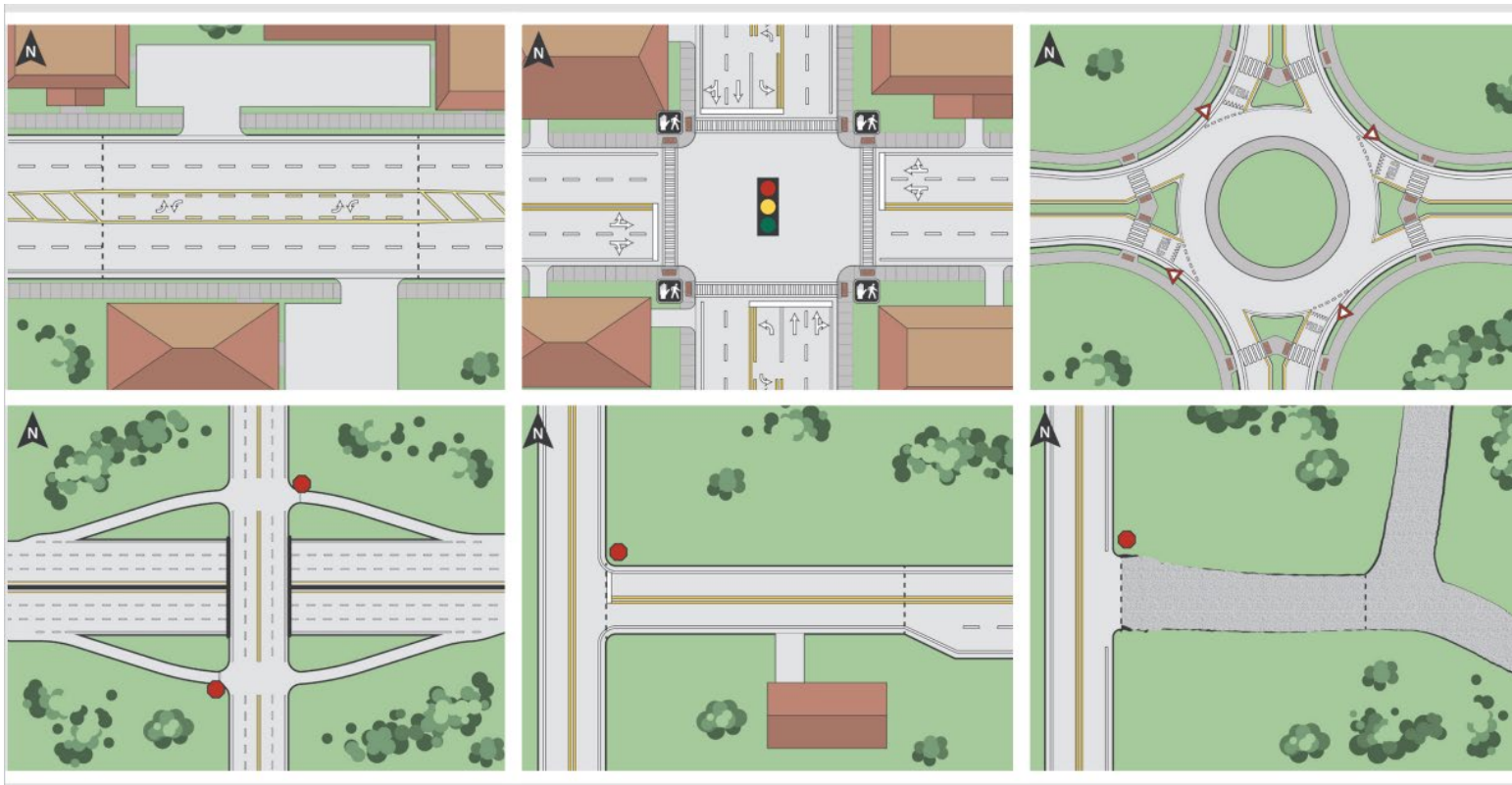
# Streamlines Reporting Efforts

- Updates the required content of the annual HSIP report
  - Minimize duplication
  - Focus on progress implementing highway safety improvement projects and the effectiveness of those projects.



# Ensures States Collect MIRE FDE

- Require each State to submit MIRE fundamental data elements as part of their regular Highway Performance Monitoring System submittal beginning in 2026.



# What's new in the proposed regulatory text?

# Regulation Structure



§ 924.1 Purpose

§ 924.3 Definitions

§ 924.5 Policy

§ 924.7 Program Structure

§ 924.9 Planning

§ 924.11 Implementation

§ 924.13 Evaluation

§ 924.15 Reporting

§ 924.17 MIRE Fundamental Data Elements

No proposed  
changes



## § 924.1 Purpose



The purpose of this regulation is to prescribe requirements for the **planning**, implementation, evaluation, and **reporting** of a Highway Safety Improvement Program (HSIP) in each State.

# § 924.3 Definitions



## ↳ Revised 5 definitions (for clarity/consistency)

- Highway Safety Improvement Program
- Highway safety improvement project
- Railway-highway crossing protective device
- Safety data
- Safety stakeholder

## ↳ Added 7 definitions (for terms uses in revised regulation)

- Non-motorized user
- Road user
- Safe System Approach
- Specified safety project
- Systemwide Safety Risk Assessment
- Underserved communities
- Vulnerable road user safety assessment



## § 924.5 Policy – Paragraph (a)



- ↳ Revised to state that “Each State shall **plan**, implement, evaluate, as well as **report**...”
- ↳ Require States to advance a Safe System Approach as part of the State’s HSIP
- ↳ Emphasize that the objective of the State’s HSIP supports the long-term goal to eliminate fatalities and serious injuries
- ↳ Clarify that the HSIP applies to all road users in addition to all public roads

## § 924.5 Policy – Paragraph (b-d)




- ↳ Clarify that HSIP funds **shall** be used to maximize opportunities to advance highway safety improvement projects that have the greatest potential to reduce the State's roadway fatalities and serious injuries.
- ↳ Minor technical edits to paragraphs (c) & (d)

# § 924.7 Program Structure



- ↳ Redesignate existing paragraph (b) to (c)
- ↳ Add new paragraph (b)
  - Clarify the relationship between the safety performance targets and performance-based goals in the SHSP
    - The safety performance targets must align with and support the SHSP performance-based goals
    - Currently required in 23 CFR 490.209(a)
- ↳ Revise redesignated paragraph (c) to clarify that:
  - A State's HSIP must apply to all road users
  - The State shall not only have HSIP processes, but those processes shall be documented and approved by the FHWA Division Administrator.

# § 924.9(a)(1)-(2) Planning - Data



- ↳ Add “and for all road users” to the end of paragraphs (a)(1) and (b)(1)
- ↳ Add a new subparagraph structure to paragraph (a)(1)
  - New subparagraph (i) - Requires safety data to be able to differentiate between vulnerable road users and other road users (A) and also disaggregate safety data by demographic variables (B).
  - New subparagraph (ii) would require States to collect any additional roadway data beyond the MIRE fundamental data elements, if necessary to support the proposed systemwide safety risk assessment.
  - Language in new subparagraph (iii) is unchanged from existing rule.
- ↳ No changes to subparagraph (a)(2)

# § 924.9(a)(3) Planning - SHSP



- ↳ Minor technical edits to change “safety problem” to “safety need”
- ↳ Clarify that an SHSP update must be completed no later than 5 years from the **effective date** of the previous approved version
- ↳ Require the SHSP update to include a signature and effective date
- ↳ Clarify that the performance-based goals must be adopted for the duration of the SHSP
- ↳ Change paragraphs (a)(3)(vi) through (a)(3)(xi) to advance the Safe System Approach and ensure equity is addressed in SHSP updates
- ↳ Other minor technical edits
  - Separate tribal governments from local governments in redesignated (a)(3)(xii)
  - Clarify SHSP shall provides strategic direction for not only plans, but also programs such as the HSIP
  - Add a Traffic Records Strategic Plan (TRSP) to the list of plans and programs for which the SHSP update provides strategic direction

# § 924.9(a)(3) Planning – SHSP & SSA



## **Proposed changes to advance Safe System Approach in SHSP:**

- Emphasize that the analysis and use of safety data also addresses safety needs and opportunities in underserved communities to ensure the safety needs of all road users are met
- Require that SHSP emphasis areas and strategies are consistent with the Safe System Approach
- Add equity to the list of elements to address as a key feature in the identification of SHSP strategies
- Add a new requirement for States to describe in the SHSP update how the SHSP supports a Safe System Approach.
- Add new requirement for States to include the vulnerable road user safety assessment as part of the State SHSP
- Modify existing requirement to also consider input from public involvement in the development of transportation safety plans

# § 924.9(a)(4) Planning – Data Analysis



- ✦ Require States to develop a process to conduct a systemwide safety risk assessment
  - Allow States to establish a base level of safety performance for all roads
  - Develop safety infrastructure key performance indicators
  - Prioritize investments to improve safety through not only the State HSIP but all Federal-aid programs and projects
- ✦ Emphasize that the program of highway safety improvement projects would need to have the greatest potential to reduce fatalities and serious injuries on all public roads and for all road users, consistent with the Safe System Approach
- ✦ Require the program of highway safety improvement projects to advance the Safe System Approach and address fatalities and serious injuries in underserved communities to advance equity.
- ✦ No other changes proposed to the remainder of (a)(4) and (a)(5)

# § 924.9(a)(6) Planning – Prioritization



- ◀ Revise (i) to require States to consider which projects maximize the potential reduction of fatalities and serious injuries as part of their process for establishing priorities for implementing highway safety improvement projects
- ◀ Remove (iii), which currently requires States to consider SHSP priorities in their process for establishing priorities for implementing highway safety improvement projects
- ◀ Paragraphs (b) and (c) would remain unchanged.



# § 924.11 Implementation



## ◀ Paragraph (b) – MIRE FDE

- Remove the requirement that States shall incorporate specific quantifiable and measurable anticipated improvements for the collection of MIRE fundamental data elements into their Traffic Records Strategic Plan by July 1, 2017
- Require each State to submit the MIRE fundamental data elements as part of their regular Highway Performance Monitoring System submissions, beginning after September 30, 2026, and continuing thereafter

## ◀ Paragraph (c) – SHSP Action Plans

- Relocate and revise the requirement from existing § 924.9(a)(3)(xi)

## ◀ Add new paragraph (g) - Encourage States to use the various options available to them to streamline delivery of highway safety improvement projects.

# § 924.13 Evaluation



- ↳ Require a State's HSIP evaluation process to include a process to evaluate the effectiveness of data improvement activities for MIRE fundamental data elements.
  - States would be required to establish and track quantifiable measures related to data quality attributes of accuracy, completeness, timeliness, uniformity, accessibility, and integration.
- ↳ Clarify that a State must have processes for evaluating individual highway safety improvement projects and countermeasures, as well as a process for evaluating the program of highway safety improvement projects.
- ↳ Clarify that a State should be confirming the effectiveness of SHSP strategies as part of its process for updating the SHSP.

# § 924.15 Reporting



- ↙ Change the reporting mechanism to a more general electronic template provided by FHWA
- ↙ Change the focus of the report to describe progress being made to implement the HSIP and the effectiveness of previously completed highway safety improvement projects.
  - Remove paragraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iii)(B) and (a)(1)(iii)(C).
- ↙ Add requirement for State to discuss the progress made implementing the priorities and actions identified in the State's HSIP implementation plan.
- ↙ Revise existing requirement for States to report the results of **individual projects**, countermeasures, and program evaluations.
- ↙ Add new requirement for States to report on results from the new provision in § 924.13(a)(1).
  - Specifically, each State would be required to report quantifiable progress in the quality attributes of accuracy, completeness, timeliness, uniformity, accessibility, and integration of MIRE fundamental data elements.

# § 924.17 MIRE FDE



- ↳ Clarify the exception in 23 U.S.C. 148(k)
  - State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved.
- ↳ Simplify the presentation of tables 1, 2, and 3
- ↳ Update citation to reference MIRE Version 2.0, or the most current version when the Final Rule is published.

# Costs to Implement NPRM Requirements

# HSIP NPRM Costs & Benefits



- ↳ The FHWA anticipates that the proposed rule will not be a significant regulatory action
- ↳ Economic analysis included in docket
  - Includes a supporting statement and spreadsheet
- ↳ The break-even analysis concludes that a single life saved annually justifies the rule
- ↳ FHWA requests data and comments that could inform the economic analysis for this rule, including any estimates of resulting benefits.

## Costs estimated for:

- Document and approve HSIP processes
- Complete Vulnerable Road User Safety Assessment
- Conduct systemwide safety risk assessment
- Submit MIRE FDE to HPMS
- Evaluate effectiveness of MIRE FDE data improvement activities
- Prepare HSIP report

# Wrap-up

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# Recap of HSIP NPRM

- Incorporates the Safe System Approach
- Improves evaluation practices
- Streamlines reporting efforts
- Ensures States collect MIRE Fundamental Data Elements





**Submit Comments to:**

**[www.regulations.gov](http://www.regulations.gov)**

**Docket #: FHWA-2023-0045**

Comments due on or before April 22, 2024