

Memorandum

Subject: **ACTION:** Railway-Highway Crossings
Program Reporting Guidance (Effective
date: October 1, 2021)

Date: May 23, 2022

From: Cheryl J. Walker
Associate Administrator, Office of Safety

In Reply Refer To:
HSSP

To: Division Administrators

Purpose

This memorandum provides guidance to clarify the reporting requirements for States in title 23, United States Code (U.S.C.) Section 130. This guidance reflects the railway-highway crossings program reporting requirements under the “[Bipartisan Infrastructure Law](#)” (BIL), enacted as the [Infrastructure Investment and Jobs Act \(IIJA\)](#), Pub. L. 117-58 (Nov. 15, 2021), and Part 924 of title 23 of the Code of Federal Regulations (23 CFR Part 924). This guidance also incorporates FHWA priorities, consistent with the [Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America](#), dated December 16, 2021. The Railway-Highway Crossings Program (referred to as “Section 130”) requirements within the BIL took effect on October 1, 2021 and apply to all related funding obligated on or after that date, whether carryover or new. This guidance replaces the “*Guidance on 23 U.S.C. 130 Annual Reporting Requirements for Railway-Highway Crossings*,” dated May 5, 2006, and February 22, 2013.

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

Background

Section 130(g) of title 23, U.S.C. requires each State to submit an annual report to the Administrator of the Federal Highway Administration (FHWA) 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 the effectiveness of such treatment at improved locations. This will be referred to as the “*Railway-Highway Crossings Report*.” In addition, 23 U.S.C. 148(h)(1)(C) requires States to submit to the Secretary of Transportation a report that describes how improvements contributed to reducing fatalities and serious injuries at railway-highway crossings. The FHWA recommends that this information be included in the Railway-Highway Crossings Report, rather than submitting the information in a separate report.

The annual Railway-Highway Crossings Report provides information on how well State and Federal goals of the railway-highway crossings program are being met. This information is collated for many types of reporting documents and by many types of stakeholder groups at the National, State, and local levels. States are also encouraged to coordinate Section 130 efforts with their State Highway-Rail Grade Crossing Actions Plans submitted to the Federal Railroad Administration.

Section 130(k) allows the expenditure of up to eight percent of funds apportioned to a State to carry out Section 130 for the compilation and analysis of data in support of the reporting activities. For example, a State that is apportioned \$10,000,000 in a FY for Section 130 can use up to \$800,000 of Section 130 funds for the compilation and analysis of data for reporting activities.

Summary of Guidance

The Railway-Highway Crossings Program reporting guidance provides information on the reporting frequency and schedule, content and structure of the report, and protection of data from discovery and admission into evidence. FHWA also supports the vision of zero deaths and serious injuries on the Nation's roadway system. As with highway safety improvement projects (23 U.S.C. 148(c)(2)(B)(iv)), railway-highway crossing projects should be identified based on crash experience, crash potential, crash rate, or other data-supported means. The general framework for the identification and analysis of railway-highway crossing safety problems and countermeasure opportunities includes analysis of safety data trends for at least the last 5 years to identify problems, countermeasure identification to effectively address the identified problems, project prioritization and implementation, and evaluation of both projects and the overall program (23 U.S.C. 148(c)(2)). Each State must also identify railway-highway crossings that require separation, relocation, or protective devices, and establish and implement a schedule of those projects (23 U.S.C. 130(d)).

1. Reporting Frequency and Schedule

Pursuant to 23 U.S.C. 130(g)(1) and 23 CFR 924.15(a)(2), States shall submit their annual Railway-Highway Crossings Report electronically to the FHWA Division Administrator by August 31 each year, in conjunction with the annual Highway Safety Improvement Program (HSIP) report required under 23 U.S.C. 148(h).

The HSIP online reporting tool fully supports the information necessary to complete this annual requirement. States that report on their Railway-Highway Crossings Program via the online reporting tool will meet the annual requirement. Additional information is available on the Office of Safety website at <http://safety.fhwa.dot.gov/hsip/resources/onrpttool/>. The report template included in the Attachment reflects the online reporting tool content.

2. Content and Structure of the Report

Section 130(g) of title 23, U.S.C. requires a measure of the effectiveness of the improvements made as a result of the implementation of the Railway-Highway Crossings Program. A State should define the effectiveness in terms of the number of fatalities and serious injuries after the improvement was completed. At a minimum, the Railway-Highway Crossings Report should include the following information:

A. Program Structure

- i. Provide an Executive Summary of the overall Section 130 program administration and results.
- ii. Identify the reporting period used by the State. This could be based on the calendar year, State fiscal year, or Federal fiscal year. The reporting period should be consistent for a State from year to year.
- iii. Describe the overall process of how Section 130 funds are administered in the State. This section should cover broad topics such as:
 - a. Describe how the funds are distributed and administered in the State (such as centralized administration or de-centralized administration through district or regional offices).
 - b. Describe the method(s) for project selection.
 - c. Describe the method(s) used to measure effectiveness of the projects and program. Consideration should be given to quantifying effectiveness in the context of fatalities and serious injuries, per 23 U.S.C. 148(h).
 - d. Describe any noteworthy efforts the State has used to effectively deliver a successful program.
- iv. Identify the obligations for data acquisition and analysis efforts if Section 130 funds are utilized for this purpose (Note: This is limited to 8 percent of the funds apportioned to the State under Section 130).
- v. Provide the total number of public crossings within the State, including the type of crossing protection (active, passive, and grade separated).
- vi. Provide the specific program emphasis areas, and if necessary, include a discussion of significant variations from previous reports.
- vii. Provide an assessment of overall Section 130 program effectiveness including 5-year average fatality and serious injury data for the last five years, evaluation results, and how results are used to improve the Section 130 program.

B. Project Metrics

This section provides a list of all the projects obligated using Section 130 funds during this reporting period and an evaluation of previously completed projects.

- i. Project listing. The following information should be provided for all projects obligated during this reporting period:
 - a. Location of projects;
 - b. USDOT crossing numbers;
 - c. FHWA roadway functional classification;
 - d. Specific project type and description (see project groupings below);

- e. Crossing protection (active, passive);
 - f. Crossing type (for example: vehicle, pedestrian, etc.);
 - g. Cost of project including Federal share; and
 - h. Funding types (Section 130 or other).
- ii. Previously completed projects. The following information should be provided to evaluate previously completed projects:
- a. Location of projects;
 - b. USDOT crossing numbers;
 - c. FHWA roadway functional classification;
 - d. Specific project type and description (see project groupings below);
 - e. Crossing protection (active, passive);
 - f. Crossing type (for example: vehicle, pedestrian, etc.);
 - g. Cost of project including Federal share;
 - h. Funding types (Section 130 or other);
 - i. Crash data (show a minimum of 3 years before and up to 3 years after project completion); and
 - j. Effectiveness of prior year projects.

The project listings and previously completed projects should be grouped by the type of improvement:

- **Crossing Approach Improvements** - Projects such as channelization, new or upgraded signals on the approach (not including the active grade crossing signals), 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 new or upgraded flashing lights and gates, track circuitry, wayside horns, and signal improvements such as railway-highway signal interconnection and pre-emption, including projects to replace functionally obsolete rail-highway safety equipment.
- **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, including to eliminate hazards posed by blocked crossings due to idling trains.
- **Crossing Inventory Update** - Projects such as efforts to update and manage the railway-highway grade crossing inventory and development of a Web-based inventory.

3. Protection of Data from Discovery & Admission Evidence

Section 407 of title 23 U.S.C. states that reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of

railway-highway crossings 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 mentioned or addressed in such reports, surveys, schedules, lists, or data.

Questions

If you have any questions or need additional information, please contact Kelly Morton (202-366-8090 or kelly.morton@dot.gov) or Esther Strawder (202-366-6836 or esther.strawder@dot.gov).

Attachment: Report Template

cc: Directors of Field Services
Safety Field
HCC
HCF
HPL

Attachment: Report Template¹

A. PROGRAM STRUCTURE

1. State

Auto-populated

2. Executive Summary

enter text here

3. Identify the reporting period used by the state.

☐ Calendar Year: Jan. 1 to Dec. 31

☐ Federal Fiscal Year: Oct. 1 to Sept. 30

☐ State Fiscal Year: enter text here

4. Describe the overall process of how Section 130 funds are administered in the State.

enter text here

a. Describe how funds are distributed and administered in the State.

☐ Centralized Administration

☐ De-centralized administration through district or regional offices

b. Describe the method(s) used for project selection.

enter text here

c. Describe the method(s) used to measure effectiveness (in terms of reducing fatalities and serious injuries) of the projects and program.

enter text here

d. Describe any noteworthy efforts the State has used to effectively deliver a successful program.

enter text here

¹ This information collection has been assigned OMB control number 2125-0025 under the Paperwork Reduction Act.

5. **Identify the obligations for data acquisition and analysis efforts. This amount is limited to 8 percent of the annual Section 130 apportionment.**

enter text here

6. **Provide the total number of public crossings within the State, including the type of crossing protection.**

Crossing type	Number of Crossings
At-Grade Active Warning Devices	
At-Grade Passive Warning Devices	
Grade-Separated RR Under Road	
Grade-Separated RR Over Road	
Non-Motorized Active Warning Devices	
Non-Motorized Passive Warning Devices	

Non-motorized Active and Passive Crossings are a subset of the total and include public pathways, shared use paths and trails but not sidewalks that are part of a roadway crossing.

7. **Provide the specific program emphasis areas, and if necessary, a discussion of significant variations from previous reports.**

enter text here

8. **Provide an assessment of overall Section 130 program effectiveness including evaluation results and how results are used to improve the Section 130 program.**

enter text here

9. **Provide performance measure data including fatalities and serious injuries for the last five years at railway-highway crossings.**

enter text here

B. PROJECT METRICS

1. Project Listing

Location	USDOT Crossing Number	FHWA Roadway Functional Classification	Project Type (See Grouping Table below)	Crossing Protection (Active or Passive)	Crossing Type (Vehicle, Pedestrian, etc)	Cost	Federal Share	Funding Type (Section 130 or other)

2. Previously Completed Projects

Location	USDOT Crossing Number	FHWA Roadway Functional Classification	Project Type (See Grouping Table below)	Crossing Protection (Active or Passive)	Crossing Type (Vehicle, Pedestrian, etc)	Cost	Federal Share	Funding Type (Section 130 or other)	Crash Data	Effectiveness of prior year projects

Project listing should be grouped by the following types of improvements

2. **Crossing Approach Improvements** - Projects such as channelization, new or upgraded signals on the approach (not including the active grade crossing signals), guardrail, pedestrian/bicycle path improvements near the crossing, and illumination.
3. **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.

4. **Active Grade Crossing Equipment Installation/Upgrade** - Projects such as new or upgraded flashing lights and gates, track circuitry, wayside horns, and signal improvements such as railway-highway signal interconnection and pre-emption, including projects to replace functionally obsolete rail-highway safety equipment.
5. **Visibility Improvements** - Projects such as sight distance improvements and vegetation clearance.
6. **Roadway Geometry Improvements** - Projects such as roadway horizontal and/or vertical alignment, sight distance, and elimination of high-profile ("humped") crossings.
7. **Grade Crossing Elimination** - Projects such as crossing elimination through closure, relocation, or construction/reconstruction of a grade separation structure, including to eliminate hazards posed by blocked crossings due to idling trains.
8. **Crossing Inventory Update** - Projects such as efforts to update and manage the railway- highway grade crossing inventory and development of a Web-based inventory.