

## **Infrastructure Investment and Jobs Act (IIJA) Implementation Safety Sub Working Group, Kickoff Meeting Agenda**

**March 24, 2022, | 3:00 – 4:00 pm**

### **Agenda**

- Welcome and Introductions
- Purpose and Objective
- IIJA/BIL Safety Provisions
- OTS Safety Provisions
- Caltrans
  - HSIP (Section 11111) Overview
  - HSIP (Section 11111)
    - State HSIP Program
    - Local HSIP Program
- Discussion
- Next Steps

### **Welcome and Introductions**

- Rachel Carpenter, Caltrans Chief Safety Officer
- Barbra Rooney, Director of The Office of Traffic Safety
- Simran Bains, Executive Safe System Advisor, Caltrans
- Robert Peterson, Caltrans Deputy Chief for Local Assistance
- Mark Graziano, The Highlands Consulting Group

### **Purpose and Objective**

- To provide an overview of the safety provisions in the Infrastructure Investment and Jobs Act (IIJA) and align the Act provisions jointly with Caltrans and the Office of Traffic Safety (OTS)

### **IIJA/BIL Safety Provisions**

- Section 24102 Highway Safety Programs
- Section 24103 Highway Safety Research and Development
- Section 24105 National Priority Safety Programs
- Section 24106 Multiple Substance-impaired Driving Prevention
- Section 24108 Crash Data (New)
- Section 24112 Safe Streets and Roads for All grant program (New)
- Section 11111 Highway Safety Improvement Program

The agencies responsible for administering these provisions are:

- The National Highway Traffic Safety Administration or NHTSA for Sections 24102 to 24106 and 24108
- The office of the Secretary US- Department of Transportation is responsible for Section 24112
- The Federal Highways Administration for Section 11111.

#### Survey Results

- The two highest-scoring sections were: Safe Streets for All Grant Program and HSIP followed by the six safe behavior related programs. This interest was also reflected in many of the open-ended comments, which mentioned questions around these programs.

Section Priorities by Ranking Order (1 indicating respondents' highest priority)

1. Safe Streets and Roads Program
2. Highway Safety Improvement Program (HSIP)
3. Highway Safety Programs
4. National Priority Safety Programs
5. Crash Data
6. Highway Safety Research and Development
7. Modifications to Grant Program
8. Substance-Impaired Driving Prevention

#### **OTS Safety Provisions**

Barbra Rooney, Director of the Office of Traffic Safety

- IIJA reauthorized NHTSA's highway safety grant programs and made several changes to the laws governing the program.
- Some good things enhanced funding in some areas, removed some burdensome and unnecessary program requirements, and established some new program requirements/added new grant programs Anticipate Notice of Proposed Rulemaking in August- this gives us a chance to gather public input
- NHTSA is working to:

- Promulgate regulations to administer the program during the period of authorization.
- Targeting completion of a Final Rule by December 31.
- Anticipating the release of a Notice of Proposed Rulemaking (NPRM) in August.
- Planning for stakeholder engagement prior to NPRM release.
- GHSA submitted recommendations to NHTSA for changes in their next rule governing the NHTSA grant programs – 23 CFR Part 1300 or its successor, effective beginning with FY 2024
  
- **Section 24102**
  - The State's Highway Safety Plan (HSP) documents a state's highway safety program that is data-driven in establishing performance targets and selecting the countermeasure strategies, planned activities and projects to meet performance targets
  - Consists of specific components including:
    - the highway safety planning process
    - a performance report
    - performance plan
    - highway safety program area problem identification,
    - countermeasure strategies
    - planned activities and funding
  - The Annual HSP including certifications and assurances, and any separate applications for Section 405 and 1906 serve as the State application for federal funding.
  - IIJA recast the HSP to a triennial plan, due July 1 every three years and must include:
    - a performance plan with performance targets that demonstrate constant or improved performance
    - a data-driven countermeasure strategy that links to performance targets and NHTSA uniform guidelines
    - a description of federal funds planned to be used
    - a performance report for the last three years
  - States must produce an Annual Grant Application that includes any updates of analysis in the triennial plan, identification of projects and subrecipients to be funded, and application for any additional grants.
  - States must continue to submit an Annual Report 120 days after the end of each Federal Fiscal Year that has a performance report.

- **Section 402**
- Additional administrative requirements have been added for highway safety program approval, focusing on data-driven programs that have public participation and community collaboration.
- IIJA directs states to “provide for a comprehensive, data driven traffic safety program that results from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities;”
- States provide for a comprehensive, data driven traffic safety program with credence on data-driven problem identification –
- SHSOs and GHSA will offer recommendations on how states can demonstrate public participation and engagement
- All states have different landscape of communities and different staff and funding resources they can bring to the table
- NHTSA’s approach should let states be flexible and develop its own compliance approach
- Expanded allowable uses include:
  - Funds to be used for driver misuse of new technology, pediatric vehicular hyperthermia education, to prevent move over crashes, and to address unsecured vehicle loads
  - to automate enforcement of school or work zones that comply with US DOT guidelines.
  - cross-border initiatives (when partnering states are working together)
- Section 402 Directs states to:
  - Consider implementing programs to address marijuana-impaired driving
  - Use a portion of Section 402 to carry out a program on vehicular heatstroke awareness
- **Section 403 (Highway Safety Research and Development)**
  - Increases the BTSCR (Cooperative Agreement with GHSA) from \$2.5 M to \$3.5 M each year as a takedown of 402.
  - Maintains funding for the DADSS (Driver Alcohol Detection System for Safety) program, increasing it from \$21.2 M to \$45 M per year, and removes a directive that it be tied to 0.08 BAC.
  - Authorizes \$1.5 M for US DOT to competitively award grants to states for programs to increase vehicle recall awareness.
  - Directs NHTSA to evaluate the effectiveness of innovative behavioral traffic safety countermeasures, other than enforcement, that are considered promising or likely to be effective in order to further enrich the “Countermeasures That Work” publication

- **Sections 24105 and 24106**
  - Adjusts Section 405 allocations between national priority safety programs (occupant protection, traffic records, impaired driving, distracted driving, motorcyclist safety, nonmotorized safety).
  - Makes specific changes to these individual grant programs (e.g., allowable uses, adjusted eligibility requirements).
  - Establishes two new grants to: preventing roadside deaths (405h), and driver and officer traffic stop safety education (405i).
  - Eliminates funding for graduated driver licensing programs.
  - Eliminates all Maintenance of Effort requirements for Section 405 programs.
  
- **Section 1906 Racial Profiling Data Collection Grants**
  - Increases annual funding to states to \$10.35 M and makes available \$1.15 M for NHTSA to provide technical assistance to states and increase program utilization.
  - Expands the eligible use of funds allowing states to develop and implement programs, public outreach and training to reduce the negative impact of traffic stops.
  - Eliminates the current limitation to award the grant no more than two years in a row.
  - Allows states that have a fully functional racial profiling grant program for all traffic stops to access up to 10% of funds; states that are undertaking activities to establish a program are eligible for up to 5%.
  
- **Section 24108 Crash Data (new)**
  - Creates a new competitive grant program for states for data system modernization and to distinguish “personal conveyance devices” and add data elements on vulnerable road users.
  - Electronic data transfer capability to NHTSA. States are eligible if they submit an e-data transfer plan
  - Funds may be used for database updates, electronic crash reporting, and MMUCC updates.
  - Directs NHTSA to support e-data transfer and make state crash data publicly available.
  
- **Other Misc. Items of interest**
  - Allows states to use open container and repeat offender transfer funds for drug-impaired driving countermeasures.
  - Adopts the RIDE Act to require NHTSA to require advanced drunk driving prevention technology standard equipment.

- Directs US DOT to study barriers that states encounter in submitting toxicology data in FARS, in consultation with SHSOs and others.
- Directs US DOT to coordinate with the US DOJ and HHS to study how to improve scientific research on marijuana-impaired driving.
- Directs NHTSA to study low-income access to child safety seats, driver monitoring systems, connected vehicle technology for pedestrian safety, and equity in crash test dummy design.
- **Safe Streets and Roads for All Grant Program**
  - \$5 billion between FFY 2022 and FFY 2026 (\$1 billion annual average; \$6 billion total including authorized funding).
  - Competitive grants for metropolitan planning organizations (MPOs), local governments, and tribal governments to develop and carry out comprehensive safety plans to prevent death and injury on roads and streets, commonly known as “Vision Zero” or “Toward Zero Deaths” initiatives.
  - Notice coming May and we will send out to constant contact list

## **Caltrans Highway Safety Improvement Program (HSIP)**

Simran Bains, Executive Safe System Advisor, Caltrans

- HSIP Section 1111
  - **Purpose:** produce a program of projects or strategies to reduce identified safety problems
  - Safety problems are identified and analyzed as a part of the mandatory Strategic Highway Safety Plan (SHSP). I will discuss the role of the SHSP a bit later in the presentation again.
- Key Areas in IIJA
  - Encourages adoption of Safety System Approach (SSA) and Equity
  - Emphasizes the importance of vulnerable road user safety
  - Encourages safety in all Federal-aid investments to address roadway safety and implement the Safe System approach wherever possible.
  - Special Rules
    - Carrier Over: High Risk Rural Roads, Older Drivers and Pedestrians
    - New: Vulnerable Road Users (VRU's): VRU fatalities  $\geq 15\%$  of annual crash fatalities: 15% HSIP apportionment

- California Strategic Highway Safety Plan (SHSP)
  - Federal Highways requires state governments to develop, implement, and update a strategic highway safety plan (SHSP) to identify and analyze highway safety problems and opportunities
- CA HSIP Implementation Plan
  - Aligns efforts with the SHSP and other safety plans; and
  - Develops a data-driven approach towards target setting
- CA HSIP Funding Apportionments
  - CA typically receives \$212 M annually from federal funding
  - \$16 M of HSIP allocated to the Railway-Highway Grade Crossing Program (RHGCP)
  - The remaining funds are split evenly between Local HSIP and State HSIP projects
  - Over the next five years HSIP funding is expected to increase by 34%
- Caltrans State HSIP Response to IIJA
  - Funding Set Aside for Vulnerable Road User (VRU) Special Rule
  - Establish 50% as a set aside for the new State and Local HSIP for VRU safety with a focus on pedestrians
  - Require the use of Safe Systems Principles in HSIP and other projects
  - Establish funding set asides for priority focus areas
    - Safe Systems Adoption
    - Proactive Safety
    - Speed Management Support
    - Implementation of Proven Safety Countermeasures
    - School-based Road user safety education
  - Director's Policy on Road Safety

## **Local HSIP Program Overview**

Robert Peterson, Caltrans Deputy Chief for Local Assistance

- Local HSIP Advisory Committee
  - Committee consists of Caltrans, RPTAs, Association of Counties, League of Cities FHWA, Rural County Task Force, MPOs, and CA Transportation Cooperative
  - Venue for administering the program for the locals
  - A lot of agreement and support come out of this committee- we meet 6 times a year all content is publicly available online

- Local HSIP funding
  - \$205 M total HSIP apportionment to CA
  - \$81.5 M to HSIP Exchange
    - Per SHC 2381 (a), \$21 M gets swapped out for RSTP funds and used for ATP projects
  - \$102 M to State HSIP
  
- Eligible applicants
  - RPTAs
  - MPOs
  - Tribal Governments
  - Counties
  - Cities
  - Any local agency that owns, operates, and maintains public roadways
  
- Project selection
  - Benefit Cost Ratio (BCR)
    - About 75% of the total funding
    - Projects with higher BCRs are selected
    - Applications are reviewed for completeness
  - Set-Asides
    - About 25% of funding
    - HSIP Advisory Committee approves funding and counter measures for each set-aside
    - Maximum funding for a set-aside project is capped by the committee
    - Cycle 10 Ped-Crossing enhancements, Guardrail upgrades, Edge-line installation and Tribal Governments
  
- Local HSIP Project Selection
  - Helps keep agencies to keep on track with their deliverables, in the past projects took many years to deliver
  - To address these time issues the process now requires projects to be within three years of delivery or you are put on a delay list- this has helped safety projects stay focuses with minimal delays
  
- Cycle 10 Call for Projects
  - Application (256 out of 429 applicants selected) process is very competitive
  - 119 set-asides and 147 applications were based on BCR
  - We approve a lot of projects with little funding



- Cycle 11
  - Call for Projects May 9<sup>th</sup>, 2022 due date August 2022 with a webinar the following week
  - LRSP or equivalent will be required in order to apply
  - No safety project on the delayed list
  - As with Cycle 10, state funds will be used for selected safety projects
  - Added bicycle safety countermeasures as a set aside

## Discussion and Questions

- HSIP- what were the provisions that changed?
- In Section 403, is there a consideration for safety against natural hazards?
- Does "rail" include High-Speed Rail?
- When would the IIJA changes take place (50% set aside for VRU, other set-asides)? In the upcoming HSIP cycle, or the future cycles?
  - The provisions are retroactive to October 1 last year
  - VRU- this month it will trigger all states will be notified
- Again, anything related to earthquakes, wildfires? In CA we cannot ignore these.
  - These are under ER program handled by FHWA and declarations have to be made for funding to be used in those programs
- I would like to correct that HSIP funds are not currently being used for the ATP. SHC 2381 requires \$21 million from HISP or other federal funds. It is other federal funds that are being used.
  - Are apportionment in FAST ACT was \$81 million and \$21 was taken out of our apportionment.
- Is there more detail available on Safe Streets and Roads for All grant program? Slide 17 looks like it's the only slide.
  - Notice release on whitehouse.gov in May- this will have program and funding details
- Are there any social equity provisions added to HSIP?
  - No, not special set asides but equity is supposed to be built into all of these programs

- Could you please provide a little more detail about the funding for connected vehicles improving pedestrian safety?
  - There is no specific set aside for the use of connected vehicle technology to improve pedestrians' safety under Section 11111 (HSIP)
  - However, we have the following, secondhand information, from CalSTA analysis and AASHTO Analysis of the IJA information that shows that there are two sections directly under USDOT that are related to this query.
    - **Strengthening Mobility and Revolutionizing Transportation Grant Program (Section 25005):** IJA establishes a new \$500 million five-year (\$100 million annually) competitive grant program for city or community demonstration projects that incorporate innovative transportation technologies or uses of data, including coordinated automation, connected vehicles, and intelligent sensor-based infrastructure. The Secretary is directed to consider geographic diversity and select projects across rural, mid-sized, and large communities.
    - **Research on Connected Vehicle Technology (Section 24219):** This section would require DOT to conduct research to examine how connected vehicle systems can safely account for bicyclists and other vulnerable road users

### Next Steps

- There will be key places where we need input, and we will ask for your help and hope you will be willing to engage with us there; and
- There are areas where we are very limited in what we can do

**--Meeting Adjourned--**