Penalties
As described in U.S. Code 23 Section 148(b), for the Final Safety Performance Rule (Rule #1), if the U.S. Department of Transportation (U.S. DOT) Secretary determines a state has not met or made significant progress toward achieving its safety performance targets by the date that is two years after the establishment of its targets, the State DOT would:

- Dedicate its obligation authority equal to the apportionment for HSIP to the state for the prior year to highway safety improvement projects until the U.S. DOT Secretary determines that the state has made significant progress or met the targets; and
- Annually submit to U.S. DOT a safety implementation plan until the U.S. DOT Secretary determines that the state has made significant progress or met the targets.

See WSDOT’s MAP-21 Fundino and Performance Penalties folio for full details, including special rule penalties.

What is the current distribution of HSIP funds?
Safety: Federal Highway Safety Improvement Program (HSIP) funding provided to the state is split based upon fatal and serious injury crash data on state and local facilities. The HSIP funds are used to implement engineering countermeasures which reduce fatal and serious injury crashes. WSDOT manages the Local Federal Safety program and provides more than $24 million annually for improvements on local facilities. WSDOT prioritizes the improvements on state and local facilities based on crash data and benefit-cost analysis. The HSIP is one component of WSDOT’s total annual expenditure on safety projects. WSDOT uses additional funds from other federal and state resources each year, averaging over $15 million since 2013.

Data collection
- MAP-21 requires fatality data from the Washington State Traffic Safety Commission’s (WSTSC) Fatality Analysis Reporting System (FARS) and serious injury data from WSDOT’s system.
- State law enforcement officers record crash events in The Washington State Police Traffic Collision Report. This report is the sole source for all WSDOT serious injury data and most FARS data, with few exceptions.
- MAP-21 requires Vehicle Miles Traveled (VMT) data from WSDOT’s Highway Performance Monitoring System. Along with the number of fatalities or serious injuries, VMT is used to calculate the rate of fatalities or serious injuries per 100 million VMT.
- WSDOT’s serious injury data and FARS fatality data for the previous calendar year is preliminarily available in about February and April of the following year, respectively. WSDOT’s VMT data is available about June of the following calendar year.

Purpose of reporting requirements
In July 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) became law. The primary objectives of MAP-21 are to increase the transparency and accountability of states for their investment of federal taxpayer dollars into transportation infrastructure and services nationwide, and to ensure that states invest money in transportation projects that collectively make progress toward the achievement of national goals. The new rules will require reporting performance on the following areas: Safety, Pavement and Bridge, System Performance, Freight, and Congestion Mitigation and Air Quality.

Moving Ahead for Progress in the 21st Century Act - Final rules on traffic safety performance management
The U.S. Department of Transportation has issued two interrelated final rules governing traffic safety and safety-oriented performance management which became effective on April 14, 2016. These two rules are referred to in this folio as:
- Rule #1 - Safety Performance Measures rule; (23 CFR §400)
- Rule #2 - Highway Safety Improvement Program (HSIP) rule; (23 CFR §924)

Both final rules relate to highway safety, the primary objective being to significantly reduce fatal and serious-injury crashes on all public roads. The Safety Performance Measures rule (Rule #1) also includes the goal of reducing traffic fatalities of and serious injuries to people using non-motorized transportation modes, namely bicyclists and pedestrians.

Safety Performance Reporting
Rule #1 specifies the performance management measures for safety, and defines the target setting process for State DOTs and Metropolitan Planning Organizations (MPOs). Per Rule #2, State DOTs will establish and report their safety targets and progress toward these targets in an annual Highway Safety Improvement Program (HSIP) report.

Summary of required performance measures
Rule #1 requires all State DOTs to report targets and performance with respect to the following safety performance measures:

1. No. 1 - Number of fatalities on all public roads (due July 1/Aug. 31)
2. No. 2 - Number of fatalities per 100 million vehicle miles traveled (VMT) on all public roads (due July 1/Aug. 31)
3. No. 3 - Number of serious injuries on all public roads (due July 1/Aug. 31)
4. No. 4 - Number of serious injuries per 100 million VMT on all public roads (due Aug. 31)
5. No. 5 - Number of non-motorist fatalities and serious injuries on all public roads (e.g. bicyclists and pedestrians) (due Aug. 31)

Optional targets: States have the option to set additional targets for the performance measures for any number and combination of urbanized area boundaries, as well as for a single non-urbanized area. If optional targets are set, they will not be assessed when determining significant progress, and states will not incur penalties if they fail to show progress.

Overlapping measures/targets in the Highway Safety Plan: Targets for Measures No. 1-3 must also be reported to the National Highway Traffic Safety Administration by July of each year. They must be numerically identical targets to those reported for MAP-21 compliance on August 31 as part of the HSP. See the Timelines section inside for details.

MAP-21 Special Rules: Numeric targets are not required, but states must report performance in these two categories, and show improvement compared to baseline.

- Fatality rate on High Risk Rural Roads (due Aug. 31)
- Number of fatalities and serious injuries of drivers and pedestrians age 65 and older on all public roads (due Aug. 31)
FHWA provides flexibility for safety target setting under MAP-21
State DOTs and MPOs have flexibility in setting numeric targets for the five performance measures identified in Rule #1. It does place stipulations on certain aspects of the process, however. It requires that states and MPOs report their performance metrics and targets for each of five performance measures as rolling 5-year averages. Per Rule #2, states are also required to develop a Strategic Highway Safety Plan (SHSP). Washington state’s plan is called Target Zero, which can be used as the foundation for the target setting process (http://www.targetzero.com).

WSDOT’s target adoption
For the 2020 annual target setting process, WSDOT and its partners adopted the Target Zero approach for MAP-21 using the 2019 updated Target Zero plan produced via this method (see table below).

MAP-21 Safety Target Setting
Five-year rolling averages; number of persons, or number of persons per 100 million VMT

<table>
<thead>
<tr>
<th>Measure</th>
<th>2018 Baseline</th>
<th>2020 Official Target</th>
<th>Statewide MAP-21 Target (Target Zero)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1 - Fatalities</td>
<td>531.8</td>
<td>443.2</td>
<td></td>
</tr>
<tr>
<td>No. 2 - Fatality rate</td>
<td>0.879</td>
<td>0.732</td>
<td></td>
</tr>
<tr>
<td>No. 3 - Serious injuries</td>
<td>2,554.6</td>
<td>1,795.5</td>
<td></td>
</tr>
<tr>
<td>No. 4 - Serious injury rate</td>
<td>3.562</td>
<td>2.968</td>
<td></td>
</tr>
<tr>
<td>No. 5 - Non-motorist fatalities &amp; serious injuries</td>
<td>569.8</td>
<td>466.5</td>
<td></td>
</tr>
</tbody>
</table>


FHWA’s “Significant Progress” measurement
At the end of each reporting period, FHWA will determine whether a state has made overall “significant progress” toward achieving its safety targets. The penalties listed on the back page of this rule, including the obligation of state funds, will apply to the State DOT if FHWA deems it has not made that progress. For example, in the graph for Measure No. 1, Washington must lower the 5-year average to fewer than 531.8 fatalities (the baseline value) to achieve significant progress in that measure.

WSDOT uses Target Zero to reduce traffic fatalities and serious injuries
Due to long-term fatality reductions in Washington coupled with a recent rise in the number of fatalities, WSDOT may not achieve overall significant progress toward these targets. WSDOT and its partners concur that Target Zero should be consistently used to move Washington forward with fatality and serious injury reductions. WSDOT will continue to monitor spending levels and penalty consequences to assess risk and the impacts of this target setting approach.

The general process for generating trend and target information as prescribed by Rule #1 proceeds as follows:

- The annual number of fatalities, serious injuries, and Vehicle Miles Traveled (VMT) is determined for a 10-year period.
- A 5-year rolling average is calculated for each performance measure. For example, in the graph for Measure No. 1, data from 2006-2010 creates the value of the rolling average in 2010—535.4 fatalities. Data from 2007-2011 creates the next five-year rolling average in 2011.
- The rolling 5-year average value for 2018 will be set as the baseline performance (annual average of 2014 through 2018). States are then free to develop targets using any variety of databased methods. In Target Zero and Washington state’s particular approach to target setting, the method to establish targets continues:

- A straight line will be drawn from the baseline value to a zero value in 2030. (The line is redrawn with each new year of data.)
- The value of the Target Zero trendline in 2020 becomes the target for the performance measure in 2020.

Timelines
For MAP-21 compliance, all five statewide targets were reported to FHWA by the HSPD deadline of August 31, 2019. MPOs have until February 28, 2020 (180 days after the HSPD reporting deadline) to either agree to plan and program projects so they contribute toward the accomplishment of the State DOT HSP targets, or commit to a quantifiable target for their Metropolitan Planning Area. In Washington state, MPOs have agreed to adopt the WSDOT targets. In December 2020, the FHWA will make its first determinations of significant progress toward achieving 2018 targets. They will notify states of the outcome in March 2021.

About these graphs
These graphs display the final 2020 targets for each of the five MAP-21 safety performance measures, and show targets developed by WSDOT in coordination with Washington State Traffic Safety Commission.

Notes for all graphics: Fatality data for 2017 is finalized as of January 2019, serious injury count for 2017 is as of August 2019.
- All data for 2018 to 2020 is preliminary as of December 2019.
- Data from 2006-2010 is from the Uniforms Traffic Data Collection System. CDS includes fatality data, police reports, surveys, schedules, lists compiled or collected for the purposes of identifying, recording, or planning the safety enhancement of potential crash sites. Preliminary data points, all roadway highway crossing are not subject to discovery or withheld from evidence at a trial or state court proceeding, or classification for other purposes in any action for damages arising from any occurrence. To obtain data, the WSDOT has been excluded for many years. For each report, surveys, schedules, lists, or data source.

<table>
<thead>
<tr>
<th>Measure</th>
<th>2020 Final target</th>
<th>Rolling 5-year average</th>
<th>Final target for 2020</th>
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<tbody>
<tr>
<td>Measure No. 1 - Fatalities</td>
<td>531.8</td>
<td>531.8</td>
<td>443.2</td>
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<tr>
<td>Measure No. 2 - Fatality rate per million VMT</td>
<td>0.787</td>
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<td>0.732</td>
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<td>Measure No. 3 - Serious injuries</td>
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<td>1,795.5</td>
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<tr>
<td>Measure No. 4 - Serious injury rate per 100 million VMT</td>
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<td>2.968</td>
<td>2.968</td>
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<tr>
<td>Measure No. 5 - Non-motorist fatalities and serious injuries</td>
<td>359.8</td>
<td>466.5</td>
<td>466.5</td>
</tr>
</tbody>
</table>