

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

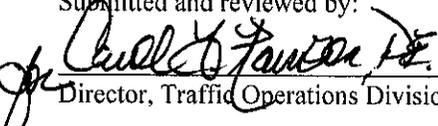
The Texas Transportation Commission (commission) finds it necessary to propose amendments to §1.85, relating to advisory committees, §§25.500 – 25.504, and new §25.505, relating to the safe routes to school program, to be codified under Title 43, Texas Administrative Code, Part 1.

The preambles, proposed amendments, and new section, attached to this minute order as Exhibits A - D, are incorporated by reference as though set forth at length verbatim in this minute order.

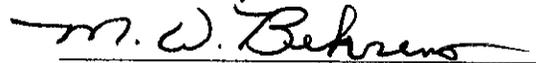
IT IS THEREFORE ORDERED by the commission that the amendments to §1.85, §§25.500–25.504, and new §25.505, are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

  
Director, Traffic Operations Division

Recommended by:

  
Executive Director

**110475 MAR 30 06**

Minute Number      Date Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to §1.85, concerning department advisory committees.

4  
5 EXPLANATION OF PROPOSED AMENDMENTS

6 Section 1404 of Public Law 109-59, referred to as SAFETEA-LU,  
7 created a new federal Safe Routes to School (SRS) Program.  
8 Program guidance issued by the Federal Highway Administration,  
9 United States Department of Transportation, recommends that  
10 states involve experts and professionals representing a broad  
11 spectrum of stakeholders to assist with implementation of the  
12 program. Accordingly, the department proposes to modify the  
13 composition of the existing Bicycle Advisory Committee to allow  
14 the committee to assist the department in evaluating and  
15 selecting candidate projects for SRS funding.

16  
17 Proposed language to §1.85(a)(4) adds the SRS program as a  
18 specific purpose of the committee. The representation is also  
19 expanded to include interested parties to allow for the  
20 inclusion of additional members with the expertise necessary to  
21 review and evaluate applications submitted for the SRS Program.

22  
23 An amendment is proposed to provide that the committee will  
24 report its findings and recommendations regarding the SRS  
25 Program to the director of the department division responsible

1 for administering the SRS program.

2

3 FISCAL NOTE

4 James Bass, Chief Financial Officer, has determined that for  
5 each of the first five years the amendments as proposed are in  
6 effect, there will be no fiscal implications for state or local  
7 governments as a result of enforcing or administering the  
8 amendments. There are no anticipated economic costs for persons  
9 required to comply with the section as proposed.

10

11 Carlos Lopez, P.E., Director, Traffic Operations Division has  
12 certified that there will be no significant impact on local  
13 economies or overall employment as a result of enforcing or  
14 administering the amendments.

15

16 PUBLIC BENEFIT

17 Mr. Lopez has also determined that for each year of the first  
18 five years the section is in effect, the public benefit  
19 anticipated as a result of enforcing or administering the  
20 amendments will be improved safety for school age children as  
21 well as encouraging children to walk and bicycle to school.  
22 There will be no adverse economic effect on small businesses.

23

24 SUBMITTAL OF COMMENTS

25 Written comments on the proposed amendments to §1.85 may be

1 submitted to Carlos Lopez, P.E., Director, Traffic Operations  
2 Division, Texas Department of Transportation, 125 East 11th  
3 Street, Austin, Texas 78701-2483. The deadline for receipt of  
4 comments is 5:00 p.m. on May 15, 2006.

5

6 STATUTORY AUTHORITY

7 The amendments are proposed under Transportation Code, §201.101,  
8 which provides the Texas Transportation Commission with the  
9 authority to establish rules for the conduct of the work of the  
10 department.

11

12 CROSS REFERENCE TO STATUTE

13 None.

1 SUBCHAPTER F. ADVISORY COMMITTEES

2 §1.85. Department Advisory Committees.

3 (a) Creation.

4 (1) Project advisory committees.

5 (A) Purpose. The executive director may authorize a  
6 district engineer to create, by written order, an ad hoc project  
7 advisory committee composed of the following members as may be  
8 deemed appropriate by the district engineer: department staff;  
9 affected property owners and business establishments; technical  
10 experts; professional consultants representing the department;  
11 and representatives of local governmental entities, the general  
12 public, chambers of commerce, and the environmental community. A  
13 project advisory committee shall serve the purpose of  
14 facilitating, evaluating, and achieving support and consensus  
15 from the affected community and governmental entities in the  
16 initial stages of a transportation project. Advice and  
17 recommendations of a committee provide the department with an  
18 enhanced understanding of public, business, and private concerns  
19 about a project from the development phase through the  
20 implementation phase, thus facilitating the department's  
21 communications and traffic management objectives, resulting in a  
22 greater cooperation between the department and all affected  
23 parties during project development and construction.

1 (B) Duties. A project advisory committee shall:

2 (i) maintain community and local government  
3 communication; and

4 (ii) respond in a timely fashion to affected parties'  
5 concerns about project development and construction.

6 (C) Manner of reporting. A project advisory committee  
7 shall report its advice and recommendations to the district  
8 engineer.

9 (D) Duration. A project advisory committee may be  
10 abolished at any stage of project development, but in no event  
11 may a committee continue beyond completion of the project.

12 (2) Rulemaking advisory committees.

13 (A) Purpose. The commission, by order, may create ad  
14 hoc rulemaking advisory committees pursuant to Government Code,  
15 Chapter 2001, §2001.031, for the purpose of receiving advice  
16 from experts, interested persons, or the general public with  
17 respect to contemplated rulemaking.

18 (B) Duties. A rulemaking advisory committee shall  
19 provide advice and recommendations with respect to a specific  
20 contemplated rulemaking.

21 (C) Manner of reporting. A rulemaking advisory  
22 committee shall report its advice and recommendations to the  
23 division responsible for the development of the rules.

1 (D) Duration. A rulemaking committee shall be  
2 abolished upon final adoption of rules by the commission.

3 (3) Intelligent Transportation Systems (ITS) Steering  
4 Committees.

5 (A) Purpose. Federal law encourages the expenditure of  
6 federal transportation funds to achieve improvements in the  
7 efficiency of transportation operations. A portion of these  
8 funds are specifically designated for the planning and testing  
9 of Intelligent Transportation Systems technologies. As part of  
10 the development and implementation of these projects, a district  
11 engineer, in conjunction with local officials, may create a  
12 steering committee to provide support for ITS activities. Advice  
13 and recommendations expressed by a committee will foster the  
14 coordination of state and local benefit in the design,  
15 maintenance, and operation of ITS facilities.

16 (B) Duties. A committee shall provide advice and  
17 recommendations with respect to:

- 18 (i) ITS project priorities;  
19 (ii) the approval of projects;  
20 (iii) seeking project funding;  
21 (iv) coordinating public and private ventures; and  
22 (v) promoting ITS at local, state, and national  
23 levels.

1 (C) Manner of reporting. A committee shall report its  
2 advice and recommendations to the local district engineer, or  
3 the district engineer's designee.

4 (4) Bicycle Advisory Committee.

5 (A) Purpose. The purpose of the Bicycle Advisory  
6 Committee is to advise the commission on bicycle issues and  
7 matters related to the Safe Routes to School Program. By  
8 involving representatives of the public, including bicyclists  
9 and other interested parties, the department helps ensure  
10 effective communication with the bicycle community, and that the  
11 bicyclist's perspective will be considered in the development of  
12 departmental policies affecting bicycle use, including the  
13 design, construction and maintenance of highways. The committee  
14 will also provide recommendations to the department on the Safe  
15 Routes to School Program.

16 (B) Duties. The committee shall:

17 (i) in accordance with Transportation Code,  
18 §201.9025, advise and make recommendations to the commission on  
19 the development of bicycle tourism trails;

20 (ii) provide recommendations on the selection of  
21 projects under Chapter 25, Subchapter I of this title (relating  
22 to Safe Routes to School Program); and

23 (iii) review and make recommendations on items of

1 mutual concern between the department and the bicycling  
2 community.

3 (C) Manner of reporting. The committee shall report its  
4 advice and recommendations to the commission, except for matters  
5 relating to the Safe Routes to School Program. Under the Safe  
6 Routes to School Program the committee shall reports its  
7 recommendations to the director of the division responsible for  
8 administering the program.

9 (5) Trans-Texas Corridor advisory committees.

10 (A) Purpose. The commission by order may create an  
11 advisory committee concerning the Trans-Texas Corridor or a  
12 project that is part of the Trans-Texas Corridor, for the  
13 purpose of facilitating and achieving support and consensus from  
14 affected communities, governmental entities, and other  
15 interested parties in the planning of the Trans-Texas Corridor  
16 and in the establishment of development plans for a project that  
17 is part of the Trans-Texas Corridor. A committee may be  
18 composed of the following members as deemed appropriate by the  
19 commission: department staff; affected property owners and  
20 business establishments; technical experts; professional  
21 consultants representing the department; representatives of  
22 local governmental entities; the general public; chambers of  
23 commerce; and the environmental community. Advice and

1 recommendations of a committee will provide the department with  
2 an enhanced understanding of public, business, and private  
3 concerns about the Trans-Texas Corridor and projects that are  
4 part of the Trans-Texas Corridor, thus facilitating the  
5 department's communications and project development objectives,  
6 resulting in greater cooperation between the department and all  
7 affected parties during project planning and development.

8 (B) Duties. A Trans-Texas Corridor advisory committee  
9 shall provide advice and recommendations to the department  
10 regarding facilities to be included in a development plan for  
11 the Trans-Texas Corridor or a project that is part of the Trans-  
12 Texas Corridor.

13 (C) Manner of reporting. A Trans-Texas Corridor  
14 advisory committee shall report its advice and recommendations  
15 to the executive director or designee.

16 (D) Duration. A Trans-Texas Corridor advisory  
17 committee may be abolished at any time by the commission, but in  
18 no event may a committee continue beyond completion of the  
19 Trans-Texas Corridor or the project for which the committee is  
20 created.

21 (b) Operating procedures.

22 (1) Membership. Except as otherwise specified in this  
23 section, an advisory committee shall be composed of not more

1 than 24 members to be appointed by the office or official to  
2 whom the committee is to report. When applicable to the purpose  
3 and duties of the committee, the membership shall provide a  
4 balanced representation between:

5 (A) industries or occupations regulated or directly  
6 affected by the department; and

7 (B) consumers of services provided either by the  
8 department or by industries or occupations regulated by the  
9 department.

10 (2) Meetings.

11 (A) An advisory committee shall meet once a calendar  
12 year and at such other times as requested by the office to which  
13 it reports.

14 (B) A majority of the membership of an advisory  
15 committee constitutes a quorum. A committee may take formal  
16 action only by majority vote of its membership.

17 (3) Officers. Each committee shall elect a chair and  
18 vice-chair by majority vote of the members of the committee.

19 (c) Duration. Except as otherwise specified in this  
20 section, a committee created under this section is abolished  
21 December 31, 2007, unless the commission amends its rules to  
22 provide for a different date.

23 (d) Reimbursement. The department may, if authorized by

1 law and the executive director, reimburse a member of a  
2 committee for reasonable and necessary travel expenses. Current  
3 rules and laws governing reimbursement of expenses for state  
4 employees shall govern reimbursement of expenses for advisory  
5 committee members.

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to existing §§25.500-25.504 and new §25.505,  
4 concerning the safe routes to school program.

5  
6 EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTION

7 Section 1404 of Public Law 109-59, SAFETEA-LU, created a new  
8 federal Safe Routes to School (SRS) Program. This proposal is  
9 designed to amend the existing state program rules to allow  
10 implementation of the new federal program.

11  
12 As proposed, §25.500, Purpose, is amended to replace the  
13 reference to the state Safe Routes to School Program created  
14 under Transportation Code, §201.614 with the new federal program  
15 created under SAFETEA-LU. The section also notes that the SRS  
16 program will be a comprehensive program designed to enable and  
17 encourage all children to bicycle and walk to school, promote  
18 safety, reduce traffic, reduce fuel consumption, and improve air  
19 quality in the vicinity of schools.

20  
21 This section is also amended to remove the reference to local  
22 contributions since these are not required under the new federal  
23 program.

24  
25 Proposed §25.501, Definitions, changes the existing definition

1 of "school" to "eligible school" to include those schools  
2 comprised of any grades from kindergarten to eighth grade. This  
3 change is consistent with the requirements of federal law and  
4 program guidance.

5  
6 Section 25.501(8), public property, is also modified to include  
7 property owned by any public entity or school district. This  
8 change broadens the location for an SRS project and is  
9 consistent with federal law.

10  
11 Various changes are proposed for §25.502, Project Eligibility,  
12 to bring the Texas SRS program into compliance with federal law  
13 and program guidance as issued by the Federal Highway  
14 Administration.

15  
16 Language regarding eligible applicants is deleted from §25.502  
17 since it is repeated in §25.503 regarding project applications.

18  
19 The proposed amendments make various changes to allow both  
20 infrastructure and non-infrastructure applications to be  
21 submitted under the SRS program.

22  
23 Language allowing improvements for vehicle drop-off and pick-up  
24 areas as an eligible infrastructure project is deleted since  
25 this is specifically prohibited under the new federal program

1 guidance. The provision for secure bicycle parking facilities  
2 is added as an eligible project since the federal guidance  
3 specifically allows this.

4  
5 Language is added outlining the types of non-infrastructure  
6 projects that may be submitted for funding consideration. This  
7 is not a comprehensive list, but provides general categories.

8  
9 Section 25.502 is also amended to allow an SRS infrastructure  
10 project to be built on any public right of way within a two-mile  
11 radius of an eligible school. The section is also amended to  
12 allow projects to be located on private property under certain  
13 circumstances that guarantee public access to the project.  
14 Again, these changes are consistent with federal guidance.

15  
16 The word "department" is deleted from proposed subsection  
17 25.502(e) regarding funding sources since SRS projects will now  
18 be funded primarily with federal funds earmarked specifically  
19 for the SRS program.

20  
21 Existing language on local contributions is deleted since this  
22 is not required under the new federal program. The new SRS  
23 program allows for 100% federal funding for the selected  
24 projects.

25

1 Proposed subsection 25.502(f), regarding project boundaries, is  
2 amended to be consistent with federal guidelines. Language is  
3 also added to this subsection describing eligible project  
4 boundaries for non-infrastructure projects.

5  
6 Section 25.503, Project Application, discusses the requirements  
7 for SRS project applications. The section is amended to note  
8 that the department will issue separate applications for  
9 infrastructure and non-infrastructure projects.

10  
11 Language is proposed to allow infrastructure projects to be  
12 submitted by political subdivisions as defined in §25.501 or a  
13 state agency. The department believes that state agencies will  
14 have valuable insight into projects that may benefit the safety  
15 of school age children and should also be allowed to develop and  
16 submit project proposals.

17  
18 Language is also proposed to allow non-infrastructure projects  
19 to be submitted by political subdivisions as defined in §25.501,  
20 schools and school districts, non-profit organizations, for-  
21 profit organizations, the state of Texas or any combination of  
22 these entities. The department believes that many  
23 organizations, including those that have not traditionally  
24 partnered with the department, will have insight into projects  
25 that may prove beneficial to the development of a successful SRS

1 program.

2

3 Language is clarified to detail how both infrastructure and non-  
4 infrastructure project proposals are submitted. Infrastructure  
5 projects must be submitted to the department district in which  
6 the project is located. This new language notes that should a  
7 project extend to beyond more than one district, the applicant  
8 should contact the department division responsible for the  
9 program to identify the appropriate department district for  
10 project submission.

11

12 This new language also requires non-infrastructure projects to  
13 be submitted to the department division administering the SRS  
14 program.

15

16 Amendments are proposed to §25.504 regarding project evaluation  
17 and selection. The section is amended to broaden the expertise  
18 of the existing evaluation committee of department staff. The  
19 section is also amended to allow this committee to be appointed  
20 by the executive director or his or her designee.

21

22 Section 25.504 is also amended to include the department's  
23 Bicycle Advisory Committee, created under §1.85, as part of the  
24 project evaluation process. Section 1.85 is being amended under  
25 a separate, simultaneous rule action being proposed in

1 connection with these amendments.

2

3 Section 25.504 is amended to note that both evaluation  
4 committees will report their findings to the director of the  
5 division responsible for administering the program. The  
6 committees are required to use the evaluation methodology  
7 developed by the division administering the program to ensure  
8 uniformity and consistency in project evaluation. The  
9 appropriate division director will review all recommendations  
10 and will prepare the final proposal for the Texas Transportation  
11 Commission (commission).

12

13 The proposed language creates separate evaluation criteria for  
14 infrastructure and non-infrastructure projects.

15

16 Language is proposed to add the potential for a project to  
17 create a safer walking and bicycling built environment within  
18 two miles of a school as an evaluation selection criterion.  
19 This item is taken directly from the federal program guidance  
20 and the department believes it represents a significant  
21 benchmark to be considered when evaluating these types of  
22 projects.

23

24 This proposal also reformats two criteria (link to a  
25 comprehensive traffic safety plan and other relevant factors)

1 that were previously noted as providing additional consideration  
2 when submitted by applicants. These proposed items are now  
3 simply included as parts of the evaluation criteria.

4  
5 Selection criteria for non-infrastructure projects are included  
6 in the proposed language.

7  
8 The proposed language creates an approval process in which the  
9 director of the division responsible for administration of the  
10 Safe Routes to School Program provides a recommendation to the  
11 commission. The commission will select the final projects from  
12 those recommended by the division director.

13  
14 Language relating to project overruns is deleted and added as  
15 new language to the proposed new §25.505 relating to project  
16 funding.

17  
18 New §25.505, Project Funding, is added to provide guidance on  
19 various aspects of project funding. This section notes that the  
20 Safe Routes to School Program is a reimbursement program,  
21 denotes the minimum allocation percentages between  
22 infrastructure and non-infrastructure projects, notes that there  
23 are no required local contributions, notes that project overruns  
24 will be considered by the department on a case-by-case basis,  
25 and that the commission may allocate funding to the department

1 for state initiated projects. These provisions provide  
2 consistency with the federal Safe Routes to School Program  
3 guidelines.

4  
5 New §25.505(f), regarding project evaluation and monitoring, is  
6 consistent with the federal program guidelines and also  
7 represents prudent and responsible stewardship of public funds.

8  
9 FISCAL NOTE

10 James Bass, Chief Financial Officer, has determined that for  
11 each of the first five years the amendments and new section as  
12 proposed are in effect, there will be positive fiscal  
13 implications for state or local governments, whose proposals are  
14 selected, as a result of enforcing or administering the  
15 amendments and new section. There are no anticipated economic  
16 costs for persons required to comply with the amendments and new  
17 section as proposed. There may be costs associated with the  
18 development of an SRS project application, however, development  
19 of such an application is optional on the part of the state and  
20 local jurisdictions and no portion of the rule requires the  
21 development of such an application.

22  
23 Texas has been authorized federal SRS program funds under  
24 SAFETEA-LU. Local governments will be able to access these  
25 funds for improvements designed to improve safety in and around

1 schools and encourage bicycle use and walking by school age  
2 children.

3  
4 Carlos Lopez, P.E., Director, Traffic Operations Division, has  
5 certified that there will be no significant impact on local  
6 economies or overall employment as a result of enforcing or  
7 administering the amendments and new section.

8  
9 PUBLIC BENEFIT

10 Mr. Lopez has also determined that for each year of the first  
11 five years the sections are in effect, the public benefit  
12 anticipated as a result of enforcing or administering the  
13 amendments and new section will be improved safety for school  
14 age children as well as other benefits related to encouraging  
15 these children to bicycle and walk to school. There will be no  
16 adverse economic effect on small businesses.

17  
18 SUBMITTAL OF COMMENTS

19 Written comments on the proposed amendments to §§25.500-25.504  
20 and new §25.505 may be submitted to Carlos Lopez, P.E.,  
21 Director, Traffic Operations Division, Texas Department of  
22 Transportation, 125 East 11th Street, Austin, Texas 78701-2483.  
23 The deadline for receipt of comments is 5:00 p.m. on May 15,  
24 2006.

25

1 STATUTORY AUTHORITY

2 The amendments and new section are proposed under Transportation  
3 Code, §201.101, which provides the commission with the authority  
4 to establish rules for the conduct of the work of the  
5 department.

6

7 CROSS REFERENCE TO STATUTE

8 None.

1 SUBCHAPTER I. SAFE ROUTES TO SCHOOL PROGRAM

2 §25.500. Purpose. Section 1404 of Public Law 109-59 created a  
3 federal Safe Routes to School Program. This subchapter  
4 implements this program [~~Transportation Code, §201.614 directs~~  
5 ~~the Texas Department of Transportation to establish the Safe~~  
6 ~~Routes to School Program~~]. The overall purpose of this program  
7 is to enhance safety in and around school areas through a  
8 comprehensive [~~construction~~] program designed to improve the  
9 bicycle and pedestrian safety of school age children; enable and  
10 encourage children, including those with disabilities, to walk  
11 and bicycle to school; and to facilitate projects and activities  
12 that will improve safety and reduce traffic, fuel consumption,  
13 and air pollution in the vicinity of schools. The Safe Routes  
14 to School Program is a competitive [~~construction~~] program funded  
15 through state and federal funds [~~and local contributions~~]. The  
16 sections under this subchapter prescribe the policies and  
17 procedures for the implementation of the program.

18  
19 §25.501. Definitions. The following words and terms, when used  
20 in this subchapter, shall have the following meanings, unless  
21 the context clearly indicates otherwise.

22 (1) Commission--The Texas Transportation Commission.

23 (2) Department--The Texas Department of Transportation.

1 (3) District--One of 25 geographical areas, managed by a  
2 district engineer, in which the department conducts its primary  
3 work activities.

4 (4) Division--An organizational unit in the department's  
5 Austin headquarters.

6 (5) Eligible school--A public or private school that  
7 contains any of the grades from kindergarten to eighth grade.

8 (6) Executive director--The executive director of the  
9 Texas Department of Transportation or his or her designee.

10 (7) [~~6~~] On-system road--A road or highway that is a  
11 portion of the designated state highway system.

12 (8) [~~7~~] Off-system road--A road or highway open to the  
13 public that is not part of the designated state highway system,  
14 such as a county road or city street.

15 (9) [~~8~~] Public property--Property owned by a state,  
16 city, [~~ex~~] county, other public entity, or school district.

17 (10) [~~9~~] Political subdivision--A municipality or  
18 county within the State of Texas.

19 (11) [~~10~~] Program--The Safe Routes to School Program.

20 [~~11~~] ~~School--A public or private elementary,~~  
21 ~~intermediate, middle, junior high, or high school.]~~

22 (12) State highway system--The system of highways in the  
23 state included in a comprehensive plan prepared by the executive

1 director with the approval of the commission, in accordance with  
2 Transportation Code, §201.103.

3  
4 §25.502. Project Eligibility.

5 (a) [~~Eligible applicants. Projects may be submitted by~~  
6 ~~political subdivisions.~~]

7 [~~(b)~~] Types of projects. Projects eligible to receive  
8 funding under this program include those involving both  
9 infrastructure related and non-infrastructure related  
10 activities. [~~the following:~~]

11 (b) Infrastructure projects. Eligible infrastructure based  
12 projects include:

13 (1) sidewalk improvements such as new sidewalks, widened  
14 sidewalks, sidewalk gap closures, sidewalk repairs, curb cuts  
15 for ramps, and the construction of curbs and gutters;

16 (2) pedestrian/bicycle crossing improvements such as new  
17 or upgraded traffic signals, crosswalks, median refuges,  
18 pavement markings, traffic signs, pedestrian or bicycle over-  
19 crossings and under-crossings, flashing beacons, traffic signal  
20 phasing extensions, bicycle sensitive actuation devices,  
21 pedestrian activated signal upgrades, and sight distance  
22 improvements;

23 (3) on-street bicycle facilities such as new or upgraded

1 bicycle lanes, widened outside lanes or roadway shoulders,  
2 geometric improvements, turning lanes, channelization and  
3 roadway realignment, traffic signs, and pavement markings;

4 (4) traffic diversion improvements including [~~improved~~  
5 ~~pick-up/drop-off areas,~~] separation of pedestrians and bicycles  
6 from vehicular traffic adjacent to school facilities, and  
7 traffic diversion away from school zones or designated routes to  
8 a school;

9 (5) off-street bicycle and pedestrian facilities  
10 including exclusive multi-use bicycle or pedestrian trails and  
11 pathways; [~~and~~]

12 (6) traffic calming measures for off-system roads such as  
13 roundabouts, traffic circles, curb extensions at intersections  
14 that reduce curb-to-curb roadway travel widths, center islands,  
15 full and half-street closures, and other speed reduction  
16 techniques;

17 (7) secure bicycle parking facilities; and

18 (8) other projects that promote pedestrian and bicycle  
19 safety of children in and around school areas.

20 (c) Non-infrastructure projects. Non-infrastructure  
21 projects are those activities designed to encourage walking and  
22 bicycling to school. Eligible projects include: [Project  
23 location.]

1           (1) public awareness campaigns and outreach efforts to  
2 the news media and community leaders; [~~Eligible projects may be~~  
3 ~~located on or off the designated state highway system; however,~~  
4 ~~candidate projects must be located on public property.~~]

5           (2) traffic education and enforcement in the vicinity of  
6 schools; [~~Eligible projects must be located within a two-mile~~  
7 ~~radius of a school.~~]

8           (3) providing student education on bicycle and pedestrian  
9 safety, health, and the environment; and

10           (4) other projects that promote pedestrian and bicycle  
11 safety of children in and around school areas.

12           (d) Location for infrastructure projects. Infrastructure  
13 projects must be located within public right of way within a  
14 two-mile radius of an eligible school. The proposal may include  
15 projects that are located:

16           (1) on or off the dedicated state highway system; or

17           (2) on private lands that have a public easement if there  
18 is a written legal easement or other written legally binding  
19 agreement that ensures public access to the project.

20           (e) Project cost limitations. The executive director may  
21 limit the maximum amount of [department] funding participation  
22 per project for each year of the program. This limitation will  
23 be based on the availability of and demand for program funding

1 and may be established with each call for projects issued under  
2 this subchapter. The project cost limitation will apply to all  
3 projects submitted for consideration.

4 [~~(e) Required local contribution. Political subdivisions~~  
5 ~~awarded funding under this program must provide a local~~  
6 ~~contribution toward the total cost of the project when the~~  
7 ~~project is located on municipal or county right of way. This~~  
8 ~~requirement is consistent with regulations governing federal~~  
9 ~~funds.]~~

10 (f) Eligible project boundaries.

11 (1) Infrastructure project applications may [~~Except as~~  
12 ~~provided in paragraph (2) of this subsection, each project~~  
13 ~~application must]~~ be in connection with a single school campus,  
14 multiple schools, a region, or a school district.

15 (2) Applications for infrastructure improvements covering  
16 multiple school sites, a region, or school district will be  
17 accepted for projects in which similar improvements are being  
18 made at each school site.

19 (3) Non-infrastructure projects may cover a single  
20 school, multiple schools, schools in a region or district, or be  
21 statewide in nature.

22 (g) Projects proposed on the state highway system. Any  
23 proposed infrastructure project under this program on the state

1 highway system will not be eligible if the district finds that  
2 the project interferes or disrupts any planned improvements or  
3 existing infrastructure.

4

5 \$25.503. Project Application.

6 (a) Call for applications. The department will call for  
7 applications for Safe Routes to School projects by publication  
8 in the Texas Register. This notice will contain information on  
9 the application, application content, and submission deadlines.  
10 The department will also consider alternative means of  
11 publication of the program announcement as necessary to reach  
12 interested local jurisdictions and interested parties.

13 (b) The department will issue separate applications for  
14 infrastructure and non-infrastructure projects.

15 (c) Who may apply.

16 (1) For infrastructure projects the [The] department will  
17 accept and consider candidate projects from state agencies and  
18 political subdivisions.

19 (2) For non-infrastructure projects the department will  
20 accept and consider candidate projects from state agencies,  
21 political subdivisions, schools, school districts, non-profit  
22 organizations, and for-profit organizations, or any combination  
23 of these entities.

1            (d) [~~(e)~~] How to submit a project.

2            (1) Applications for infrastructure projects must be  
3 submitted [~~In order to submit a proposed project, an eligible~~  
4 ~~political subdivision must submit its application~~] to the  
5 district engineer of the district responsible for the area in  
6 which the proposed project [~~improvement~~] will be constructed.

7            (2) If the limits of the project extend to more than one  
8 district, the applicant should contact the responsible division  
9 for the appropriate district office to submit the application  
10 prior to the due date.

11           (3) Project applications for non-infrastructure projects  
12 must be submitted to the responsible division administering the  
13 program as identified in the department's call for projects.

14           (4) The application must be completed and returned to the  
15 appropriate office [~~district~~] within the required deadlines as  
16 described in the project call for applications notification.

17           (5) [~~(3)~~] The candidate project must utilize the  
18 application forms [~~form~~] prescribed by the department for this  
19 purpose.

20           (6) [~~(4)~~] Copies of the application forms [~~form~~] and the  
21 Safe Routes to School Program Guidelines will be available at  
22 each department district as well as from the responsible  
23 division in Austin. The documents will also be published on the

1 department web site.

2

3 \$25.504. Application [~~Project~~] Evaluation and Selection.

4 (a) Application [~~Project~~] evaluation. The responsible  
5 division will review each program application for completeness  
6 and compliance with project eligibility requirements described  
7 in §25.502 of this subchapter. Applications that do not comply  
8 with these requirements or that are not received by the  
9 published deadline will not be evaluated.

10 (b) Project evaluation process [~~panel~~].

11 (1) The executive director or designee will appoint a  
12 project evaluation committee [~~panel~~] of department staff with  
13 expertise in bicycle safety, pedestrian safety, roadway safety,  
14 roadway design, [~~or~~] traffic engineering, or other related  
15 fields to review, evaluate, and make recommendations on the  
16 proposals submitted for the program [~~statewide~~].

17 (2) The department's Bicycle Advisory Committee, as  
18 created under §1.85 of this title (relating to department  
19 advisory committees), will also serve as a project evaluation  
20 committee to review, evaluate, and make recommendations on the  
21 proposals submitted for the program.

22 (3) The project advisory committees will evaluate the  
23 proposals using the evaluation methodology developed by the

1 responsible division administering the program.

2 (4) The project advisory committees will provide their  
3 project selection recommendations and supporting documentation  
4 to the director of the responsible division administering the  
5 program.

6 (5) The director of the responsible division  
7 administering the program will recommend a program of candidate  
8 projects for consideration by the commission.

9 (c) Selection criteria for infrastructure projects.

10 [~~1~~] Safe Routes to School applications for  
11 infrastructure projects meeting all requirements included in  
12 §25.502 will be evaluated based on the following selection  
13 criteria:

14 (1) [~~A~~] identification of current and potential safe  
15 walking and bicycling routes to school;

16 (2) the potential of the proposal to create a safer  
17 walking and bicycling built environment within two miles of a  
18 school;

19 (3) [~~B~~] the demonstrated need of the applicant;

20 (4) [~~C~~] identification of safety hazards;

21 (5) [~~D~~] the potential of the proposal to reduce child  
22 injuries and fatalities;

23 (6) [~~E~~] the potential of the proposal to encourage

1 walking and bicycling among students;

2 (7) [~~F~~] support for the project by the community and  
3 interested parties;

4 (8) [~~G~~] identification of detailed construction costs;  
5 [and]

6 (9) [~~H~~] compliance with design criteria established by  
7 the responsible division; [~~I~~]

8 [~~2) Additional consideration will be given to]~~

9 (10) applications that demonstrate a link to an existing  
10 or planned [a] comprehensive traffic safety plan; and [have  
11 ~~secured additional funding or other resources to extend the~~  
12 ~~beneficial effect of the proposed project.~~]

13 [~~3) Additional consideration will also be given to]~~

14 (11) other factors relating to the proposed project  
15 deemed necessary to promote pedestrian and bicycle safety of  
16 children in and around school areas.

17 (d) Selection criteria for non-infrastructure projects.

18 Safe Routes to School applications for non-infrastructure  
19 projects meeting all requirements included in §25.502 of this  
20 subchapter will be evaluated on the following selection  
21 criteria:

22 (1) identification of the current and potential overall  
23 need for programs to encourage and promote walking and bicycling

1 to the proposed project location;

2 (2) identification of existing safety hazards and the  
3 need for a behavioral program to increase awareness of those  
4 issues;

5 (3) the potential of the proposal to reduce child  
6 injuries and fatalities through education, enforcement, or other  
7 activities;

8 (4) the potential of the proposal to encourage walking  
9 and bicycling among students;

10 (5) support for the project by the community and  
11 interested parties;

12 (6) applications that demonstrate a link to an existing  
13 or planned comprehensive traffic safety plan; and

14 (7) other factors deemed necessary to promote pedestrian  
15 and bicycle safety of children in and around school areas.

16 (e) Commission approval. Approval by the commission will  
17 be based on the recommendations from the director of the  
18 responsible division administering the program [~~panel~~  
19 evaluations], funding availability, the safety of the traveling  
20 public, the overall goals of the program, and safety in and  
21 around school areas.

22 (f) [~~e~~] Approved projects. After approval by the  
23 commission, the department will notify applicants of the project

1 selection status.

2 (1) Approved infrastructure projects must comply with  
3 design, plan preparation, [and] letting requirements, and other  
4 requirements established by the director of the responsible  
5 division.

6 (2) Approved non-infrastructure projects must comply with  
7 the requirements established by the director of the responsible  
8 division included in the call for project proposals.

9 ~~[(f) Project overruns. Approved program funds are a fixed~~  
10 ~~amount. Project applicants will be responsible for all cost~~  
11 ~~overruns.]~~

12  
13 \$25.505. Project Funding and Monitoring.

14 (a) Reimbursement. The Safe Routes to School Program is a  
15 reimbursement program for costs incurred. Any costs incurred by  
16 applicants prior to project approval, final contract execution,  
17 and federal project authorization are not eligible for  
18 reimbursement under the program.

19 (b) Funding allocations between project types. Non-  
20 infrastructure based projects will make up at least 10% and no  
21 more than 30% of the overall program funding. The exact  
22 proportion of infrastructure to non-infrastructure funding will  
23 be determined by the department.

1        (c) Local contribution. No local contribution is required  
2 for projects submitted for funding under the Safe Routes to  
3 School Program.

4        (d) Project overruns. Project overruns will be evaluated  
5 by the responsible division administering the program on a case-  
6 by-case basis to determine if the project will continue and how  
7 the additional costs will be covered.

8        (e) Commission allocation for state initiated projects.  
9 The commission may allocate funds to the department for use on  
10 the state highway system for Safe Routes to School projects  
11 initiated by the department.

12        (f) Project monitoring and evaluation. The department will  
13 monitor and evaluate the effectiveness of each project funded on  
14 this subchapter to ensure compliance with state and federal law  
15 and regulation. Each recipient of funding is required to  
16 cooperate fully with the department in this process.