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HIGHWAY SAFETY

Preliminary Observations on Efforts to Implement Changes in the Highway Safety Improvement Program Since SAFETEA- LU

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Highlights

Highlights of [GAO-08-1015T](#), a testimony before the Committee on Environment and Public Works, U.S. Senate

Why GAO Did This Study

About 43,000 traffic fatalities occur annually, and another 290,000 people are seriously injured on the nation's roads. To reduce these numbers, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) nearly doubled funding for the Federal Highway Administration's (FHWA) Highway Safety Improvement Program (HSIP), authorizing \$5.1 billion for 2006 through 2009. SAFETEA-LU also added requirements for states to develop strategic highway safety plans that cover all aspects of highway safety, including infrastructure, behavioral (education and enforcement), and emergency medical services projects; develop crash data analysis systems; and publicly report on the top 5 percent of hazardous locations on all their public roads. SAFETEA-LU also set aside funds for a legacy rail-highway crossing program and a new high-risk rural road program.

This testimony provides preliminary information on the implementation of HSIP since SAFETEA-LU. It is based on ongoing work that addresses (1) states' implementation of HSIP following SAFETEA-LU, (2) FHWA's guidance and assistance for states, and (3) results of HSIP to date, including for the two set-aside programs. To conduct this study, GAO visited 6 states, judgmentally selected based on highway safety attributes, analyzed plans and reports from these 6 states and 19 randomly selected states, and interviewed FHWA and state safety officials.

To view the full product, including the scope and methodology, click on [GAO-08-1015T](#). For more information, contact Katherine A. Siggerud at (202) 512-2834 or siggerudk@gao.gov.

HIGHWAY SAFETY

Preliminary Observations on Efforts to Implement Changes in the Highway Safety Improvement Program Since SAFETEA-LU

What GAO Found

All states submitted strategic highway safety plans and reports listing the top 5 percent of their hazardous locations, according to FHWA. The 25 state plans GAO reviewed generally cover all aspects of highway safety, but the 25 states have not fully developed the required crash data analysis systems. FHWA and state safety officials cited the collaboration that occurred among safety stakeholders in developing the plans as a positive influence on state safety planning. Many of the 25 states lacked key components of crash data analysis systems, including crash location data, roadway characteristics data, and software for analyzing the data. As a result, most states cannot identify and rank hazardous locations on all public roads, determine appropriate remedies, and estimate costs, as required by SAFETEA-LU, and their 5 percent reports often lack required information on remedies and costs.

FHWA provided written guidance and training to assist the states, especially in preparing their strategic highway safety plans, and participated in every state's strategic safety planning process. However, FHWA has not required states to submit schedules for obtaining complete roadway characteristics data, and because states lack complete data, FHWA's guidance on the 5 percent reports did not specify a methodology. As a result, states' 5 percent reports vary widely, raising questions about how this report can be used.

It is too soon to evaluate the results of HSIP as carried out under SAFETEA-LU because states need more time to identify, implement, and evaluate projects they have undertaken since adopting their strategic highway safety plans. However, preliminary evidence indicates that some HSIP provisions may not be aligned with states' safety priorities. First, most states have not taken advantage of a new spending provision that allows states to use some HSIP funds for behavioral or emergency medical services projects, partly because a certification requirement—that all state highway safety infrastructure needs have been met—may make them reluctant to do so. Second, the rail-highway crossing set-aside program does not target the top safety priorities of some states. Lastly, states are still in the early stages of implementing the high-risk rural road set-aside program, and data limitations may make it difficult for some of them to identify qualifying projects, especially for locally owned rural roads. FHWA agreed with GAO's findings.

Rumble Strips and Cable Median Barriers to Improve Highway Safety



Source: GAO.

Chairman Boxer and Members of the Committee:

We appreciate the opportunity to participate in this hearing to discuss highway safety. My statement today focuses on our ongoing work on the Federal Highway Administration's (FHWA) Highway Safety Improvement Program (HSIP). The program, established in 1973, provides funds through the Federal Aid Highway Program to states primarily for infrastructure and other improvements designed to reduce the number of crashes, serious injuries, and fatalities on the nation's roads. During 2006, about 43,000 traffic fatalities occurred and 290,000 people were seriously injured. Congress significantly revised HSIP through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed in August 2005.¹ Key revisions include the following:

- The annual authorization for HSIP nearly doubled to about \$1.3 billion per year.²
- States must now prepare a strategic highway safety plan that addresses all aspects of highway safety, which include infrastructure improvements, behavioral approaches such as education and enforcement projects meant to change drivers' behavior, and emergency medical services approaches.³ Eight types of stakeholders must participate in developing the strategic highway safety plan.
- States must now develop crash data analysis systems that they can use to identify hazardous locations, potential remedies, and the costs of these remedies.

¹Pub. L. No. 109-59. SAFETEA-LU amended provisions of Title 23 of the United States Code. For the purposes of this testimony, we refer generally to SAFETEA-LU instead of the United States Code when describing various requirements.

²The HSIP funding that states receive is generally higher than the amount authorized, mainly because of the Equity Bonus program. The Equity Bonus program, authorized by SAFETEA-LU, provides funding to states based on equity criteria such as a minimum return on state contributions to the Highway Trust Fund. For fiscal year 2008, SAFETEA-LU authorized \$1,275.9 million for HSIP, including two set-asides for rail-highway crossings and high-risk rural roads. After adjustments, including the equity bonus, FHWA apportioned \$1,550.6 million to states for HSIP—over 20 percent more than the authorized amount.

³Emergency medical services approaches to improving highway safety include projects to reduce response time to crash locations and improve medical care in the aftermath of a crash, for example.

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- To advance public awareness of highway safety, states must now analyze safety hazards on all their public roads and report the most hazardous 5 percent of these locations, in what is known as the “5 percent report,” to FHWA for posting on its public Web site.
 - The act authorized a \$220 million per year set-aside of funds for rail-highway crossing improvements under an existing rail-highway crossing program established in the Highway Safety Improvement Act of 1973.
 - The act created a new \$90 million per year set-aside for infrastructure projects on high-risk rural roads and defined these roads.
 - The act added a provision that allows states to transfer, or flex, up to 10 percent of their HSIP funds to behavioral and emergency medical services projects⁴ provided the state has adopted a strategic highway safety plan and certified that it has met all its safety infrastructure needs.

FHWA is not alone in funding state safety programs. The National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) administer almost half of federal safety funding through grants provided to states for their safety programs. These grants are generally for behavioral projects. The Department of Transportation (DOT) encourages states to align their NHTSA- or FMCSA-funded programs with the strategic highway safety plans they develop in implementing HSIP, but such alignment is not required.

My testimony today addresses (1) the extent to which states have implemented HSIP requirements set forth in SAFETEA-LU, including key elements of strategic highway safety plans and crash data analysis systems, (2) the types of guidance and assistance FHWA provided to the states to support them in planning and carrying out HSIP, and (3) the results to date of states’ efforts in carrying out HSIP, including the results of the set-aside programs for rail-highway crossings and for high-risk rural roads.

My testimony is based on preliminary work we are doing for this Committee for a review of HSIP scheduled for release later this year. To

⁴SAFETEA-LU states that approved states can flex HSIP funds to noninfrastructure projects that are identified in their strategic highway safety plans. According to FHWA officials, noninfrastructure projects are generally behavioral and emergency medical services projects.

examine states' strategic highway safety planning, we reviewed strategic highway safety plans and related program reports for a total of 25 states, including 19 randomly selected states and 6 states we visited—California, Florida, Illinois, Iowa, Mississippi, and Pennsylvania. We based our judgmental selection of these 6 states on our analysis of attributes associated with highway safety, such as fatalities and roadway characteristics, in each of these states and based on comments from highway safety experts. For these 6 states, we also obtained information on the development of their strategic highway safety plans and state officials' views. To identify and assess the types of guidance and assistance FHWA provided to the states in planning and carrying out HSIP, we reviewed FHWA guidance and interviewed FHWA headquarters officials and, in the 6 states we visited, FHWA division and state officials. To determine the results of the states' efforts since SAFETEA-LU, we reviewed strategic highway safety plans and analyzed data from HSIP annual reports for our 25 selected states. The results of our review of strategic highway safety plans and associated reports and site visits are not necessarily representative of all states. To address all our objectives, we also interviewed other DOT safety program officials and other highway safety stakeholders. We began this performance audit in May 2007, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings based on our audit objectives.

Summary

States have developed strategic highway safety plans that meet the requirements set forth in SAFETEA-LU, but have not fully implemented the required crash data analysis systems. According to FHWA, all 50 states and the District of Columbia submitted strategic highway safety plans, and all 25 plans we reviewed generally covered all aspects of highway safety, including infrastructure, behavioral, and emergency medical services projects. The plans also contained other elements prescribed by SAFETEA-LU. State officials we interviewed described the results of the new planning requirement as positive, and FHWA officials said they considered the collaboration among various stakeholders in developing these plans as the most important result to date of SAFETEA-LU's HSIP revisions. However, states do not yet have the crash data analysis systems needed to identify and select possible safety improvements as prescribed by SAFETEA-LU. These systems include (1) data from crash reports in a geographic format suitable for mapping crashes on all public roads; (2) data on the characteristics of all public roads, such as the number of lanes,

width of shoulders, and other roadway features; and (3) software for mapping and analyzing the data. While states have data on crash locations, these data are often not in a format for geographic analysis and many states lack data on roadway characteristics, especially for locally owned roads. Typically, states have better data on the roads they own than on locally owned roads in the state, but state-owned roads account for a relatively small proportion of the public road miles in most states, averaging 20 percent nationwide and ranging from 8 percent to 33 percent in the 6 states we visited. Therefore, most states cannot currently perform analyses to identify hazardous locations on all public roads, determine appropriate remedies, and estimate the costs of these remedies as required to identify and select safety improvements and to fully meet the requirements for the 5 percent reports. FHWA is developing software that may help states perform their safety analyses once their data improve.

FHWA provided guidance and assistance to the states to support them in planning and carrying out HSIP, but has not yet established deadlines for key efforts related to crash data analysis. FHWA developed guidance to help states prepare their strategic highway safety plans, 5 percent reports, and other required reports; provided technical assistance and training for state officials; and participated at the division level in every state's strategic planning process. FHWA set an August 2009 deadline for states to have crash location data suitable for mapping, but has yet to establish deadlines for states to have the required data on roadway characteristics. In its guidance on the 5 percent report, FHWA gave states leeway in interpreting the act's requirements and, recognizing their data limitations, did not specify a methodology. As a result, states developed widely varying versions of the report, some of which use a format that may make it difficult for the public to identify listed sites. Consequently, it is unclear if this report is meeting its public information purpose.

It is too soon to evaluate the results of states' efforts to carry out HSIP since SAFETEA-LU's enactment because states need time to identify, implement, and evaluate HSIP projects undertaken after adopting their strategic highway safety plans. Given that states submitted their strategic highway safety plans to FHWA in 2006 and 2007, and that project selection and construction can take a year or more, it is too early to know whether the HSIP projects selected will make a difference in reducing crashes, serious injuries, or fatalities at project sites. Already, however, preliminary evidence raises questions about how well some HSIP provisions are aligned with states' safety priorities. First, few states have taken advantage of a provision that allows states to transfer some HSIP funds to behavioral programs and emergency medical services projects if they certify they

have met all the highway safety infrastructure needs they can address through HSIP. As of the end of June 2008, seven states had received approval for transfers. Other states told us they are interested in transferring funds but have not done so, partly because of concerns about the certification requirement. Second, about two-thirds of the strategic highway safety plans we reviewed (17 of 25) did not include rail-highway crossings as a top priority, or emphasis area, but SAFETEA-LU reserves about 17 percent of HSIP's authorized funding for these projects through the rail-highway set-aside program, leading some states to question the size of this set-aside program. A June 2008 act provides states with flexibility to use their rail-highway set-aside funds for other types of infrastructure improvements under HSIP if they certify that they have met all their rail-highway crossing needs.⁵ Finally, implementation of HSIP's high-risk rural roads set-aside program is in the early stages, and although 16 of the 25 states we reviewed had identified and funded projects by the end of fiscal year 2007, 5 of the states we visited were having difficulty identifying qualifying roadways and appropriate remedies because they lacked data on crash locations and local road characteristics.

Strategic Highway Safety Plans Included Key Elements Added by SAFETEA-LU, but States Lack Data for Analysis Specified by the Law

All 50 states and the District of Columbia submitted strategic highway safety plans to FHWA before October 2007, a deadline established by SAFETEA-LU. Additionally, the 25 state strategic highway safety plans we reviewed generally contained the key elements specified in SAFETEA-LU, such as consideration of all three approaches to improving highway safety, including infrastructure improvement, behavioral approaches (education and enforcement), and emergency medical service improvements, and evidence of involvement by a broad set of stakeholders. For example:

- All 25 plans included infrastructure improvement and behavioral approaches among the emphasis areas or key strategies that states identified to address their top priorities. Twenty-two of the plans included emergency medical services improvements.
- Our review of the plans indicated that 20 of 25 states consulted with at least five of the eight specified types of stakeholders, including representatives of the state agencies that administer NHTSA and FMCSA safety grants.

⁵SAFETEA-LU Technical Corrections Act, Pub. L. No. 110-244.

As a result, the new planning process helped break down the separation between engineering and behavioral program planning that existed prior to SAFETEA-LU. Highway safety officials in states we visited said the extent of cooperation between stakeholders that occurred when developing the strategic highway safety plan was a largely new development after SAFETEA-LU. FHWA officials told us that they believe this change in planning is the most important result to date of the changes in HSIP. Likewise, officials responsible for safety programs at NHTSA, FMCSA, and in the states we visited agreed that HSIP's strategic highway safety planning process facilitated more integrated safety planning than had occurred in the past.

While the state plans we reviewed indicated general compliance with SAFETEA-LU's requirements for preparing strategic highway safety plans, states do not yet have the crash data analysis systems needed to identify and select possible safety improvements as set forth in SAFETEA-LU. These systems include crash location data in a geographic format suitable for mapping and roadway characteristics data—such as lane and shoulder dimensions—for all public roads, together with software that can analyze the data. With these components, states can identify hazardous locations, develop appropriate remedies, and target resources to the greatest hazards. The requirement to obtain and analyze data for all public roads is a significant departure from past practice for many states. Before SAFETEA-LU, states generally had such information only on the roads they owned, because that information was useful for managing the maintenance and operation of their state-owned roads. However, state-owned roads account for a relatively small proportion of the public road miles in most states, averaging 20 percent nationwide. In the six states we visited, the state-owned portion of all public roads ranged from about 8 percent in Iowa to about 33 percent in Pennsylvania, and the remaining roads were locally owned. This data gap presents a challenge for states that may be costly for many to address, but the increased funding authorized for HSIP is generally available for data improvements as well as safety projects.

Our review of 25 state strategic highway safety plans and six site visits indicated that, to varying degrees, states lack key components of crash data analysis systems:

- All 50 states maintain data on the crashes that occur on all public roadways in the state, but in the 25 states we reviewed, the information on crash locations was typically not in a geographic format (GIS or GPS) suitable for mapping. Safety engineers use crash location data to

determine if accidents recur, or cluster, at specific sites. Among the states we visited, Iowa and California had crash data in a geographic format that allowed accidents to be located precisely on any public road in the state, but the other four states did not have such data for nonstate roads. According to our review of 25 states' strategic highway safety plans, some states are working toward improving their crash location data by upgrading their crash reporting systems with GPS capabilities, yet it is still common for crash location data to come from handwritten crash reports that use mile-post markers, intersections, or street addresses to identify crash locations.

- Most of the 25 states included in our review did not have data on roadway characteristics for all publicly owned roads, especially locally owned roads. As noted, states generally maintain these data only for roads they are responsible for maintaining and operating. For example, the Pennsylvania Department of Transportation originally established, and now maintains the data for, a roadway characteristics database to support its management and operation of state-owned roads. The department still uses the database primarily for this purpose, but the data can also be used for safety analyses. Furthermore, because it is costly and time consuming to gather and maintain roadway characteristics data, states generally have not expanded their roadway characteristics databases to include locally owned roads. For example, Florida officials estimated that it would initially cost \$300 million and could take 3 years to develop such a database. In addition, they noted there would be annual maintenance costs to keep the data current. Of the six states we visited, only Iowa had roadway characteristics data for all public roads.
- Most of the 25 states we reviewed have not developed software or other analytic tools to use the crash location and roadway characteristics data to perform the analysis required by SAFETEA-LU. FHWA is developing a software system, known as "Safety Analyst," that is designed to help states use crash location and roadway characteristics data to determine their most hazardous locations, rank them, identify possible remedies, and estimate the costs of implementing the remedies. FHWA estimates that it will complete the development of this software and release it to the states later in 2008. In the meantime, some states may also be developing their own approaches. For example, Mississippi is developing its own software, which is similar to Safety Analyst.

Until states have obtained the necessary data and software, they cannot conduct the kind of data analysis specified by SAFETEA-LU—namely, identifying and ranking hazardous locations on all public roads, determining appropriate remedies, and estimating project costs. This kind

of analysis is also necessary to generate 5 percent reports that fully meet the requirements for these reports set forth in SAFETEA-LU, including requirements for information on remedies and costs. Many of the 5 percent reports we reviewed lack this required information.

FHWA Assisted States in Preparing Strategic Highway Safety Plans, but Has Not Set Deadlines to Obtain All Needed Data

FHWA provided guidance and technical assistance to states in preparing strategic highway safety plans, and FHWA division officials participated in each state's planning process. FHWA's guidance included memorandums describing new HSIP program procedures and a reference guide on strategic planning. Furthermore, FHWA held training symposiums and provided technical assistance through its division offices and resource center. According to our review of 25 strategic highway safety plans and six site visits, FHWA division staffs were actively involved in the state planning efforts that resulted in states' adoption of strategic highway safety plans and FHWA's acceptance of these plans.

In its guidance to states on implementing HSIP, FHWA stopped short of requiring states to gather all the data needed for the type of safety analysis specified in SAFETEA-LU. FHWA set August 31, 2009, as a deadline for states to develop the crash location data needed to map crashes on all public roads. FHWA officials told us that they believe that states will meet this deadline. However, recognizing the data limitations many states face, FHWA has not set a date for states to have the other required data on roadway characteristics for all public roads. Without roadway characteristics data, states cannot identify remedies and estimate the costs of infrastructure projects using analytic tools, such as Safety Analyst, but must instead rely on older approaches that combine data analysis with field surveys of potential improvement locations, roadway safety audits, or other information sources.

In its guidance on the 5 percent report, FHWA gave states leeway in interpreting the act's requirements and did not specify a methodology. Recognizing the states' data limitations, FHWA advised the states to prepare their 5 percent report using available data. Consequently, states prepared widely varying 5 percent reports. For example, some reports included remedies and costs for each location while others showed remedies and costs only for certain locations or for none at all. In our review of the 2007 reports for 25 states, the number of locations reported ranged from 5 to 880, with 3 states reporting 10 or fewer locations and 6 states reporting over 100. Additionally, many reports list locations in a format that the general public may find difficult to use. For example, the public may find it hard to identify a hazardous location when it is

identified in the report by the roadway mile marker, as is done in several reports we reviewed. We found that some states were using their 5 percent reports to help identify projects for funding, but where the format for identifying the sites was not readily accessible to the public, it was not clear whether the reports would enhance public awareness of highway safety, as intended.

It Is Too Soon to Evaluate Results of States' Efforts Since SAFETEA-LU, but Preliminary Evidence Raises Questions about whether Certain Program Provisions Are Aligned with States' Safety Priorities

As previously noted, federal and state officials told us that the strategic highway safety planning process improved collaboration and safety planning, but it is too early to evaluate the results of states' efforts to carry out HSIP since SAFETEA-LU's enactment, especially the results of infrastructure projects identified through the strategic highway safety planning process. However, preliminary evidence from our review of 25 states' plans and six site visits indicates that three provisions in SAFETEA-LU may not be aligned with states' safety priorities. First, states have generally not taken advantage of HSIP's flexible funding provision, which allows them to use HSIP funding for noninfrastructure projects.⁶ Second, the rail-highway crossing set-aside may target a low-priority type of project for some states, although other states continue to emphasize this area. Third, states have just begun to implement the high-risk rural road program, but data limitations may be making it difficult for some states to allocate program funds to qualifying projects.

More Time Needed to Evaluate HSIP Projects Since SAFETEA-LU

Too little time has passed for states to select and build infrastructure projects identified in their strategic highway safety plans and, as a result, it is too soon to evaluate the results of HSIP projects funded under SAFETEA-LU's authorization. Given the October 2007 deadline for states to submit their strategic highway safety plans to FHWA, states finalized their plans relatively recently—28 states did so in 2006, and the remaining 22 states, plus the District of Columbia, did so in 2007. Because infrastructure projects can take a year or more to select and build, and subsequent project evaluations require 3 years' worth of crash data after the projects have been implemented, it is too soon to assess the effectiveness of projects undertaken under the new program.

⁶Noninfrastructure projects are generally behavioral and emergency medical services projects, according to FHWA officials.

Few States Used HSIP Flexible Funding Provision for Behavioral and Emergency Medical Services Projects

States made limited use of the HSIP flexible funding provision that allows them to transfer up to 10 percent of their HSIP funds to behavioral and emergency medical services projects if they have adopted a strategic highway safety plan and certified that they have met all their safety infrastructure needs. As of the end of June 2008, seven states had applied to FHWA, and been granted approval, to transfer about \$13 million in HSIP funds to behavioral or emergency medical services projects (see table 1), according to FHWA data. Though none of the six states we visited has requested approval to transfer HSIP funds, officials in two of those states did express interest in doing so. However, these officials noted that their states could not meet the certification requirement because of ongoing infrastructure needs and concerns about the potential legal liability a state could incur by certifying that all its infrastructure safety needs have been met. Officials in the other states we visited agreed that certification would be difficult, but did not express interest in transferring funds because they had enough infrastructure projects to use all the available HSIP funds.

Table 1: Information on Funding and Projects in Seven States Approved to Transfer HSIP Funds for Behavioral and Emergency Medical Services Projects

State	Approved funding	Projects
Alabama	\$5,671,268	Education, emergency medical services, and enforcement activities
Colorado	\$1,867,737	Work zone safety, traffic records, occupant protection, and other activities
Hawaii	\$579,662	Specific information on projects not available from FHWA
Michigan	\$380,000	Various safety projects, such as work zone safety and winter driving safety education
Nebraska	\$2,100,000	Impaired driving, occupant protection, and young driver safety activities
Utah	\$983,132	Continuation of the Zero Fatalities Program, which incorporates a number of behavioral approaches
Wisconsin	\$1,202,000	Various public education programs, such as work zone safety and older and medically impaired driver safety
Total	\$12,783,799	

Source: FHWA.

At least in part because of these conditions attached to transferring funds, most HSIP funding remains focused on infrastructure. In some instances, the funding allocated between approaches may not be aligned with the emphasis areas laid out in the state strategic highway safety plan. Nevertheless, states may use NHTSA and FMCSA grants as well as transfer HSIP funds to address behavioral and emergency medical services approaches to improving highway safety. In contrast to HSIP funding, though, grants from related NHTSA and FMCSA programs are not formally aligned with the strategic highway safety plan developed as part of HSIP.

In our interviews with federal officials at FHWA, NHTSA, and FMCSA, we found that stakeholders from those three organizations were collaborating, usually informally, but to date, the flexible funding provision in HSIP has not significantly altered the sources of federal funding states use to fund infrastructure, behavioral, and emergency medical services safety projects. Additionally, because states' NHTSA and FMCSA grant awards are not formally aligned with states' strategic highway safety plans, it is unclear to what extent states have aligned their total federal highway safety funding with priorities identified in their strategic highway safety plans.

Rail-Highway Crossing Improvement Set-aside May Target Low-Priority Projects in Some States

HSIP's funding set-aside for rail-highway crossing improvements may target projects that are a low priority and yield low safety benefits for some states, but other states continue to emphasize rail-highway crossing improvements. Our review of 25 strategic highway safety plans showed that improving rail-highway crossings was often a low priority for states. As noted earlier, states designate their top safety priorities as emphasis areas in their strategic highway safety plans and identify their most hazardous locations in their 5 percent reports. Seventeen of 25 states had not identified rail-highway crossings as an emphasis area. In our review of the 5 percent reports submitted by these 25 states in 2007, we found that Oregon alone identified a rail-highway crossing in its 5 percent report of most hazardous locations.⁷

States' relatively low emphasis on safety improvements at rail-highway crossings may be related to their evaluations of the effectiveness of recent improvements. In reviewing our 25 selected states' rail-highway crossing program annual reports for 2007, we found 21 reports that included before-and-after crash data for rail-highway crossing improvement locations. In 15 of these 21 states, almost all of the improved locations showed zero incidents both before and after the improvement. Nevertheless, West Virginia's annual crossing report noted that as long as federal funding through the set-aside program continues, the state's strategic highway safety plan will address rail-highway crossings despite low project benefits.

⁷Because the locations in 5 percent reports are sometimes described in vague or technical terms, such as by mile markers, it may be difficult to determine if an included location is a rail-highway crossing.

The six states we visited varied in their views on the set-aside for rail-highway crossing improvements. Officials in two of the states said that the set-aside may be disproportionately high given the low risk rail-highway crossings pose compared with other hazardous locations. FHWA Office of Safety officials agreed that the program's funding, which accounts for approximately 17 percent of HSIP authorizations, was high based on the number of fatalities that occur at rail-highway crossings. Conversely, officials in Illinois noted that rail-highway crossings are a safety priority for the state. Additionally, Mississippi demonstrated the importance of improving crossings through their safety programs by augmenting federal set-aside funds with state funds.

The SAFETEA-LU Technical Corrections Act⁸ provides states with flexibility to use rail-highway crossing set-aside funds for other types of HSIP projects if they certify that they have met all their rail-highway crossing needs. While it remains to be seen how states will respond to this amendment, they may be reluctant to certify that they have met all their needs. As noted earlier, some states have been reluctant to make use of HSIP's flexible funding provision because they may still have some infrastructure needs or may have legal concerns about the potential liabilities of such a certification.

States Are in the Early Stages of Implementing the High-Risk Rural Road Program, and Data Limitations May Be Slowing Implementation

Many states are still in the early stages of implementing the set-aside program for high-risk rural roads and have yet to obligate significant funds for projects, and data limitations may be hindering their ability to target program funds to eligible projects. SAFETEA-LU created this program because over half of highway fatalities occur on rural roads. The act authorizes \$90 million per year to address hazards on rural roads defined as high risk.⁹ Projects on roadways that meet the act's definition are eligible for funding under the program. According to reports on the program to FHWA by the 25 states we selected, 23 of these states had implemented the program to some extent by the end of fiscal year 2007. Of these 23 states, 16 had already identified projects and approved, funded, or contracted for at least one infrastructure project, and 7 were still

⁸Pub. L. No. 110-244 (2008).

⁹The program defines high-risk rural roads as rural collectors or local roads that have shown fatality or serious injury accident rates above the state average for similar road types, or, based on projected changes in traffic volume, are likely to show above average rates in the future.

identifying potential projects, gathering data, or performing other preliminary activities. Because states remain in the early stages of implementing the program, obligations made to date are low; for example, through June 2008, program obligations for all years under SAFETEA-LU totaled \$50.3 million, compared with almost \$270 million authorized through that time period.

Limited data on rural roads—including data on crash locations and local roadway characteristics—may be hindering the program’s implementation by making it difficult for some states to identify roads that conform to the definition of high-risk rural roads in SAFETEA-LU. Officials in 5 states we visited noted that limitations in their crash location and roadway characteristics data made it difficult for them to identify qualifying roadways and appropriate remedies. Additionally, in our review of 25 state reports, we found states cited data limitations as a difficulty in implementing the program. For example, at the end of fiscal year 2007, Texas had yet to implement the program due to data limitations.

Chairman Boxer and Members of the Committee, this concludes my prepared statement. We plan to report in more detail on changes in the Highway Safety Improvement Program and may have recommendations at that time. I would be pleased to respond to any questions that you or other Members of the Committee might have.

GAO Contact and Staff Acknowledgments

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