

**Oregon Department of Transportation  
Comments on Proposed changes to Part 924  
Highway Safety Improvement Program**

**FHWA Docket No. FHWA-2008-0009** - The Federal Highway Administration proposed amendments to the regulations for 23 CFR part 924 Highway Safety Improvement Program (HSIP) to include new statutory requirements that resulted from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

**Detailed Comments:**

1. Part 924.5 (a) – The statement of purpose seems to be two-fold and I would argue that the first objective listed (“decreasing the potential for crashes”) is not specifically addressed in SAFETEA-LU, although it certainly is a laudable goal. The second objective (“reducing fatalities and serious injuries”) is the key objective listed in SAFETEA-LU. A clearer set of objectives is to put the objective of reducing fatalities and serious injuries first and list decreasing the potential for crashes as a secondary objective to give clearer guidance. Suggest the following reworded 924.5(a):

- (a) Each State shall develop, implement, and evaluate on a continuing basis a HSIP that has the overall objective of significantly reducing fatalities and serious injuries resulting from crashes on public roads. A secondary objective would be decreasing the potential for crashes.

2. Part 924.5(c) – We support the addition of the statement that:

“Improvements to safety features that are routinely provided as part of a broader Federal-aid project should be funded from the same source as the broader project.”

Although a concern might be whether or not we would be able to use HSIP funds to incorporate safety improvements beyond the normal scope of the project within the broader project. As a normal practice we will include Safety improvements into other broader projects hoping to get a better financial return on the investment than doing a standalone safety project.

3. Part 924.9 (a) (1) – This section relates to the type of data the planning process shall incorporate. Is the list included here (crash, roadway, traffic, vehicle, case or citation adjudication, and injury data) a required list of data for planning HSIP or a list of desirable data? Most states would have most of these datasets, maybe not case or citation adjudication, although some may have very limited sets.

A suggestion might be to change the requirements of this section to suggest that most of the data be collected or that it be included in a process to advance the future collection of the data

4. Part 924.9 (a)(3)(ii)(F) –The language in this section seems to imply that the program of HSIP projects has to be listed in the SHSP. I don't think that is what is meant by the inclusion of the term "program of projects". Suggest that some clarification or guidance should specifically allow the program of projects for HSIP infrastructure projects in a properly planned STIP.
5. Part 924.9 (a)(3)(ii)(N) – We support the FHWA's ability to direct processes and approve and manage how the states spend federal money, we disagree with section N which gives explicit approval authority of the process for the SHSP to the FHWA division office.

SAFETEA-LU gives unambiguous authority for the states to approve their own SHSP. We think the section should be deleted, giving the states back the full authority given under the law otherwise it is a contradiction of the intent of the legislation.

6. Part 924.15 (a) - This section states that the reporting period is July 1 through June 30. Our data crash data system reports by the calendar year (Jan 1 – Dec 31) and does not finish quality checking until April sometimes May. We process the top 5% report usually in May for the previous calendar year. Even if we wanted to do June thru July reporting our data entry process is sometimes more than two months behind in entering the data, and the data is not checked for quality until the end of each calendar year. The Transparency report would be impossible to complete in time if we included crash data through June 30. Not only do we have to process the reports but in order to complete those reports we have to investigate as many of the top 5% sites as possible to determine the remedies, costs and impediments. As it is, with 3 months of investigation, it is typically not enough time to do all the sites.

We recommend deleting the first part of the first sentence in this section "For the Period of the previous July 1 through June 30" and just start the section with "Each state shall submit to the FHWA Division Administrator no later than August 31 of each year the following reports..." This leaves it to each state to determine what period to report depending on their own reporting thresholds.

7. Part 924.15 (a)(1)(i) – The last sentence in this section says "...and shall provide a clear description of project selection". We are unsure of what this means, a clear description of the projects, or a clear description of the reasoning of the projects selected or clear description of the project selection process?
8. Part 924.15 (a)(3) – Shouldn't the transparency report include possible remedy, cost and impediments to implementation?