

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING

Statutory Authority: 17 Delaware Code, Sections 1021 (17 Del.C. §1021
2 DE Admin. Code 2402

FINAL

ORDER

2307 Delaware Safe Routes to School Regulations

Background

Under Title 17 of the Delaware Code, Section 1021 and 1022, and Public Law 109-59, the Delaware Department of Transportation (DelDOT), through its Division of Planning, sought to revise the Safe Routes to School Program Guidelines, which do not provide specific information on private school participation leading to confusion, by specifying the conditions of and extent to which private schools are eligible to participate.

Public Comment Period

The Department took written comments on the proposed changes to the Safe Routes to School Program Guidelines from May 1, 2010 through May 31, 2010.

Summary of the Evidence and Information Submitted

A single comment was sent to the Department, and is set forth below:

Question: Will training &/or materials for contract bus drivers be included so that we are also up-to-date on what is going on where?

The Department's response is as follows:

The goal of the program is to reach and benefit students who walk or bicycle to or from school or those who could travel by those means. As such, completion of SRTS construction projects should not affect bus routes or change the number of students who use busing, since the program focuses on the area within which students walk, within 1-mile of the school, and outside of unique hazard situations.

Findings of Fact

Based on the record in this docket, I make the following findings of fact:

1. The proposed amendments to the Safe Routes to School Program Guidelines are useful and proper, and should be adopted as originally proposed to the comment period process required under the Administrative Procedures Act.
2. The adoption of these proposed changes to the Safe Routes to School Program Guidelines is in the best interests of the State of Delaware.

Decision and Effective Date

Based on the provisions of Delaware law and the record in this docket, I hereby adopt the amended Safe Routes to School Program Guidelines, as set forth in the version attached hereto, to be effective on July 21, 2010.

IT IS SO ORDERED this 15th day of June, 2010.

Carolann Wicks, Secretary, Delaware Department of Transportation

2307 Delaware Safe Routes to School

1.0 Introduction

Delaware's Safe Routes to School (SRTS) Program was established September 10, 2002 when Governor Ruth Ann Minner signed Senate Bill 353 of the 141st General Assembly of Delaware (73 Del. Laws, c. 435). As directed, the Department of Transportation (DelDOT) began developing a program that would enable DelDOT to work with schools to encourage children to walk and bicycle to school safely. Three years later similar federal legislation was passed (Pub. L. No. 109-59). Delaware's legislation authorizes DelDOT to make SRTS grants available for bicycle and pedestrian safety and traffic calming measures in the vicinity of schools (17 **Del.C.** §1022). The federal SRTS program was established August 10, 2005 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This law describes the purpose of the program as follows: (1) to enable and encourage children, including those with disabilities, to walk and bicycle to school; (2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and, (3) to facilitate the planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools (Pub. L. No. 109-59, §1404 (b)). The federal program employs a multi-faceted approach that addresses infrastructure needs as well as implements non-infrastructure activities to achieve the program goals.

These Program Regulations establish the Delaware Department of Transportation SRTS program and outline how DelDOT will administer the program. This document provides information regarding eligible recipients of funding, the availability of funds, and the project selection process.

2.0 Eligibility

2.1 Eligible Participants

Any private school, public school or public charter school recognized by the Department of Education may participate in the SRTS program, provided that the request is accompanied by a letter of support by the school principal or a district-level administrator; however, participation is restricted to projects and activities that benefit elementary and middle school children in grades kindergarten through eighth grade. The program seeks to encourage students who live within one mile of their school to walk and those who live within two miles to bicycle both to and from school. When applicable, students with ambulatory impairments are encouraged to travel to and from school using an assistive technology device, such as a wheelchair or scooter. Private schools are eligible to participate in all non-infrastructure components and to receive funding for infrastructure improvements that are located within public right-of-way.

2.2 Eligible Funding Recipients

Funding is available to the organization or agency that is administering the SRTS program; this may be the participating school or an organization acting on behalf of the participating school. Eligible funding recipients include state, regional, or local agencies, including nonprofit organizations, and schools or school districts. An organization may receive funding to implement part or all aspects of a SRTS program at a school or multiple schools, as long as the organization is able to demonstrate that the funding request is based on a comprehensive SRTS plan that addresses a set of core components.

3.0 Program Components

3.1 SRTS Plan

A comprehensive program is established by developing a SRTS plan. The SRTS plan must identify safety hazards, current and potential walking and bicycling routes to school, and activities that will incorporate each of the 5 E's (Engineering, Education, Enforcement, Encouragement, and Evaluation) to create a comprehensive program. A plan must be created with a group representing different aspects of the school community. This group or committee must include students, parents, teachers, school officials, local transportation agencies, and law enforcement agencies. Partnering with a local health agency or recognized health organization, local civic associations, neighboring residents, and local governments are also encouraged. The committee works through a process to identify areas of

concern or need, and then prioritizes activities and projects. SRTS program participants are encouraged to utilize the "Delaware Safe Routes to School Program Sourcebook" when developing a SRTS plan. The "Delaware Safe Routes to School Program Sourcebook" provides guidance on how to develop a SRTS plan and references other resources. It is available on the DelDOT website (URL address to be determined).

3.2 The "5 E's"

The program is divided into five elements, that include both infrastructure and non-infrastructure components. The "5 E's" are Engineering, Education, Enforcement, Encouragement, and Evaluation. A general description of the components that make up the "5 E's" is provided below.

- 3.2.1 Engineering – Creating operational and physical improvements to the infrastructure surrounding schools that reduce speeds and potential conflicts with motor vehicle traffic, and establish safer and fully accessible crossings, walkways, trails, and bikeways.
- 3.2.2 Education – Teaching children about the broad range of transportation choices, instructing them in important lifelong bicycling and walking safety skills, educating students and their parents on Delaware's pedestrian and bicycle laws, and launching driver safety campaigns within one- mile of schools.
- 3.2.3 Enforcement – Partnering with local law enforcement to ensure traffic laws are obeyed within two-miles of schools (this includes enforcement of speeds, yielding to pedestrians in crossings, and proper walking and bicycling behaviors), and initiating community enforcement such as crossing guard programs.
- 3.2.4 Encouragement – Using events and activities to promote walking and bicycling.
- 3.2.5 Evaluation – Monitoring and documenting outcomes and trends through the collection of data, including the collection of data before and after the intervention(s).

4.0 Project Funding

- 4.1 DelDOT is expected to receive \$1 million dollars in federal monies each year for five federal fiscal years (FY 2005 – FY 2009) to administer the SRTS Program. While the majority of these funds will be expended towards infrastructure (capital) projects, ten to thirty percent must be dedicated to non-infrastructure projects. No matching funds from the participant are required.
- 4.2 DelDOT will set aside some of the SRTS funds for Department use towards staff training on SRTS, training materials, public awareness campaigns and outreach about the Delaware SRTS Program, creation and reproduction of promotional and educational materials, technical assistance, and other uses as deemed necessary for successful administration of the SRTS program.

5.0 Funding Limitations

- 5.1 There is no limit on the number of projects for which a sponsor can submit proposals. However, no project or activity will be eligible for funding unless it has been identified through a SRTS planning process and identified in a SRTS plan.
- 5.2 Individual SRTS projects may be funded up to \$125,000. If a project has been identified in the SRTS plan that exceeds this limit, the project shall not be administered or funded through the SRTS Program. Instead, DelDOT will seek to combine the project with other ongoing work in the area, or submit the project to compete for funding with other Delaware capital improvement projects.

6.0 Eligible Costs

6.1 Infrastructure Costs

Infrastructure projects should directly support increased safety and convenience for elementary and middle school children, in kindergarten through eighth grades, to bicycle and/or walk to and from school. Infrastructure funds are only available to schools that have students who reside within two-miles of the school, measured along existing transportation infrastructure. Project limits must be within two miles of the participating school. Planning, design, engineering expenses, including consultant services associated with developing the project, and construction costs are eligible infrastructure

expenses. All infrastructure projects must be approved for use in the state of Delaware and located within public right-of-way. This may include projects on private land that have public access easements or right-of-way dedication, if the improvements are located immediately adjacent to and run parallel with the existing public roadway. Public property includes land that are owned by a public entity, including those lands owned by public school districts. Infrastructure projects should be constructed as soon as possible after the project has been awarded. Infrastructure projects that are not completed within 18-months from the date on executed agreement will be cancelled, and the sponsor will be required to return any funds expended on the project. A letter requesting an extension may be submitted prior to the end of the 18-month completion period. Each request will be reviewed and responded to accordingly. The project sponsor will be responsible for long-term maintenance of infrastructure projects. Eligible projects include:

- sidewalk and walking path improvements;
- traffic calming and speed reduction improvements;
- installation of pedestrian signals and accessible pedestrian signals;
- accessible route improvements (including ramps and curb cuts);
- pedestrian and bicycle crossing improvements;
- on-street bicycle facilities;
- off-street bicycle and pedestrian facilities;
- secure bicycle parking facilities; and,
- traffic diversion improvements in the vicinity of schools.

6.2 Non-infrastructure Costs

The federal legislation requires that all non-infrastructure activities that are eligible for funding must be “activities to encourage walking and biking to school.” Eligible activities include:

- costs for assistance in developing SRTS plans (funding for assistance shall not exceed \$10,000 per school);
- traffic education and enforcement within the school zone of a participating school;
- student sessions and materials on bicycle and pedestrian safety, health, and environment;
- modest incentives, promotional activities, and prizes for SRTS contests (no single prize shall exceed \$50 the cost for a single prize shall not exceed \$50);
- parent education materials;
- materials to assist in enforcement of safety behaviors;
- costs for data gathering, analysis, and evaluation reporting;
- photocopying, printing, mailing, and survey costs;
- costs to employ a program manager to run a citywide, countywide, or district wide program that includes numerous schools; and,
- other costs as approved by DelDOT.

7.0 Ineligible Costs

SRTS program funds shall not be used for recreation, beautification, bus safety, or similar safe routes programs to bus stops or transit. Funds may not be used to supplement or provide for additional crossing guards; however, funds may be used for crossing guard training. SRTS funds may not be used to build closed paths. Infrastructure improvements on the school campus must connect the transportation system to the school entrance.

8.0 Project Selection and Prioritization

- 8.1 Limits on funding have been set to enable more participants to develop a SRTS program- DelDOT shall implement an evaluation process for project selection based on a statewide competition as set out in the Delaware legislation 17 **Del.C.** §1022. The following factors will be used to rate submitted proposals: (1) demonstrated needs of the applicant; (2) potential for reducing child injuries and fatalities; (3) potential of the proposal for encouraging increased walking and bicycling among students; and, (4) completion of a “Safe Routes to School” plan that identifies safety hazards, and current and potential walking and bicycling routes to school, and involves students,

- parents, teachers, local transportation agencies, law enforcement agencies and school officials in the plan development process.
- 8.2 Prioritization of proposals will be based on a rating system and scale that will be defined in the *"Delaware Safe Routes to School Program Sourcebook"*. The Sourcebook will also establish the closing date for proposals and the issue date of awards. The SRTS coordinator will make the project selection. DelDOT reserves the right to judge the capability of the applicant. If the sum of all proposals received is less than the sum of funds to be awarded, no prioritization will be made.
- 8.3 All inquiries are welcome. The state coordinator is available to provide information, answer questions, participate in meetings, and assist potential SRTS participants in initiating a SRTS program. Please direct any questions or comments to:

Safe Routes to School Program, Division of Planning
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
(302) 760-2121 (telephone), (302) 739-2251 (fax)

9 DE Reg. 1776 (5/1/06)

14 DE Reg. 56 (07/01/10) (Final)