

**SUPPORTING STATEMENT**  
**Highway Safety Improvement Program**

The purpose of this document is to request OMB's approval for a revision to a currently approved information collection. Approval to collect information under "Highway Safety Improvement Programs" (OMB Approval Number 2125-0025).

**1. Circumstances that make collection of information necessary.**

Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) continues the Highway Safety Improvement Program (HSIP) that provides funds to State Departments of Transportation (DOTs) reduce fatalities and serious injuries on all public roads, including non-state owned roads and roads on tribal land. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

In addition to 23 U.S.C. 148, the existing provisions of Title 23 U.S.C. Sections 130, Railway-Highway Crossings Program, , as well as the implementing regulations in 23 CFR 924, remain in effect. Included in these combined provisions are requirements for State DOTs to annually produce and submit to the Federal Highway Administration (FHWA) the following reports related to the conduct and effectiveness of their HSIPs:

- Progress being made to implement the HSIP and the effectiveness of the projects implemented in reducing fatalities and serious injuries on all public roads [HSIP Report-- Sections 148(h)].
- Progress being made to implement the Railway-Highway Crossings Program and the effectiveness of these projects in that program [Sections 130(g) and 148(h)], which will be used by FHWA to produce and submit biennial reports to Congress; and

The information collected supports the Safety Strategic Goal in the Department of Transportation's 2012-2016 Strategic Plan. The Highway Safety Improvement Program provides funds to improve known and potentially hazardous locations. The information collected will help the FHWA to ensure that the States are carrying out their Highway Safety Improvement Programs and to monitor their effectiveness.

**2. How, by whom, and for what purpose is the information used:**

This information provides FHWA and the States with a means for monitoring the effectiveness of the HSIP and the Railway-Highway Crossings Program.

The FHWA will use the information to evaluate the above programs from a national perspective. The FHWA will also prepare a biennial report to Congress on the Railway-Highway Crossings

Program. In addition, the FHWA will arrange for the HSIP reports to be posted on a Department of Transportation website as required by the FAST Act.

Although the information on the HSIP reports from the States is envisioned to be used internally by FHWA, it may also be used by the Congress for modifying this program and for determining future HSIP funding levels.

States should also use the information from their reports to make improvements in their HSIP and in their Railway-Highway Crossings Program.

**3. Extent of automated information collection:**

These reports are requested electronically. FHWA also provides an online reporting tool to support the annual HSIP reporting process. Additional information is available on the Office of Safety website at <http://safety.fhwa.dot.gov/hsip/resources/onrpttool/>.

**4. Efforts to identify duplication:**

The FHWA is the only Federal agency that collects information specifically related to the Highway Safety Improvement Program under 23 USC 148 and to the Railway-Highway Crossings Program under 23 U.S.C 130, which are administered by that agency. There is little opportunity for duplication of the reporting activities.

**5. Efforts to minimize the burden on small businesses:**

The activity does not affect small businesses or other small entities.

**6. Impact of less frequent collection of information:**

23 U.S.C. 130(g) requires States to submit an annual report for the Railway-Highway Crossings Program.

Although the FAST Act allows flexibility to establish a schedule for the HSIP, annual reporting requirements help to ensure that the HSIP and the Railway-Highway Crossings Program are being properly monitored and that they are achieving results.

**7. Special circumstances:**

There are no special circumstances related to this information collection.

**8. Compliance with 5 CFR 1320.8:**

The FHWA published a 60-day Federal Register notice on Tuesday, September 28, 2020 page 15415, which solicited public comments about the renewal of this information collection. No

comments regarding this information collection were received.

**9. Payments or gifts to respondents:**

There are no payments or gifts to be provided to the respondents.

**10. Assurance of confidentiality:**

None of the information to be collected is considered confidential.

**11. Justification for collection of sensitive information:**

Congress included a provision in Fixing America’s Surface Transportation (FAST) Act (Pub. L. No. 114-94) that indicates “Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose relating to this section, shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in the reports, surveys, schedules, lists, or other data.” Protection for the Railway-Highway Crossings report is provided by 23 U.S.C. 409.

**12. Estimate of burden hours for information requested:**

The estimated burden for meeting the above reporting requirements is 12,750 hours. This is based on an average State burden of 250 hours times the number of States (250 x 51states, including the District of Columbia).

The average estimated burden per State for the preparation of the above reports is as follows:

- HSIP report—150 hours
- Railway-Highway Grade Crossings Report—100 hours

The primary costs to the States are the salaries of professional and/or technical employees who are responsible for preparing these reports. There will also be some administrative costs involved. Using an average of \$55.00 per hour, including overhead, the estimated annual cost to each State is \$13,750.00 (250 hours x \$55.00). The total annual cost to all respondents is \$701,250 (51 States x 250 hours x \$55.00).

**13. Estimate of total annual costs to respondents:**

Other than the salary cost indicated in item 12, there are no additional cost burdens to the respondents.

**14. Estimate of cost to the Federal government:**

The estimated annual cost to the Federal government to meet its responsibilities for obtaining and compiling the information and for preparing any subsequent reports is \$ 167,000. This cost was determined as follows:

- \$102,000 for Safety Engineers from the FHWA Division Offices to disseminate guidance to the States and review the reports prepared by the States (51 Division Office Safety Engineers @\$50.00 per hour for 40 hours)
- \$65,000 in staff expenses (1000 hours @\$65.00) by the FHWA's Headquarters' staff to prepare and disseminate guidance to the FHWA Division Offices, review the reports received from the States, arrange for the HSIP report to be posted on the website, and prepare subsequent reports including the report to Congress on the Railway-Highway Crossings Program.

**15. Explanation of program changes or adjustments:**

There are no changes to the program.

**16. Publication of results of data collection.**

Information obtained by the States for the HSIP and for the Railway-Highway Crossings Program will be compiled internally. Reports to Congress on the Railway-Highway Crossings Program will be prepared biennially. The HSIP report will be posted on a Department of Transportation website.

**17. Approval for not displaying the expiration date of OMB approval:**

There is no such request for this information collection.

**18. Exceptions to certification statement:**

There are no exceptions to the certification statement for this information collection.