



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: ACRON: Highway Safety Improvement Program Reporting  
"5 Percent Report", Title 23, Section 148 (c)(1)(D)

Date: APR 10 2006

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Reply to:  
Attachment: HSA-10

To: Division Administrators

Section 1401 of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (Public Law 109-59), or SAFETEA-LU, amended Section 148 of Title 23, *United States Code*, to create a new Highway Safety Improvement Program (HSIP) as a "core" FHWA program with specific funding. As a condition for obligating HSIP funds, Section 148(c)(1)(D) requires States to prepare an annual report that describes not less than 5 percent of the public road locations exhibiting the most severe safety needs. The legislation requires that these reports also include an assessment of potential remedies at the locations identified, the estimated costs of the remedies, and impediments to their implementation other than costs. This memorandum transmits guidance on the preparation of these reports, referred to as "5 percent reports" for simplicity. A team of field and Headquarters safety personnel provided valuable assistance in the development of this guidance.

Section 148(c) provides that States, as part of their Strategic Highway Safety Plans, shall have crash data systems capable of identifying and determining the relative severity of hazardous locations of all public roads using criteria that the States deem most appropriate, from which the "5 percent reports" can then be generated. This guidance identifies several possible measures that may be used by States in the determination of locations with the most severe safety needs. Because Section 148(b)(2) states that the intended purpose of the HSIP is to achieve a significant reduction in fatalities and serious injuries on public roads, it is expected that the States' methodologies used in identifying locations for inclusion in the "5 percent reports" will focus on fatalities and serious injuries. If a State's current methodology does not include all public roads and/or fatalities and serious injuries, it may use its current methodology to prepare the initial "5 percent report", but should include a discussion of its plans and timetable to achieve full public road coverage and the criteria related to fatalities and serious injuries.

Separate guidance has been issued for the HSIP report on program administration and effectiveness required by Section 148(g) and guidance will soon be issued for the report on the progress and effectiveness of the railway-highway grade crossing program required by Sections



130(g) and 45(g) of Title 23 *United States Code*. Currently 23 CFR 924.13 requires that the reports on the hazard elimination and the railway-highway grade crossings programs be submitted to the FHWA Division Office no later than **August 31** of each year. The States should submit the "5 percent reports" together with the other two H&EP reports by August 31, beginning in 2006. States may submit three separate reports or one report with three distinct sections. The Division Offices are to forward these reports to the FHWA Office of Safety (HSA) by September 30 of each year. The "5 percent reports" will then be made available to the public via posting on the USDOT web site as required by Section 148(g)(3).

Modifications to this guidance may be necessary as a result of review by the Office of Management and Budget under the Paperwork Reduction Act. This process, which includes publication of the expected manhours required for this data collection effort in the *Federal Register* for comment, is now underway and is expected to take approximately six months to complete. If changes are necessary as a result of this process, the guidance will be modified accordingly.

If you have questions on this guidance, please contact Mr. Ed Rice of the Office of Safety at (202) 366-9064 or via e-mail at [ed.rice@dot.gov](mailto:ed.rice@dot.gov).

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