

RAILWAY-HIGHWAY CROSSINGS PROGRAM (RHCP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$245 M	\$245 M	\$245 M	\$245 M	\$245 M	\$245 M

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL continues the Railway-Highway Crossings Program (RHCP), which provides funds for safety improvements to reduce the number of fatalities, injuries, and crashes at public railway-highway grade crossings.

Statutory Citations

- § 11108; 23 U.S.C. 130

Funding Features

Except as specified above and below, the BIL continues all funding features that applied to the RHCP under the FAST Act.

Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Apportionment of Funds

- The program is funded via a set-aside from the Highway Safety Improvement Program (HSIP). FHWA apportions program funds among States based on the following factors:
 - 50% based on the formula for the Surface Transportation Program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). [23 U.S.C. 104(b)(3)(A), as in effect on July 5, 2012; 23 U.S.C. 130(f)(1)]; and
 - 50% based on the ratio of public railway-highway crossings in the State to public railway-highway crossings in all States. [23 U.S.C. 130(f)(1)]
- Each State shall receive a minimum of 0.5% of the program funds. [23 U.S.C. 130(f)(2)]
- The BIL eliminates the program requirement to set aside 50% of RHCP funds (each FY) for “installation of protective devices.” [§ 11108(a)(2)(B)]
- The BIL clarifies that program funds may be used for the elimination of hazards, the installation of protective devices at railway-highway crossings, the replacement of functionally obsolete warning devices, and for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings. [§ 11108(a)(2); 23 U.S.C. 130(e)(1)(A) and (B)]

Transferability to and from Other Federal-aid Apportioned Programs

- Funds set aside for the RHCP may not be transferred to other apportioned programs, and funds from other apportioned programs may not be transferred to the RHCP. [23 U.S.C. 126(a)]

Federal Share

- The BIL increases the Federal share for a project financed with funds set aside for the RHCP to 100% (from 90% under the FAST Act). [§ 11108(b); 23 U.S.C. 130(f)(3)]

Program Features

Except as specified above and below, the BIL generally continues all requirements that applied to the RHCP under the FAST Act.

Incentive Payments

- Subject to certain conditions, the BIL increases the maximum payment that a State may pay a local government for permanently closing a public at-grade railway-highway crossing to the lesser of—
 - the amount of the incentive payment that the railroad owning the tracks on which the crossing is located paid to the government; or
 - \$100,000 (vs. \$7,500 under the FAST Act). [§ 11108(c); 23 U.S.C. 130(i)(3)(B)]

Limitation on funds for data analysis

- The BIL increases to 8% (from 2% under the FAST Act) the percentage of RHCP funds that a State may use for compilation and analysis of data in support of the annual report on the State's railway-highway crossing program. [§ 11108(d); 23 U.S.C. 130(k)]

Annual Report

- The BIL changes annual reporting requirements, requiring each State to submit an annual report to FHWA by August 31 of each year (compared to December 30 under the FAST Act) describing the State's progress made to implement the RHCP and the effectiveness of the improvements made as a result. [§ 22403(c); 23 U.S.C. 130(g)]

Additional Information and Assistance

- For more information about this program, visit: <https://safety.fhwa.dot.gov/hsip/xings/>.
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm.