



# IIJA

INFRASTRUCTURE INVESTMENT AND JOBS ACT

## SAFETY SUB-WORKING GROUP ACTION PLAN

DECEMBER 2022

## ACKNOWLEDGEMENTS

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## BACKGROUND

The Infrastructure Investment and Jobs Act (IIJA, P.L.117-58) is a federal bill that addresses provisions related to Federal-aid highway, transit, highway safety, motor carriers, research, hazardous materials, and rail programs of U.S. Department of Transportation (U.S. DOT). It also includes federal policy direction and funding in the areas of climate action, zero-emission vehicle deployment, social equity, goods movement, and multi-modal transportation investment sought by the California State Transportation Agency (CalSTA) and many California transportation stakeholders.

CalSTA is leading the statewide IIJA Transportation Implementation Working Group comprised of state and local transportation agencies, the Federal Highway Administration, and other transportation stakeholders. Each entity plays a vital role in implementing this new law and should work collectively to develop a common understanding of IIJA and develop action plans for successful implementation.

The CalSTA Safety sub-working group is responsible for leading the discussions around the changes to the federal Highway Safety Improvement (HSIP) grant program and implementing the necessary changes to comply with the changed provisions.

## IIJA SUB-WORKING GROUP PURPOSE

Caltrans senior staff is leading 14 Sub-Working Groups who have been tasked with developing questions and answers for the U.S. Department of Transportation (U.S. DOT), discussing federal guidance, and having in-depth discussions on specific policy areas like Active Transportation, Transit and Rail, Goods and Movement, Tribal

Transportation, Social Equity, and other policies that may impact transportation and infrastructure in California. The Sub-Working Groups will also develop IIJA Implementation Action Plans for the federal programs within their respective policy areas.

## SUB-WORKING GROUP SCOPE

The Safety Sub-Working Group was established on January 28, 2022. It is a platform for state/local agencies as well as other stakeholders to come together to exchange their knowledge, expertise, and experiences, so they can identify priorities and potential risks associated with successfully implementing the safety-specific provisions of the IIJA/BIL.

“Safety” has many components. Caltrans administers the Highway Safety Improvement Plan (HSIP), which provides funding for infrastructure projects on the State highway system. Other safety programs include those administered by the California Office of Traffic Safety (OTS), which provides grants to local entities. These grants commonly focus on safety’s behavioral [e.g., non-infrastructure] components; OTS-funded programs include education campaigns such as Safe Routes to School. Additionally, local agencies can also submit grants for other safety-related programs, such as the Safe Streets for All Program, directly to the federal government through Secretary USDOT.

For this working group, Caltrans partnered with OTS to communicate this more comprehensive approach to safety. However, the discussions related to the changes to the OTS provisions were beyond the scope of this working group and were conducted separately by the OTS.

## GOALS AND DESIRED OUTCOMES

1. Educate working group members on the State's current safety programs including the safety provisions administered by Caltrans i.e., HSIP and the Office of Traffic Safety.
2. Educate working group members on the updates to HSIP.
3. Determine Sub-Working Group meeting cadence and duration and meet as often as necessary to discuss implementation issues in the respective issue areas.
4. Discuss the changes to the state and local provisions of the HSIP.
5. Develop an Action Plan for the Sub-Working Group.
6. Provide recommendations for implementing the federal programs and policy within the respective issue areas.
7. Determine whether new state implementing legislation is necessary.
8. Obtain member feedback and, if possible, consensus on the proposed new approach.
9. Identify and outline legislative changes that would be necessary to the implement the new funding approach.
10. Develop a draft implementation plan to comply with the changed provisions.

## IDENTIFIED ISSUES

No potential threats and issues were identified that may limit the availability or accessibility of IIJA funding.

## OPPORTUNITIES

In line with the updated provisions of the HSIP under IIJA/ BIL, the group identified opportunities to enable the state as well as local agencies to adopt the Safe System Approach to reduce the number of traffic related fatal and serious injuries in the state. The opportunities were identified both at the program as well as organizational structure and policy level.

## RECOMMENDATIONS

The following recommendations were made for both the State and Local HSIP:

1. Program Level Recommendation: Set Aside 30% of the IIJA funding for Vulnerable Road Users (VRU) annually for both state and local HSIP components beginning with the Fiscal Year 2025-2026.

The BIL established a new Special Rule under 23 U.S.C. 148(g)(3) for VRU safety. This Special provides: "If the total annual fatalities of vulnerable road users in a State represents not less than 15 percent of the total annual crash fatalities in the State, that State shall be required to obligate not less than 15 percent of the amounts apportioned to the State under section 104(b)(3) for the following fiscal year for highway safety improvement projects to address the safety of vulnerable road users."

Based on the past trend, California expects this rule to be triggered for the state as well as the local highway system. In order to provide a higher level of priority to the safety of the VRU's, it is proposed that the state place a higher emphasis on the VRU's and exceed the minimum requirement of 15% HSIP funding set aside for VRU safety projects. As such, it is proposed that the state aim to set aside 30% of the HSIP

funding for VRU projects by Year-3 of the five-year IIJA-HSIP program i.e. Fiscal Year 2025-2026.

It should be noted that as the guidelines for a formal VRU assessment have just been released by the USDOT, the state is reviewing the guidelines and preparing to undertake this assessment by the due date. As a minimum, the 30% set aside proposal is expected to support the safety needs of all the pedestrians and bicyclists using state and local highway network. The set aside will also support the needs of additional vulnerable users identified in the VRU assessment.

With the formal adoption of the Safe System Approach by Caltrans through DP-36 and the recent passing of SB 932 extending the adoption of this approach to the local road network, more VRU focused projects are expected to be submitted for HSIP consideration in the coming years. The proposed set aside will allow the VRU projects to be considered separately from other road and highway safety projects and thereby further increase funding opportunities for such projects.

## 2. Local HSIP Recommendations

- a. Continue with hosting Local HSIP Advisory Committee meetings 6 times a year.
  - b. Address HRRR special rule through Local HSIP.
  - c. Encourage agencies to adopt the safe system approach for their local road networks.
  - d. Use increased local HSIP funds to fund more HSIP projects.
  - e. Continue using state cash to fund local HSIP projects when possible (SB 137).
- f. Continue requiring Local Road Safety Plans (updating) or equivalent which has started for Cycle 11.
  - g. Continue encouraging agencies to submit projects using low-cost safety countermeasures.
  - h. Encourage agencies to focus on fatal and serious injuries crashes and crash types and utilizing the systemic approach in developing project scopes - (shown to get the highest benefit cost ratio).

