

HSIP Cycle 10 Call for Projects Webinar

5/20/2020 from 1:30PM to 3PM

Questions and Answers

Note: some questions have been edited or combined.

1. General questions

Can you provide the projects website?

Use Google search "CA Local HSIP", or go to

<https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program>.

Where can I find Local Roadway Safety Manual (LRSM)?

Please go to Caltrans DLA's HSIP website at <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program>.

Due to COVID, are there any possible extensions available?

Currently the application deadline is September 4, 2020. We will monitor the COVID situation and determine later if there is a need to extend this deadline.

Can universities apply for the grant?

Universities can as long as they have an approved master agreement with Caltrans Local Assistance showing that they can administer a project.

Did I hear it correctly: this cycle the state is exchanging all HSIP dollars and so we only have to meet state CEQA and other requirements, or is it just some of the funds?

Yes, that is correct. Our goal is to fund all cycle 10 projects using state funds. Therefore, only CEQA will be required for environmental clearance. DBE goal will not be required either.

Does State Deficit affect the State Fund?

State funds for HSIP Program become available by the exchange with HSIP federal funds. Currently we do not see the state deficit will affect the HSIP state funding but we will let everyone know if conditions change.

Why the application refers to E76 for PE and CON if we are using State funds?

Since state funds will be used, instead of being authorized by federal process (E-76), the PE and CON will be authorized by funding allocations. The project delivery requirements (PE and CON milestones) stay the same.

There will be no local match requirement for HSIP Cycle 10. Correct?

It depends. All set-asides and more than half of the safety countermeasures do not require local match. Other safety countermeasures require a local match of 10% or 50% of the total project cost. Please refer to the HSIP Analyzer Manual.

What is the minimum cost for a BCR project?

\$100,000 is the minimum HSIP funding amount for an HSIP project (BCR or funding set-asides).

Is the process for submitting the reimbursement request for HSIP that is threatened to lapse is the same as normal HSIP application? If not, what forms/package should agencies submit (like which chapter in LAPM should we refer to?) Thank you!

HSIP applications are being submitted electronically once you click on "Save and Submit" button at the end of the application form.

If your application is selected for funding, please refer to [the Local Assistance Procedures Manual \(LAPM\)](#) for project implementation process. Chapter 5 of the LAPM covers the topic of invoicing.

Less money was awarded/distributed for Cycle 9 than Cycle 8 even as the number of applications increased due to SSARP funds. This resulted in a very high BCR threshold (~7.5). Can we expect better guidance for how high BCR should be to be competitive, or how the amount available for distribution would compare to previous cycles?

\$220 million of HSIP funds is available in HSIP Cycle 10, which is about \$40 million increase from Cycle 9. However, it is hard to predict the BCR cut-off to be funded. It depends how many applications we may receive and how good they are.

Please clarify the eligible projects.

For funding set-asides, the work must be consistent with the work description of each set-aside (refer to the application form instructions).

For a BCR application, the work must be from the list of safety countermeasures (refer to the HSIP Analyzer Manual).

Would speed humps be eligible? Speeding was a factor on the fatal crashes that occurred, which is why we wanted to install speed humps.

All eligible safety countermeasures are listed in the HSIP Analyzer Manual. Currently there is no safety countermeasure listed for speed humps. You may include speed humps in a project with other safety countermeasures as "other safety related" components in the cost estimate of an application.

Does the systemic-ness of an application for safety improvements have any impact on how the application is evaluated? Can we do a systemic application without having an SSARP? Can we use a Vision Zero Plan to justify these?

The systemic approach is a good method to develop an application that proposes low-cost safety improvements to multiple locations with similar characteristics. Being systemic itself does not have any

impact on the application evaluation. The resulting BCR is used to determine whether or not the application will be funded.

Using the systemic approach does not need to be justified by an LRSP, SSAR or Vision Zero Plan.

Since a cost/benefit analysis is required, and most low B/C ratio applications don't succeed, how do you justify proactive systemic improvements that wouldn't have a high B/C ratio because you are indeed being proactive?

This was answered by Richard. Multiple applications will be accepted. See cycle 10 instruction for more details.

Systemic approach: We appreciate the proactive approach. Can your example be expanded to locations that are not on the same corridor, but have similar Characteristics?

Yes, locations on different corridors could be included in the systemic approach as long as you are using the same countermeasures and the characteristics are the same.

Are HSIP funds available for local agency force account work on a portion of a project (assuming we could do a PIF to allow local agency road crews to stripe portions of larger HSIP project or similar)?

Force account is a question at project implementation. Any funded project may use force account by following force account PIF process.

Can HSIP funding be used solely for design of a safety project?

No. All HSIP projects must include construction to improve safety at the proposed locations.

What was the smaller BCR for a funded project in cycle 9?

We were able to go down to 7.5.

If an applicant was awarded in Cycle 9 for set aside funds, and they have not started the project yet - would it be worth their time to apply for more funding in Cycle 10?

Yes, an agency can submit an application provided they are not on the delayed list for PE or CON.

Please clarify that agencies can submit for unlimited number of projects and unlimited total dollar request but once awards are announced, only \$10 million can be accepted so perhaps a project with a winning B/C would be forfeited? in other words, an agency can submit 5 applications that total \$40 Million but only accept \$10 Million?

That is correct. A local agency may submit for unlimited number of BCR applications requesting unlimited total dollar amounts. During the application evaluation, if you have more than \$10 million (HSIP funds) worth of applications that make the BCR cutoff, we will contact you since the maximum HSIP amount per agency under BCR category can only be \$10 million.

Set-aside applications are evaluated separately (not limited by the above \$10 million). Each agency may submit one application per set-aside.

\$10 million per agency: does that include sum of all application project costs including applications for the same project?

If you submit multiple applications for the same systemic project to maximize the chance of being funded with the right BCR, only one of the applications will be considered in the \$10 million limit per agency. For example, if the BCR cutoff in Cycle 10 is 7, and the BCR of your proposed project is 15, 10 and 5 with 5, 8 and 12 locations, then the application with a BCR of 10 will be considered.

Is environmental clearance required for RRFB's and signing and striping enhancements?

All HSIP projects require an environmental clearance. It should be a real quick turnaround to get this approval for a project that only includes RRFBs, signing and striping enhancements.

Do they require Federal Environmental clearance? Is there a nexus for Caltrans to start NEPA without Federal Funds in the project?

Since all projects are anticipated to be funded by state and local funds, only CEQA will need to be approved which the local agency is the lead.

If my agency has a cycle 7 project just awarded for construction and a cycle 8 project just submitted for e76 request for construction, would it be eligible for funding in cycle 10?

Yes, as long as an agency does not have a project on the delayed list at the time project selections are made (use 09/30/2020 as the date to check), they are good.

How do you identify the roadway type and/or the volumes if the project is at 20 locations?

Roadway types:

All the locations in one application must be of the same type: Signalized Intersections (S), Non-Signalized Intersections (NS), or Roadways (R). For example, an application may have 5 Non-Signalized Intersections, but it cannot have 2 Non-Signalized Intersections, 1 Signalized Intersection and 2 roadway sections.

In case such as a corridor project that involves different types of locations, you may have multiple HSIP Analyzer files which can be attached to the same box in the application form. The BCR is then calculated manually as (sum of benefits/sum of project costs) from all HSIP Analyzer files.

AADT entries in the HSIP Analyzer:

If the proposed improvements span a large distance, or are spread out over several routes or locations, provide the range of AADT volumes with the high-end input in the "Major Road" field and the low-end input in the "Minor Road" field.

If a project is partially funded with other grants (ATP, or other call for projects) , can we apply for HSIP to cover the remaining cost?

If the project clearly has safety benefits, you may also apply for HSIP funds. However the HSIP must be able to stand under its own merit, meaning if other projects/funding fall through, the HSIP project can still moved forward with constructing the safety improvements. Please explain this situation in answering the narrative questions in the application form.

How would a sign replacement program be categorized? Would this qualify?

Sign replacement is the local agency's responsibility as it is considered maintenance work.

2. Local Roadway Safety Plan (LRSP)

Can you provide clarity on whether LRSP is required in this cycle or not?

In the current HSIP Cycle 10 Call-for-Projects, an LRSP (or its equivalent) is not required for an agency to apply.

From HSIP Cycle 11 (around May 2022), an LRSP (or its equivalent such as Systemic Safety Analysis Report (SSAR) or Vision Zero Action Plan) will be required for an agency to be eligible to apply for the HSIP funds.

Many agencies are in the process or have developed SSARP/LRSP's to proactively address safety improvements. Will future HSIP Cycles award points for projects that have a strong safety need, but do not necessarily meet the B/C ratio or criteria for a set-aside?

From HSIP Cycle 11, Having an LRSP will be required for an agency to apply. It is a requirement - no extra "points" will be given to agencies having an LRSP.

Will points be given for having an LRSP? Although not a requirement this round, will applicants with an LRSP be given priority?

Almost none. May be a factor in selecting set-aside applications.

In the project selection for funding set-aside applications, the following agencies will have higher priorities (in the below order):

- *The agencies who did not have any projects awarded in HSIP Cycles 8&9;*
- *The agencies who did not have projects awarded under the same set-aside in HSIP Cycles 8&9;*
- *The agencies who have completed a Local Roadway Safety Plan (LRSP);*
- *The agencies who have had more Fatal & Severe Injury (F+SI) crashes within the boundaries of their jurisdictions in the last three years.*

This is the only time that the LRSP comes in play in project selection in Cycle 10.

What alternative plan for an LRSP is acceptable? Would a General Plan Update Traffic Impact Analysis be equivalent?

The equivalent means the plan has to be safety focused indicating the agency is aware of their safety problems and actions on their roadways. If it is a general plan, it likely would not meet the requirements but we can take a look at the plan and determine on a case-by-case basis.

Would a 'Vision Zero Action Strategy' count as a SSARP/LRSP? If so, how current does it have to be?

Yes, Vision Zero Action Strategy will count. We would like to see the plan to be less than 5 years old.

If we have submitted an application for an LRSP but funding had run out, when will we know if funding was awarded?

We expect that the CTC will approve the fund transfer (from federal to state funds) at its June 24, 2020 meeting, so the funds should be available in July. We will send out a notice to agencies that have submitted LRSP applications after the previous LRSP funding ran out.

For LRSP, if an application has been approved already, and they have 36 months from allocation to complete the plan, but is there a of how long the agency has after the award to get allocate?

Currently there is no hard deadline for an agency to request funding allocation after the award. We highly recommend the funding be allocated within 9 months from award.

Does the LRSP need to be approved by State? Are Local Roadway Safety Plans approved by anyone?

The LRSP does not need to be approved by State. [Caltrans DLAE offices](#) would like to have a copy (electronic preferred).

The LRSP needs to be approved by a city council or a board of supervisor through a resolution.

If a jurisdiction started LRSP process and the HISP grant application is based on the LRSP analysis. Will we get credit for LRSP even if the document is not approved?

There is no extra credit given to the applications submitted by agencies who have completed the LRSPs.

I am wondering if there is a completed an LRSP sample that can be used as a guide.

[Our LRSP webpage](#) includes an LRSP template together with other LRSP-related information. You can find resources and LRSP examples at the last LRSP Peer Exchange hosted by LTAP:

<http://californialtap.org/index.cfm?pid=1530>.

Please include information on LSRP and how to prepare one. Thanks

You can go to [our LRSP webpage](#) for more guidance. It also provides links to FHWA safety website and documents which provide very good information on the LRSP.

Last year we were advised that an SSAR would not substitute for an LRSP; that while it might serve us for now, we would still have to end up doing an LRSP. Is this still true? Or will an SSAR be as effective as an LRSP for the foreseeable future?

The SSAR will qualify however we are encouraging local agencies to get additional funds to add the LRSP components to the SSAR, however it is not required. So for Cycle 11, a SSAR will qualify.

Is a Tribal Transportation Safety Plan the same thing as a Local Roads Safety Plan?

Yes, a tribal transportation safety plan is equivalent.

If our LRSP is still in draft form, not yet adopted, will that count towards priority?

Only the finalized/approved LRSP will be counted as “completed”.

3. Funding Set-asides

For the Set Aside “Pedestrian Crossing Enhancements” applications, is there a list of countermeasures that are eligible to apply?

The below safety countermeasures are fundable under the “Pedestrian Crossing Enhancements” set-aside:

- S17PB: Install pedestrian countdown signal heads;
- NS22PB/R37PB: Install Rectangular Rapid Flashing Beacon (RRFB);
- NS21PB: Install/upgrade pedestrian crossing at uncontrolled locations (with enhanced safety features); and
- R35PB: Install/upgrade pedestrian crossing (with enhanced safety features).

Other work related to pedestrian crossing enhancements may be allowed as long as the cost is no more than 20% of the project total cost.

Are local agencies eligible for pedestrian crosswalk funding across State Highways (where they also serve as a "main street" through a city)?

Yes. Like any other HSIP project involving State Highways, a concurrence email or letter from Caltrans District should be included as one of the attachments to the application form.

Does the set-side fund for pedestrian enhancements include pedestrian crosswalks for the vision impaired?

Vision impaired components may be included as long as those costs are no more than 20% of the project costs.

Are bulb-outs eligible for pedestrian crossing set-aside?

Yes.

As one of the project selection criteria for set-aside applications, how are severe and fatal crashes compared between applicants? Per capita or some other factor?

It is the number of crashes, i.e. the sum of Fatal & Severe Injury (F+SI) crashes within the boundaries of their jurisdictions in the last three years.

Are the same ADA requirements for BCR projects going to apply to the Pedestrian crossing set-aside?

Yes, typically ADA requirements will need to be addressed for locations where any major construction work is involved.

For ped crossing enhancement set aside, is pedestrian hybrid beacons (HAWK signal) included?

No, HAWK signals are not a part of the set aside but can be submitted as a BCR application. The focus of the ped crossing set-aside is to install enhanced ped crossing features that are low cost and can be applied to many locations. RRFBs are included in this set-aside.

Is engineering and design an eligible expense in the guardrail set-aside? Or does the design engineering need to be completed first and only construction is funded?

Engineering and design costs are eligible in all HSIP projects.

Can we submit multiple versions of the same project for the set aside pots?

Only one application is allowed for each agency under each funding set-aside.

For the Set-Aside for Edge lines, is it only to install new edge lines, or can we re-stripe old edge lines that have worn-out through the years?

Both new and worn-out edge lines can be included in a “installing edgelines “ set-aside application. We would recommend that a more durable striping such as sprayable thermoplastic be installed instead of paint.

Why would someone only enter zero in the box they’re doing funding set aside?

Set-aside application does not need a BCR. In the application form, 0 as its BCR is just a placeholder.

What is the max funding per agency for Ped Crossing Enhancement (set aside funding)

For Guardrail Upgrade set-aside, the max funding per agency is \$1 million. The max is \$250,000 for each of the other 3 set-asides.

For the edge line set-aside, if the work can be done in-house, will a PIF be required?

For all HSIP projects, a PIF is required if the work will be done in-house. The PIF will be needed during project implementation (i.e. not needed in the application process.)

4. Benefit Cost Ratio (BCR) Applications

For systemic projects, where crash histories are not there at some locations, can IHSDM or other tools like that be used to estimate potential crash benefits?

IHSDM or other tools can be used for estimating purpose, however the HSIP Analyzer tool must be used and included for all applications. This is to ensure an equal playing field for all BCR applications. For systemic projects, the applicant may include locations with same characteristics that have experienced few or none crashes. The benefits will be estimated using the actual crashes at all locations included in the application.

Is use of CMFs from the CMF Clearinghouse allowed?

The CMF Clearinghouse is an important reference in developing our Local Roadway Safety Manual (LRSM). However, the CMF Clearinghouse has a huge number of countermeasures and the CMF range of each countermeasure is wide. To make sure the applications are evaluated on the same platform, Only the list of safety countermeasures listed in the LRSM (same lists in HSIP Analyzer Manual) are allowed.

Why do the crash diagrams need to be to scale?

Yes, crash locations should be accurately plotted. It is critical for us to make sure the crashes used in the benefit calculation are indeed within the influence area of the safety countermeasure.

In the HSIP Analyzer, what about a project that involves both a Signalized Intersection and a Roadway? I did not see a drop down that allows for both of these types to be selected at the same time. That will allow both types of countermeasures to be selected.

We revised the HSIP Analyzer to allow only one category of countermeasures (S, NS, or R) since previously agencies sometimes proposed a project with all different kinds of work together. But if justified (like the example you provided – corridor safety improvements), one application may have multiple HSIP Analyzers (this time, each box on the last page of the application form is allowed to contain multiple files). The BCR is then calculated manually as (sum of benefits/sum of project costs) from all HSIP Analyzer files.

Currently on page 1 of the HSIP Analyzer Manual for BCR applications (<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/hsip/2020/hsipalyzerinstructions2020bcr.pdf>) :

- a. All the locations in the application must be of the same type: Signalized Intersections (S), Non-Signalized Intersections (NS), or Roadways (R). For example, an application may have 5 Non-Signalized Intersections, but it cannot have 2 Non-Signalized Intersections, 1 Signalized Intersection and 2 roadway sections.
- b. All the locations in the application must receive the same proposed safety improvements, i.e. all the safety countermeasures (CMs) must be applied to all the locations. Up to three (3) safety countermeasures may be used in calculating the benefit of the project.

If the above criteria are not met, please break your proposed project into multiple applications. Applicants may consider combining the applications into one project during implementation if multiple applications of small sizes are selected for funding. The purpose of this requirement is to evaluate the locations of same characteristics with similar safety concerns together and justify the selection of the locations based on their own expected safety benefits.

Exception: If your project has only very few locations that the applicable CMs are slightly different from the majority, you may include all locations in one application which then needs multiple HSIP Analyzer files. All HSIP Analyzer files pertaining to your application must be attached to the last page of the application form. Please sum the benefits and calculate the application's BCR manually as (Total benefits/Total Project Cost). Enter the BCR into the application form.

Example:

A project includes 20 signalized intersections. CMs "Add Intersection Lighting" (S01) and "Install pedestrian countdown signal heads" (S17PB) will be applied to all 20 intersections. If you have 2 more

intersections that only CM S17PB will be applied, you may include all 22 intersections in one application but use two HSIP Analyzer files.

Can we use crash data from newspaper reporting on a major crash or fatality? I think it was allowed before.

As long as you have proof of the data source.

Is there a limit to how recent/far back in time the crash data analyzed may be (given the crashes are relevant to the current roadway conditions)?

Most recent data you can get (3 to 5 years).

Is there a time frame for when another project can be proposed or implemented at the same corridor where improvements were completed? Are there guidelines for the incremental approach in terms of timeline and how long a low-cost solution needs to be in place before proven ineffective, etc. ?

Incremental approach is required if a high cost improvement such as shoulder widening is proposed. Normally at least 1-2 years of crash data are needed to show the low cost treatments did not work as well as it was anticipated.

5. Tribes

Are Tribes required to complete a BCR /provide crash data?

Not required if the application is for Tribe Set-aside; required if tribes submit BCR applications.

Are Tribes required to provide a local match?

The local match is not required if the application is for Tribe Set-aside. For a BCR application, the local match may or may not be required depending on the safety countermeasures used in the project. Please take a look at the safety countermeasure tables in the HSIP Analyzer Manual for BCR Applications.

6. Project delivery

Will it give more time for PE if a consultant will be used as it takes additional time for consultant selection steps? As far as for the delivery deadline message given on the HSIP Analyzer.

For a project that a consultant is used for the PE work, an additional time of 6 months is allowed for meeting the CON milestone. The additional time is for the agency to advertise and select the consultant for the work of the PE phase. Please refer to the [HSIP project delivery requirements](#). This rule has been incorporated in the project schedule section in the HSIP Analyzer.

The project delivery time for HSIP was reduced over past years for what I believe was for more productive results. Now the advanced studies, SSARP or LRSP, will justify proposed projects more and can delivery time be increased for the more warranted larger projects?

There has been no change in the HSIP project delivery requirements for many years. Now with the anticipation that state funds will be used for HSIP Cycle 10 projects, the delivery requirements should be easier to meet.

Have an existing HSIP project with PE E-76 obtained. Looking at design we would like to make a scope change from the application that should not require a TIP amendment. Who should we discuss with in detail to get HSIP approval to modify and use all our approved funding.

Please contact your [District DLAE Office](#).

7. Other questions

Where can the 23 USC 409 Exemption Fact Sheet be found?

The 409 Exemption Fact Sheet” as described during the webinar is attached at the end of this Q&A document. More information can be found by googling “23 USC 409.”

23 USC 409 HSIP Fact Sheet for Local Agencies

FHWA started to pilot Local Road Safety Plans (LRSPs) in 2017. California was one of six states involved in the pilot. For the past two years Caltrans has been educating local agencies on LRSPs through webinars, peer exchanges, and training. This is to prepare for the next Highway Safety Improvement Program (HSIP) Cycle 10 call-for-projects in May 2020, when locals will be “encouraged” to prepare a LRSP. For HSIP Cycle 11’s call-for-projects in May 2022, local agencies will be *required* to prepare a LRSP or equivalent plan to be eligible to apply for HSIP funding.

The LRSP requires local agencies to compile and analyze crash data in order to identify emphasis areas, highest crash locations, and countermeasures. However, many local agencies may be hesitant to collect and use crash data for fear of tort liability. This fact sheet explains the provisions of 23 U.S.C. Section 409, a provision of Federal law that limits the use of such data in State or Federal courts.

Federal law affords evidentiary and discovery protections that assist State and local highway agencies in keeping data and reports compiled or collected pursuant to various Federal safety improvement programs from being used in tort liability actions if the local agency chooses to do so. However, Federal law does not protect data and reports from Freedom of Information Act requests.

The Highway Safety Act of 1973 was enacted to improve the safety of our Nation's highways by encouraging closer Federal and State cooperation with respect to road safety improvement projects. The Act included established 23 U.S.C. § 152, the Hazard Elimination Program, generally referred to as “Section 152”.¹ At the time, many States objected to the absence of any confidentiality with respect to their compliance measures under Section 152, fearing that any information collected could be used as an effort-free tool in litigation against governments.

23 U.S.C. § 409 (“Section 409”) was enacted to address this concern which reads as follows:

This law expressly forbids the discovery or admission into evidence of reports, data, or other information compiled or collected for activities required pursuant to several Federal highway safety programs (Sections 130, and 152 (now 148) of title 23, United States Code), or for the purpose of developing any high-way safety construction improvement project, which may be implemented utilizing federal-aid highway funds, in tort litigation arising from occurrences at the locations addressed in such documents or data.² In 2003, the U.S. Supreme Court upheld the Constitutionality of Section 409, indicating that it “protects all reports, surveys, schedules, lists, or data actually compiled or collected for § 152 purposes”.³ Some States consider information covered by Section 409 as an exemption to its public disclosure laws, but courts may not agree with this interpretation.⁴

Section 409 has been interpreted by hundreds of courts, including the U.S. Supreme Court, since it was enacted in 1987. Section 409 is a valuable tool for states and local agencies to use in all phases of project implementation, from scoping to construction to litigation defense.

Also, the information provided at this link is not legal advice, but is meant to assist public agencies in discussions with their attorneys on developing a 409 policy: <https://safety.fhwa.dot.gov/rsa/legal.cfm>

Caltrans includes a disclaimer expressly reserving its right to assert section 409 when it responds to public records requests for documents that include information that could be protected by section 409. Local agencies can contact Caltrans legal at 916-654-2630 for further assistance.