Section 130 Program Overview and Update

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2015 National Highway-Rail Grade Crossing Safety Training Conference
Agenda

• Overview of Section 130
• Latest Updates on Section 130
  – FY 2016 Funding Apportionments
  – Latest obligation rates
  – Fatality and incident figures
  – Reporting requirements
• Alternative Funding Sources
• Legislation Update
• Questions
Overview – What is “Section 130”? 

• Title 23 of the United States Code, Section 130 was created by Congress in 1987 to provide funds for the “Elimination of Hazards” at public railway-highway crossings
  – $160 million per year

• 2005: SAFETEA-LU increased Section 130 funds
  – $220 million per year

• 2012: MAP-21 in 2012 continued Section 130
  – $220 million per year
Overview – Funding

• Section 130 funds are set-aside from a State’s Highway Safety Improvement Program (HSIP) funds
• Funds are apportioned to States by formula
• Minimum of $1.1 Million to each State
Funding distribution formula for a State

Per: 23 USC 130(e)(1)

- 50% Number of Public Crossings In a State
- 12.5% Lanes Miles of Federal Aid Highway
- 20% Vehicle Miles on Federal Aid Highways
- 17.5% Payments Into the Highway Trust Fund
Updates – FY 2016 Funding Apportionments

• For FY 2016* the largest amounts are:

- $17.5 Million
- $15.3 Million
- $10.3 Million

*Apportionments shown represent full FY funding. However, MAP-21 expires November 20 and current actual apportionments are prorated for the partial FY.
Funding

• Obligation Period is the Fiscal Year + 3 Years. After obligation period ends, the funds lapse and can no longer be obligated.
  
  o For example, funds apportioned in FY 2016 are eligible for obligation through the end of FY 2019
  o Some States “pool” their funds for 2-4 years to pay for larger projects

• Federal Share is typically 90% for Section 130 funds
# National Obligation Rates

Through the end of FY 2015

<table>
<thead>
<tr>
<th>Funding Program:</th>
<th>Overall HSIP</th>
<th>Core HSIP</th>
<th>Section 130</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAFETEA-LU</td>
<td>91.3%</td>
<td>91.5%</td>
<td>94.7%</td>
</tr>
<tr>
<td>MAP-21</td>
<td>68.6%</td>
<td>71.3%</td>
<td>40.4%</td>
</tr>
<tr>
<td>Cumulative SAFETEA-LU + MAP-21</td>
<td>82.4%</td>
<td>82.9%</td>
<td>78.5%</td>
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</tbody>
</table>
Funding
Per: 23 USC 130(e)(1)

• 50% of a State’s apportionment are set-aside to be used for protective devices

• Remaining 50% can be used for any hazard elimination project including protective devices
Overview - Eligibility

Section 130 funds **CAN** be used at:

- Any public railway-highway grade crossing
- Bike / Ped Crossings: Definition of a public crossing includes separate public bike paths and public pedestrian trails in addition to sidewalks adjacent to a public roadway
Overview - Eligibility

Section 130 funds **CAN** be used for:

- Preliminary Engineering, Design, Right-of-Way and Construction Costs
- Matching funds for a local agency on State funded projects per 23 USC 130(h)
- Incentive payments to local agencies to close a public crossing per 23 USC 130(i)
- Data collection for a State’s reporting requirements: up to 2% of a State’s apportionment per 23 USC 130(g)
Overview - Eligibility

Section 130 funds can **NOT** be used for:

- Pedestrian trespassing away from a grade crossing such as fencing along a railroad right-of-way
- New grade crossing on a new railway or roadway
- Automated enforcement such as cameras
- Quiet Zones
- Crossings on light-rail* or trolley lines
Overview – Program Administration

• Program is funded by Federal Highway Administration (FHWA), administered by the State DOTs.
  – States prioritize and select the projects
  – States oversee the design and construction
• FHWA Division Office in each State with a safety engineer, primary contact for Section 130
Fatalities at Crossings

![Graph showing fatalities at railway-highway crossings over years from 1995 to 2010. The graph indicates a decreasing trend in fatalities with Section 130 Apportionment (Millions) and Fatalities represented. The years 1995, 2000, 2005, and 2010 are highlighted with specific values for fatalities. The graph also shows the years under different transportation acts: ISTEA, TEA-21, SAFETEA-LU, and MAP-21 with their respective funding amounts.](image-url)
Reporting Requirements

- From 23 USC 130(g) each State shall submit a report to FHWA each year on the progress being made to implement Section 130 and the effectiveness of the improvements.

- Plan on posting all annual reports on FHWA’s website in 2016
Reporting Requirements

Biennial Report to Congress

• On April 1 every two years, FHWA submits a Section 130 Report to Congress (required by law)
• Next report due April 1, 2016
• It uses the States annual reports from the previous two years
Updates – What’s coming?

- Project Prioritization / Project Selection Guide
  March 2016

- Model Grade Crossing Action Plan
  March 2016

- FHWA Biennial Report to Congress
  April 2016

- New Grade Crossing Handbook
  Estimated 2017

- TRB Synthesis Study 47-15 (Preemption)
  Late 2016
LEGISLATION UPDATE

• MAP-21
  – Went into effect October 1, 2012
  – Two-year bill that expired on September 30, 2014
  – Four extensions
    ➢ Latest extension: October 30 – November 20
LEGISLATION UPDATE

Three bills:

• GROW America Act
  Administration’s Proposal

• DRIVE Act
  Passed in the Senate

• STRR Act of 2015
  Passed in the House
LEGISLATION UPDATE

• Congress has to merge the two bills - DRIVE Act and STRR Act – in committee
## LEGISLATION UPDATE

Comparison of the bills:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Length</th>
<th>Total Funding</th>
<th>Section 130</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROW America</td>
<td>6 years</td>
<td>$478 billion</td>
<td>$220 Million Annually</td>
</tr>
<tr>
<td>DRIVE Act (Senate)</td>
<td>6 years</td>
<td>$275 billion</td>
<td>$220 Million Annually</td>
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<tr>
<td>STRR Act (House)</td>
<td>6 years</td>
<td>$325 billion</td>
<td>FY 2016 $225 Million</td>
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<td>FY 2017 $230 Million</td>
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<td>FY 2018 $235 Million</td>
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<td>FY 2019 $240 Million</td>
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<td></td>
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<td>FY 2020 $245 Million</td>
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<td>FY 2021 $250 Million</td>
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Alternative Funding Sources

Highway Safety Improvement Program (HSIP)

• $2.4 billion annually
• Projects are eligible if grade crossings are a emphasis area or focus area in a State’s Strategic Highway Safety Plan (SHSP)*
• Data driven program, all public roads are eligible
• Get involved in your SHSP process!

http://www.fhwa.dot.gov/safety/hsip
http://safety.fhwa.dot.gov/hsip/shsp/

*Currently Sixteen States (AR, AZ, CO, IL, IN, MA, MO, NJ, OH, PA, SC, TX, UT, WV, WI, WY)
Alternative Funding Sources

Surface Transportation Program (STP)

• $10 billion annually
• Eligible expenses include: “Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, mitigation of hazards caused by wildlife, railway-highway grade crossings.”

• However, not all roadways would apply as STP funds are generally not eligible on rural minor collectors and local roads.
  • However there is a special provision in the STP that allows a to State to use up to 15% of its rural

https://www.fhwa.dot.gov/map21/factsheets/stp.cfm
Alternative Funding Sources

National Highway Performance Program (NHPP)

- $21.9 billion annually
- Eligible expenses include: "Highway safety improvements for segments of the NHS. Highway safety improvements include those improvements on the NHS that are eligible under 23 U.S.C. 148(a)(4)"
- Railway-highway crossings fall under this eligibility of 23 U.S.C 148(a)(4)
  - However, they must be on roadways on the National Highway System (NHS)

https://www.fhwa.dot.gov/map21/factsheets/nhpp.cfm
Additional Resources

National Highway Institute (NHI) offers two training classes

NHI-380005 Railroad-Highway Grade Crossing Improvement Program
2-Day Course that involves information on crossing technologies and a brief overview of the Section 130 Program

NHI-3800097 An Overview of the Railroad-Highway Grade Crossing Improvement Program
1-Day Course that involves more specifics of the Section 130 Program and eligibilities, etc.
Additional Resources

23 USC 130

FHWA Railroad-Highway Grade Crossing Handbook

MAP-21 Apportionments
https://www.fhwa.dot.gov/legsregs/directives/notices/n4510788/n4510788_t1.cfm

Section 130 Reporting Guidance
http://www.fhwa.dot.gov/map21/guidance/guiderhcp.cfm

Federal-Aid Essentials for Local Public Agencies
http://www.fhwa.dot.gov/federal-aidessentials/index.cfm

FHWA Division Offices
http://www.fhwa.dot.gov/about/field.cfm
Note each office’s website has a directory link where you can find the Safety Engineer
THANK YOU!!!

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QUESTIONS?