

Stewardship/Oversight Agreements – Safety Considerations

Guidance has been provided, dated April 14, 2006, on the development of stewardship/oversight agreements. Section VII of the guidance notes the need to clearly describe State versus Federal responsibilities for five program areas, including safety.

To assist Divisions with the development of the safety portion of the agreement, the Office of Safety offers the following thoughts to consider (and sample agreement, attached). These thoughts are organized by the five core elements for safety, as defined by the Agency's risk management and program delivery improvement efforts.

Title 23 CFR, Section 924 clearly delineates the requirements for States to participate in the Highway Safety Improvement Program (HSIP), and although this will be revised over the coming year, the principles will not change. Planning, implementation, evaluation and reporting will be critical components to the success of the program. Key elements to include in a stewardship/oversight agreement for the overall safety program include:

| <i>Safety Element</i> | <i>Federal/State Stewardship Roles</i> |
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| Highway Safety Improvement Program | <ul style="list-style-type: none">- State develops and implements its highway safety improvement program per 23 CFR, Section 924.- State is required to report data on the effectiveness of the HSIP program and rail crossing program, and the requirements of the 5% report, annually, by August 31.- Division determines whether state qualifies for 10% flex authority, annually.- Division is responsible for eligibility determinations and periodic review of program for compliance. |
| Strategic Highway Safety Plan | <ul style="list-style-type: none">- The SHSP is approved by the State and updated as necessary; the Division reviews the process and determines compliance.- Apportionments are maintained at 2007 levels unless a State has an approved Plan. |
| Crash Data Collection and Analysis | <ul style="list-style-type: none">- Division periodically determines adequacy of data quality and timelines as part of overall HSIP stewardship.- State must have data system to analyze all public roads; FHWA has provided a 3-year phase-in period to comply. |
| Other Required (legislated) Safety Programs | <ul style="list-style-type: none">- State responsible for submitting "split" letters on NHTSA transfer programs. Division responsible for periodic review of program and certifications, and management of transfer funds.- Division and State will have an agreement on the implementation of safety on 3R and Preventive Maintenance projects.- Division responsible for periodic review of safety elements, e.g. MUTCD, design standards, etc.- State responsible for applying safety planning factor in statewide planning process. |
| Focused Safety Programs | <ul style="list-style-type: none">- State has implementation plan for all strategic, or focused, areas in their SHSP. |

Attachment

Sample Agreement for
Safety Stewardship and Oversight

Highway Safety Improvement Program

The State will manage, enhance, and evaluate the overall HSIP program in accordance with 23 CFR, Section 924, with quality improvement reviews by the Division on a three year cycle, or as otherwise needed. The State may request flexibility in the use of the funds, as allowed by SAFETEA-LU section 1401(a)(1)(c), through written request to the Division. The Division will review the request, and if the State meets the flexibility requirements, approve the flexibility provision, up to 10%, on an annual basis. The Division will also make eligibility determinations.

The State will annually submit required reports on the effectiveness of the HSIP program including the HSIP report and the highway-railway crossing report, and the 5% report, on or before August 31.

Strategic Highway Safety Plan

The State will submit its approved Strategic Highway Safety Plan (SHSP) in order to exercise flexibility and eligibility options allowed through SAFETEA-LU. The Division will review the process by which the SHSP was developed and provide its determination regarding compliance of the processes with the requirements of SAFETEA-LU. If the state does not have an approved Plan prior to October 1, 2007, HSIP apportionments will remain at the 2007-year level in subsequent years.

Crash Data Systems and Analysis

The State will maintain, and FHWA will participate in, a traffic records coordinating committee (TRCC). The State will work toward a comprehensive statewide data system that includes all public roads by 2009, in accordance with FHWA's phase-in schedule.

FHWA will work in partnership with NHTSA to assure Federal requirements are met, and will adopt a review cycle through the TRCC and actively participate in the reviews.

Required Safety Programs

The State will assure timely submission of "split letters" when safety transfer funds are involved, designating the percent of funds applied to NHTSA and FHWA safety programs. In addition, the State will provide appropriate certifications to the Division. The Division will be responsible for administering these funds, for reviewing and submitting the certifications, and for periodic program reviews of the funds (possibly in conjunction with the HSIP reviews).

The State and Division will develop and/or maintain a written agreement on how safety will be addressed on 3R and preventive maintenance projects, in accordance with FHWA requirements for these programs.

The Division will review the use of the safety planning factor as part of its MSIP reviews and MPO certification process.

The State and Division will perform process improvement reviews of other safety program elements, as needed, such as Safe Routes to School, High Risk Rural Roads, design standards, MUTCD compliance, work zones, etc.

Focused Safety Programs

Within the State's SHSP, safety emphasis areas will be established based on safety data. The State will develop action plans and strategies for each emphasis area to identify and implement projects that will significantly reduce the number of fatal and serious injury highway crashes. The FHWA may provide technical assistance to the State, as requested.