



TAP-ing into HSIP

Leveraging a flexible Federal share provision for certain highway safety projects.

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Background

Section 11109(b) of the Bipartisan Infrastructure Law (BIL), enacted as the [Infrastructure Investment and Jobs Act \(Pub. L. No. 117-58\)](#), amended [23 U.S.C. 133\(h\)\(7\)\(B\)](#) to allow Highway Safety Improvement Program (HSIP) funds to be credited toward the non-Federal share of certain Transportation Alternatives Set-Aside Program (TA Program) projects (subject to other conditions explained below). This provision, referred to throughout this document as the flexible Federal share provision, is an important opportunity for State Departments of Transportation (State DOTs) to leverage safety-related funding to support smaller-scale projects and vulnerable road users (VRUs).

State DOTs, including Ohio DOT, are beginning to explore this new flexibility, bringing to light a better understanding of the opportunities and challenges associated with it. This noteworthy practice provides an overview of the flexible Federal share provision and describes Ohio DOT's experience using it, with the goal of helping other State DOTs take advantage of this opportunity.

What is the Highway Safety Improvement Program?

HSIP is a core Federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned roads and roads on Tribal land ([23 U.S.C. 148\(b\)\(2\)](#)). HSIP requires a data-driven, strategic approach to improving safety on all public roads with a focus on performance. HSIP is legislated under [23 U.S.C. 148](#), with implementing regulations at [23 CFR Part 924](#).

[Read more about HSIP](#) and the [BIL guidance for HSIP eligibility](#).

What is the Transportation Alternatives Set-Aside Program?

The TA Program uses a funding set-aside from the Surface Transportation Block Grant (STBG) Program ([23 U.S.C. 133\(h\)\(1\)](#)). The TA Program provides funding for a variety of generally smaller-scale transportation projects, such as pedestrian and bicycle facilities; construction of turnouts, overlooks, and viewing areas; community improvements such as historic preservation and vegetation management; environmental mitigation related to stormwater and habitat connectivity; recreational trails; safe routes to school projects; and VRU safety assessments ([23 U.S.C. 133\(h\)\(3\)](#)). The TA Program is codified at [23 U.S.C. 133\(h\)](#).

[Read more about TA](#) and the [BIL Guidance for TA](#).



How Does the New Provision Work?

Pursuant to [23 U.S.C. 120](#), the maximum Federal share for most TA Program projects is generally 80 percent, requiring a 20 percent State or local match, subject to a [sliding scale adjustment](#) that provides a higher Federal share in States with large amounts of Federal and nontaxable Indian lands. Providing the non-Federal share can be challenging for some local agencies. BIL makes TA Program funding more accessible to State and local agencies by allowing HSIP funds to be used as a credit toward the required match, subject to three provisions:

1. The State maintains its required aggregate non-Federal share ([23 U.S.C. 133\(h\)\(7\)\(A\)](#)), meaning that the average annual Federal share of all TA Program projects does not exceed the Federal share that would otherwise apply.
2. The project is eligible under both the TA Program and HSIP (as defined in [23 U.S.C. 148\(e\)\(1\)](#)) and is consistent with the State's Strategic Highway Safety Plan (SHSP) ([23 U.S.C. 133\(h\)\(7\)\(B\)](#)).
3. The State has adequate financial controls to account for the average annual non-Federal share ([23 U.S.C. 133\(h\)\(7\)\(C\)](#)).

Using this flexible Federal share provision, States can work with local governments to combine HSIP and TA Program funds to cover 100 percent of the cost of projects, including those that address bicycle and pedestrian safety on public roads or publicly owned bicycle or pedestrian pathways or trails. Note that due to requirement 1. listed above, the use of additional Federal funds for one TA Program project will require additional non-Federal share for one or more other projects to maintain the aggregate non-Federal share.

Overview of Ohio DOT's Experience

Ohio DOT has focused on pedestrians and bicyclists for many years. Over the last several years, pedestrian and bicyclist fatalities have increased drastically, leading to more focused investment in safety improvements for those roadway users. In 2022, Ohio DOT's safety program operationalized this focus through the [HSIP Systemic Safety Funding Application Process](#), which prioritizes the deployment of proven safety countermeasures that prevent pedestrian and roadway departure crashes. Ohio DOT prioritized pedestrian safety projects on arterials and major collectors with high [active transportation demand](#) and a speed limit lower than 45 miles per hour.

Ohio DOT paid close attention during the development of BIL, looking for opportunities to better leverage Federal funds to improve transportation infrastructure in the State. Staff identified the amendment to [23 U.S.C. 133\(h\)\(7\)\(B\)](#) as a potential opportunity to improve safety, particularly for VRUs. Ohio DOT staff responsible for administering HSIP were already engaged in TA Program project reviews and were able to quickly identify proposed TA Program projects with a safety component that would qualify for HSIP funding. Ohio DOT has identified increasing connectivity for people walking and bicycling as a key safety activity, especially at locations with high active transportation demand, as identified in the pedestrian systemic analysis. As a result, Ohio DOT viewed eliminating sidewalk gaps and building multiuse paths as key priorities for using HSIP funds in connection to TA Program funds under this provision.

[Walkways](#) are among FHWA's [Proven Safety Countermeasures](#). FHWA's [Bikeway Selection Guide](#) supports design flexibility to assist transportation agencies in the development of connected, safe, and comfortable bicycle networks that meet the needs of people of all ages and abilities. FHWA's [Primer on Safe System Approach for Pedestrians and Bicyclists](#) provides transportation agencies a baseline understanding of the Safe System Approach and how it relates to bicycle and pedestrian safety, encouraging safe facilities for pedestrians and bicyclists. These types of walkway and bikeway projects may be eligible for both HSIP and TA funds.

Ohio DOT funds many TA Program projects with 80 percent Federal funds and 15 percent Toll Revenue Credits to reduce the required local match to 5 percent for communities requesting projects. Leveraging this flexible Federal share



provision to use HSIP funds as a credit toward the match helps increase the number of projects that can be funded using TA Program funds.

In the 2022-2023 funding year, Ohio DOT awarded \$19,562,141 to statewide TA Program Projects. Approximately \$3,500,000 in HSIP funding was provided as a credit toward the TA Program match, in addition to the continued use of Toll Revenue Credits and other local match. An additional \$1,332,881 in HSIP funding was leveraged to add proven safety countermeasures, including crosswalk enhancements, bumpouts and pedestrian refuges, pedestrian crossing beacons, and pavement markings, to TA Program projects. These additional resources were identified because of the close collaboration between the HSIP and TA Program staff at Ohio DOT.

To date, Ohio DOT has used this flexible Federal share provision for statewide projects and has not extended it to TA Program funds managed by the Metropolitan Planning Organizations (MPOs) in the State. Staff are aware that there is an opportunity to expand use of this provision but are also aware that MPOs may have a harder time programming the funds, so they are waiting until they have more experience with the programming to expand its use.

Project Example

The TA Program generally funds small projects in less resourced communities that might not be able to provide match or be familiar with the HSIP application process, so creatively combining funds from different Federal and State programs has allowed Ohio DOT to fund more comprehensive projects. By supporting TA Program projects in these areas, this provision has also helped Ohio DOT address its equity goals.

For example, the small Village of Edgerton (population 1,881 in 2020) in the northwest corner of Ohio requested support from Ohio DOT to increase connectivity and safety. The village layout is typical for Ohio – a standard grid of streets dissected by a State route, with a school and most employers on the outskirts of the village. Ohio DOT funded a study that identified a mix of HSIP funding for pedestrian safety improvements, [Safe Routes to School](#) funding for connectivity improvements near the school, TA Program funds for active transportation facilities and improvements, and crosswalks and sidewalk enhancements to be funded by the village and school. Rather than completing minor sidewalk improvements using TA funds, Ohio DOT is making it possible to implement systemic safety improvements that will increase safety and accessibility for VRUs throughout the small community.

Lessons Learned

Ohio DOT was well-situated to use this flexible Federal share provision quickly because of several existing factors, including an internal commitment to safety, particularly for VRUs; strong working relationships across offices within the State DOT; and existing data analysis to help prioritize projects. As they move toward project implementation using this provision, Ohio DOT staff are aware that they will need to monitor existing financial systems and projects diligently to maintain the aggregate match requirement ([23 U.S.C. 133\(h\)\(7\)\(A\)](#)) in order to use this flexible Federal share provision.

Internal Commitment to Safety and Vulnerable Road Users

Ohio DOT has been actively building a culture of safety for several years, with a focus on creating safe connections for people walking and biking throughout the State. Ohio's [2020 SHSP](#) identifies bicyclists and pedestrians as emphasis areas and the State DOT is subject to the [VRU Safety Special Rule \(23 U.S.C. 148\(g\)\(3\)\)](#) in Fiscal Years 2023 and 2024, requiring that the State spend 15 percent of its HSIP funding on projects that address the safety of VRUs. Ohio DOT's VRU Assessment will clarify the most important safety issues for VRUs to support further prioritizing projects that address their needs. Having this focus throughout the State DOT made it easier to identify projects that create safe connections and improve VRU safety and leverage tools like this flexible Federal share provision.



Strong Relationships

Ohio DOT staff point to a culture of active collaboration and partnership within the State DOT as key to their success using this flexible Federal share provision. Staff who communicate regularly and understand other programs are better equipped to identify opportunities for collaborative funding and implementing systemic solutions. Having a staff member for one program, like HSIP, sit on the selection committee for another program, like the TA Program, is common practice, so staff are aware of what their colleagues do and how the different programs work.

Data Analysis

Ohio DOT has been developing different data tools to prioritize State and Federal investment in transportation projects. Ohio DOT's [HSIP Systemic Safety Application Process](#) is based on data-driven criteria. Staff from Ohio DOT highlighted two key data-driven tools that they use to identify high-risk locations and prioritize projects that improve safety and justify the use of HSIP funds to support TA Program projects.

- Ohio DOT's VRU Safety Assessment identified that that 2/3 of VRU fatalities occur on 8 percent of the State's roadways. Using this assessment, Ohio DOT can identify key locations to direct investments in safety projects.
- A recently commissioned [machine learning analysis](#) to assess risks for roadway departure and pedestrian-involved crashes on the State's roadways. This modeling allows for a more dynamic understanding of high-risk locations.

These analyses are part of [a larger suite of crash analysis tools](#) that Ohio DOT uses for transportation planning. These tools help Ohio DOT direct and combine Federal funding to augment projects, including leveraging this flexible Federal share provision.

Flexible Project Programming Tools

The system Ohio DOT uses to program projects does not currently have a way to show a project matching Federal dollars with other Federal dollars (when eligible), so Ohio DOT program staff are working with their finance team to create pathways in the system to allow this. Again, the collaborative culture among Ohio DOT staff supports use of the flexible Federal share provision by supporting sound financial management practices that meet Federal requirements.

Meeting Federal Share Requirements

As required by [23 U.S.C. 133\(h\)\(7\)\(A\)](#), the TA Program needs to maintain an average annual non-Federal share that is not less than the average non-Federal share that would otherwise apply. This may be a challenge for State DOTs that want to leverage this provision and may limit the extent to which HSIP funds can be used to fund TA Program projects. Understanding the requirement and how funds are distributed across various projects is critical to ensure that the aggregate non-Federal match requirement is met.

Several options may be available to facilitate Ohio DOT and other State DOTs pursuing use of this flexible Federal share provision to maintain the average annual non-Federal share. These options include, but are not limited to:

- Continuing to use Toll Revenue Credits toward non-Federal match requirements in the TA Program.
- Identifying projects or communities that may have the ability to provide additional non-Federal match to allow Ohio DOT to use this provision to primarily serve communities with fewer resources.
- Allowing local funds spent on project development to be considered part of project funds. Currently, Ohio DOT requires local agencies to fund project development for all projects prior to requesting funding. Changing this practice may be an opportunity to increase the amount of local funding that can be considered non-Federal match.
- Encouraging recreational trail projects that can be funded using 100 percent Federal dollars and would not be counted in the portion of TA Program funds required to be funded using 20 percent non-Federal funds.



Under [23 U.S.C. 206\(j\)](#), all recreational trail projects using funds apportioned under [23 U.S.C. 104\(b\)](#) (which includes STBG, TA Set-Aside, and HSIP funds), shall be administered as if funded under the [Recreational Trails Program](#) (RTP). The RTP Federal share provisions are more flexible, allowing Federal funds to match Federal funds ([23 U.S.C. 206\(f\)\(3\)](#)). Under [23 U.S.C. 206\(f\)](#) and [\(j\)](#), trail projects may match or be matched by other Federal funds prior to calculating the programmatic Federal share. Moreover, preapproval planning and environmental compliance costs may be credited toward the non-Federal share of RTP projects if they are incurred no more than 18 months prior to project approval ([23 U.S.C. 206\(h\)\(1\)\(C\)](#)).

Summary

Ohio DOT is one of the first State agencies to leverage the provision added by BIL that allows HSIP funds to be credited toward the non-Federal share of certain TA Program projects. The agency was well-positioned for this because it already had a culture of collaboration among programs and a commitment to increasing safety, particularly for VRUs. Because the provision is so new and is a significant change from traditional funding options, the agency is still developing the programming and tracking systems needed to ensure that projects are documented correctly and that the overall TA Program requirements, including the aggregate annual non-Federal match requirement, are met. In addition to leveraging this allowance, collaboration between the HSIP team and the TA Program team in Ohio DOT has supported more comprehensive safety projects in locations across the State.

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USDOT Highway Safety Improvement Program

- [National HSIP Program Website](#). USDOT maintains [a list of State HSIP contacts](#).

USDOT Transportation Alternatives Set-Aside

- [National TA Program Website](#). USDOT maintains [a list of State TA Program contacts](#).

