

Memorandum

SENT VIA ELECTRONIC MAIL

Subject: ACTION: Guidance on 23 U.S.C. 130 Annual Reporting
Requirements for Rail-Highway Crossings

Date: MAY - 9 2006

From: Jeffrey A. Lindley
Associate Administrator for Safety

Reply to
Attn. of: HSA-10

To: Division Administrators

Section 130(g) of title 23, United States Code, requires the States to submit an annual report on the progress being made to implement the railway-highway crossings program, the effectiveness of such improvements, an assessment of the costs of the various treatments employed, and subsequent crash experience at improved locations. The information provided by the States is used as the basis for the Secretary's report to Congress on the progress being made by the State in implementing railway-highway crossings program. Section 1401(d)(3) of the SAFETEA-LU amended section 130(g) to make this a biennial report to Congress. This memorandum transmits guidance on the preparation of the States' annual reports on section 130. States are encouraged to use this guidance (which includes a checklist and template) to ensure compliance with section 130(g).

Separate guidance has been issued for the "5 percent report" [section 148(c)(1)(D)] and the Highway Safety Improvement Program (HSIP) report on program administration and effectiveness as required by section 148. While section 148(g) also includes a requirement to address how improvements contribute to reducing the occurrence of crashes at railway-highway crossings, this information should be included as part of the section 130 report. The States should submit their section 130 reports together with the "5 percent reports" and HSIP reports by August 31 of each year, beginning in 2006. States may submit three separate reports or one report with three distinct sections. The Division Offices are to forward these reports to the FHWA Office of Safety (HSA) by September 30 of each year. States are strongly encouraged to submit their reports to the FHWA Division Offices in an electronic format.

Modifications to this guidance may be necessary as a result of review by the Office of Management and Budget under the Paperwork Reduction Act. This process, which includes publication of the expected staff-hours required for this data collection effort in the *Federal*



Register for comment, is now underway and is expected to take approximately six months to complete. If changes are necessary as a result of this process, the guidance will be modified accordingly.

If you have any questions, please feel free to contact Ms. Guan Xu at Guan.Xu@dot.gov or (202) 366-5892.

Attachment

GUIDANCE ON 23 U.S.C. § 130 ANNUAL REPORTING REQUIREMENTS FOR RAILWAY-HIGHWAY CROSSINGS

May 5, 2006

INTRODUCTION

This document serves as guidance on the reporting requirements for States using title 23, United States Code (U.S.C.), section 130 (hereafter referred to as "Section 130") funds. These annual reports will assess the progress and effectiveness being made to implement the railway-highway crossings program, as required by Section 130(g). The reports will be used to meet the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requirement for the Secretary to submit a biennial report to Congress on the Section 130 program. This guidance will help ensure reporting consistency, timeliness, and compliance with the statutory requirements for the State evaluation reports.

STATUTORY REQUIREMENTS

Section 130(g) requires each State to submit an annual report to the USDOT Secretary on the progress being made to implement the railway-highway crossings program, the effectiveness of such improvements, an assessment of the costs of the various treatments employed, and subsequent crash experience at improved locations. SAFETEA-LU added Section 148(g), which requires States to submit to the Secretary a report that describes the extent to which improvements contribute to the goals of reducing the occurrences of crashes at railway-highway crossings. In general, States are required to: (1) provide a discussion of their overall implementation and effectiveness of the Section 130 program; and (2) submit an assessment of the costs of the various treatments employed and subsequent crash experience at each project that used Section 130 funds. This information is used in the preparation of the report that the Secretary is required to submit to various Congressional committees. Section 1401(d)(3) of SAFETEA-LU amended Section 130(g) to require the submission of this report to Congress "on or before April 1, 2006, and every 2 years thereafter."

The Secretary's report to Congress is to provide information on the progress being made by the States in implementing projects to improve safety at railway-highway crossings. The report is also to include the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent crash experience at improved locations. In addition, the report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements, and include recommendations for future implementation of the Section 130 program.

Section 1401 of SAFETEA-LU added Section 130(k) to limit the expenditure of funds for the compilation and analysis of data in support of the above-mentioned reporting activities to not more than two percent of the funds apportioned to a State to carry out Section 130.

MINIMUM REPORTING INFORMATION

As previously mentioned, Section 130(g) requires each State to submit to the Secretary an annual report. States should submit their Section 130 reports to the FHWA Division Offices on or before August 31. The next report is due on or before August 31, 2006, and will cover the period from July 1, 2005 to June 30, 2006, as required by 23 CFR 924.15. FHWA is considering proposing an amendment to 23 CFR 924.15 that would provide States with the flexibility to report based on calendar year, state fiscal year or federal fiscal year. While Section 148(g) also includes a requirement to address how improvements contribute to reducing the occurrence of crashes at railway-highway crossings, FHWA recommends that this information should be included as part of the Section 130 report [see guidance on the overall highway safety improvement program (HSIP) report distributed on April 4, 2006].

The FHWA Division Offices should forward the reports to the FHWA Office of Safety by September 30 each year, preferably electronically. These due dates coincide with the other HSIP-related reports required under SAFETEA-LU (e.g., the report describing at least five percent of the locations exhibiting the most severe safety needs and the highway safety improvement program report).

The sections below provide information that should be provided by the States:

- General Program (information related to the overall Section 130 program)
- Project Metrics (project-specific information related to Section 130)

General Program

This section of the report should provide information of the overall Section 130 program. At a minimum, the State's Section 130 report should provide a discussion of the following:

- Overall efforts funded by Section 130;
- Status of data acquisition and analysis efforts and expenditures (including inventory and other efforts utilizing the two percent funding allowance);
- Total number of projects and costs (including Federal share) by functional classification¹;
- Total number of public crossings within the State, including type of crossing protection (i.e., active, passive, grade separated);
- Specific program emphasis areas, and if necessary, discussion of significant variations from previous reports; and
- Assessment of overall Section 130 program effectiveness.

Project Metrics

This section of the report should include a discussion and listing of project-specific metrics that support the effectiveness of the funded projects. At a minimum, the State's Section 130 report should provide a discussion of the following:

- Location of projects;
- USDOT crossing numbers;
- FHWA roadway functional classification;

¹See FHWA Functional Classification Guidelines at http://www.fhwa.dot.gov/planning/fcsec2_1.htm

- Specific project type and description (see project groupings below);
- Crossing protection (i.e., active, passive);
- Crossing type (e.g., vehicle, pedestrian, etc.);
- Cost of project;
- Funding types (Section 130 or other);
- Crash data (specifically, a minimum of 3 years “before” and 3 years “after” crash data); and
- Effectiveness of prior year projects.

All Section 130 projects within the evaluation period should be included in the annual report. A suggested grouping by project types is listed below.

- Crossing Approach Improvements – Projects such as channelization, new or upgraded traffic signals and pre-signals², guardrail, pedestrian/bicycle path improvements near the crossing, and illumination
- Crossing Warning Sign and Pavement Marking Improvements - Projects such as signs, pavement markings and/or delineation where these project activities are the predominant safety improvements
- Active Grade Crossing Equipment Installation/Upgrade – Projects such as upgrade and/or additions of flashing lights and gates, track circuitry; signal-related improvements (e.g., railway-highway signal interconnection and pre-emption); and wayside horn systems
- Visibility Improvements – Projects such as sight distance improvements and vegetation clearance
- Roadway Geometry Improvements – Projects such as roadway horizontal and/or vertical alignment, sight distance, and elimination of high-profile (“humped”) crossings
- Grade Crossing Elimination - Projects such as crossing elimination through closure, relocation, or construction/reconstruction of a grade separation structure
- Crossing Inventory Update – Projects such as efforts to update and manage the railway-highway grade crossing inventory, and development of a web-based inventory

To assist with the development of the Section 130 report, and to assist with reporting information in a uniform manner, the following documents have been attached to this guidance:

- Section 130 report checklist (Attachment 1), and
- Railway-Highway Crossings Project Metrics (Attachment 2)

THE USE OF SECTION 130 FUNDS FOR DATA COMPILATION AND ANALYSIS

As mentioned earlier, the new 23 U.S.C. §130(k) allows the States to use not more than 2 percent of funds apportioned to a State to carry out section 130 for related data compilation and analysis. States should compile and analyze data that will allow informed decisions to prioritize railway-highway crossing improvements (e.g., crash data, traffic volume and mix, roadway inventory, etc.). States are strongly encouraged to evaluate their database systems to ensure that the data obtained is analyzed in a comprehensive and efficient manner. FHWA also encourages States to

² According to Section 8A.01 of the Manual on Uniform Traffic Control Devices, pre-signals are defined as “supplemental highway traffic signal faces operated as part of the highway intersection traffic signals, located in a position that controls traffic approaching the highway-rail grade crossing in advance of the intersection.”

consider utilizing this data to update the Federal Railroad Administration (FRA) Grade Crossing Inventory.

There are some States that utilize a third-party to collect, operate, and/or maintain their crash data, inventory and archiving systems. States should be aware that they are responsible for the submission of the reports in accordance with Section 130.

ADDITIONAL INFORMATION

Some of the information provided within this guidance is based upon recommendations and/or discussions from the following:

- National Transportation Safety Board (NTSB) Recommendation H-01-042
- *The Secretary's Action Plan for Highway-Rail Grade Crossing Safety Plan and Trespass Prevention* (located on the Federal Railroad Administration web site at http://www.fra.dot.gov/downloads/safety/action_plan_2004.pdf)
- *Audit of the Highway-Rail Grade Crossing Program* Report Number MH-2004-065, (by the USDOT Office of Inspector General; located at <http://www.oig.dot.gov/StreamFile?file=/data/pdfdocs/mh2004065.pdf>)

Protection of Data from Discovery & Admission into Evidence

Section 409 of title 23 U.S.C. states that reports, surveys, schedules, lists, or data compiled or collected pursuant to Section 130 "...shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in an action for damages arising from any occurrence at a location identified or addressed in such reports, surveys, schedules, lists, or data."

Key List Resources Related to Section 130

- Title 23, United States Code, Sections 120(c), 130, and 148.
- Section 1401 of SAFETEA-LU
- Title 23, Code of Federal Regulations (CFR), Parts 140 (Subpart I), 646 and 924
- Federal-aid Policy Guide
- FHWA Office of Safety Web Site
- Railway-Highway Grade Crossing Handbook
- Guidance on Traffic Control Devices at Highway-Rail Grade Crossings (also known as the TWG Report)

Section 130 Report Checklist

State: _____

YEAR: _____

REPORT ITEMS	COMMENTS
General Program	
- Overall Section 130 efforts	
- Data Acquisition and Expenditures	
- Total Program Costs/Numbers of Projects by Roadway Classification	
- Total Number of Public Crossings within State	
- Anticipated Program Emphasis	
- Overall Section 130 effectiveness	
Project Metrics	
- Location of project	
- USDOT crossing number	
- FHWA Roadway Functional Classification	
- Specific project type and description	
- Crossing protection	
- Crossing type	
- Cost of project	
- Funding type	
- Crash data	
- Effectiveness	

Additional Comments



- Reports should be submitted by the State to the FHWA Division Office by August 31.
- Reports from Division Offices are due to Headquarters by September 30.

