

## ***Elimination of Hazards at Railway-Highway Crossings Updated December 3, 2012***

**STATUS: ACTIVE**

**PROGRAM CODES:**

- LS40 and LS50 – SAFETEA-LU
- LS4E and LS5E – SAFETEA-LU Extension (P.L. 111-068)
- LS4R and LS5R – Restoration of SAFETEA-LU Rescinded Funds (P.L. 111-147)
- MS40 – Railway-Highway – Hazard Elimination (MAP-21 - P.L. 112-141)
- MS50 – Railway-Highway – Protective Devices (MAP-21 – P.L. 112-141)

**EXPIRED PROGRAM CODES:** 1380, 1390, 13H0, 13J0, 13K0, 13L0, 13M0, 13N0, 13W0, 13Y0

**FEDERAL SHARE:** 90 percent, with certain safety improvements eligible for 100 percent Federal funding under 23 U.S.C. 120(c).

**PERIOD AVAILABLE:** FY + 3 years

**FUND:** Highway account of the Highway Trust Fund

**FUND DISTRIBUTION METHOD:** Apportionment

**AUTHORITY:** Contract

**SUBJECT TO OBLIGATION LIMITATION:** Yes

**STATUTORY REFERENCE:** 23 U.S.C. §130 (as amended by MAP-21 sec 1519), 23 U.S.C. §120(c) (as amended by MAP-21)

**CFR REFERENCE:** 23 CFR 140--Subpart I, 646 and 924

**ELIGIBILITY:** All at-grade public crossing safety improvement projects meeting the eligibility description in 23 U.S.C. §130 are eligible for funding, including, but not limited to, the installation of protective devices, the elimination of hazards, and grade crossing separation.

**BACKGROUND:** Federal-aid funding for improvements at railway-highway crossings began with the Highway Safety Act of 1973 (Title II of Public Law No. 93-87). The Intermodal Surface Transportation Efficiency Act of 1991 (Public Law No. 102-240) later funded these improvements as part of a set-aside from the Surface Transportation Program. This set-aside was in effect from Fiscal Years 1992 through 2005.

Section 1401 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, established the Highway Safety Improvement Program as a core Federal-aid funding program. The purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. As part of the HSIP, SAFETEA-LU established an annual set aside, during the life of the bill and extensions, of \$220 million for improvements at public railway-highway crossings. Half of these funds were apportioned to the states by formula and the other half was apportioned to the states in the ratio that total public railway-highway crossings in each state bear to the total of such crossings in all states. Each state received a minimum of ½ of 1% of the \$220M crossings fund. Funding code LS40 was reserved for hazard elimination while funding code LS50 was reserved for protective devices. This set-aside of HSIP funding began in FY 2006 and continued through the life of the bill including extensions.

States are required to submit annual reports, under 23 U.S.C. §130(g), on the progress being made to implement the railway-highway crossings program and on the effectiveness of the improvements

implemented. Biennial reports to Congress from the Secretary of Transportation on the railway-highway crossings program are also required as of 2006.

The Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21, P.L. 112-141) extended the 23 U.S.C. 130 Program. The SAFETEA-LU apportionment and minimum continued unchanged under MAP-21, as did all other 23 U.S.C. 130 requirements. MAP-21 did remove two 23 U.S.C. 130(l) subsection specific definitions (public crossing and State).

**ADDITIONAL INFORMATION:** Contact the Office of Safety Design (HSSD)