

# Memorandum

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Subject: ACTION: Program Guidance – Safe Routes to School

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From: */original signed by/*  
John R. Baxter  
Acting Associate Administrator for Safety

Reply to  
Attn. of: HSA-20

To: Division Administrators

This memorandum transmits the Office of Safety's Program Guidance for implementing the new Federal-aid Safe Routes to School (SRTS) legislated Program. The SRTS Program is funded at \$612 million and provides Federal-aid highway funds to State DOTs over five Federal fiscal years (FY 2005 – FY 2009). The legislative details of the Program are contained in Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59).

In preparing this guidance, the Office of Safety conducted an extensive outreach effort. Given the cross-cutting nature of this Program, we received input from many different stakeholders including national bicycle and pedestrian advocacy organizations, a State DOT review team, a FHWA field review team, NHTSA, the FHWA Offices of Policy, Legal and Planning and Environment. In addition, we brought in national SRTS experts to assist us in our efforts. The attached document is the culmination of this collaborative approach.

While this guidance addresses most aspects of the SRTS Program, it may not answer every question that has been, or is likely to be raised. Additional guidance will be provided throughout the first few years of the Program as questions are asked, clarifications are needed, experience is gained, and various approaches are tried and evaluated.

The Office of Safety will post and manage this guidance through our SRTS website <http://safety.fhwa.dot.gov/saferoutes/index.htm>. We encourage you to direct your State DOT and other stakeholders to the on-line version, as well as to the FAQ's, which support this Guidance. When substantial updates to the on-line version are made, we will notify the Division SRTS point of contact. Comments and feedback about this Guidance should be directed to Mr. Tim Arnade, Safe Routes to School Program Manager via email at [tim.arnade@fhwa.dot.gov](mailto:tim.arnade@fhwa.dot.gov) or via telephone at (202) 366-2205.

Attachment



*Program Guidance*  
*Safe Routes to School Program (SRTS)*

January 3, 2006

**SRTS PROGRAM GUIDANCE**

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## I. INTRODUCTION

### Background

The Federal-aid Safe Routes to School Program (hereinafter referred to as SRTS Program) was created by Section 1404 of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act* (SAFETEA-LU), signed into Public Law (P.L. 109-59) on August 10, 2005. The SRTS Program is funded at \$612 million and provides Federal-aid highway funds to State Departments of Transportation (DOTs) over five Federal fiscal years (FY2005-2009), in accordance with a formula specified in the legislation. These funds are available for infrastructure and noninfrastructure projects, and to administer State Safe Routes to School programs that benefit elementary and middle school children in grades K-8. The Federal-aid SRTS Program is administered by the Federal Highway Administration (FHWA) Office of Safety.

This document provides SRTS Program Guidance for State DOTs and other stakeholders involved in implementation and administration of SRTS programs. Guidance is provided to enable the states to move quickly and confidently in creating SRTS programs and spending program funds. This Program Guidance provides information to implement the legislation, and where it is presented, ***text from the legislation is in bold, italic font***. While this Guidance addresses most aspects of the SRTS Program, it may not answer every question that has been, or is likely to be raised. Additional guidance will be provided throughout the first few years of the SRTS Program as questions are asked, clarifications are needed, experience is gained, and various approaches are tried and evaluated.

### SRTS Program Purpose

Section 1404(b) of the legislation describes the purposes for which the SRTS Program was created:

***(b) PURPOSES.--The purposes of the program shall be-***

- (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.***

These stated purposes describe the overall intent of the SRTS Program. Different locations are likely to develop different initiatives and projects that address one or more of the purposes, but the overall SRTS Program within a State must meet all of these stated purposes. FHWA expects that States will develop many different approaches within the framework of the legislation and this guidance to serve these purposes.

## **SRTS Program Outcomes**

Safe Routes to School is a cross cutting program. There are many possible outcomes as a result of successfully implementing projects and activities at the State and local level. These desired outcomes help clarify the broad purposes stated in the legislation and can assist implementation, including overall development and administration of State programs. They can be used to help evaluate potential projects, as well as understand the factors that affect the success of different activities, projects, and programs.

Desired outcomes of the Safe Routes to School Program include:

- Increased bicycle, pedestrian, and traffic safety
- More children walking and bicycling to and from schools
- Decreased traffic congestion
- Improved childhood health
- Reduced childhood obesity
- Encouragement of healthy and active lifestyles
- Improved air quality
- Improved community safety
- Reduced fuel consumption
- Increased community security
- Enhanced community accessibility
- Increased community involvement
- Improvements to the physical environment that increase the ability to walk and bicycle to and from schools
- Improved partnerships among schools, local municipalities, parents, and other community groups, including non-profit organizations
- Increased interest in bicycle and pedestrian accommodations throughout a community

## **Comprehensive Nature of SRTS Activities – The “5 E’s”**

FHWA recommends that SRTS efforts in the United States incorporate – directly or indirectly – five components, often referred to as the “5 E’s”. The 5 E’s are:

- a) 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.
- b) Education – Teaching children about the broad range of transportation choices, instructing them in important lifelong bicycling and walking safety skills, and launching driver safety campaigns in the vicinity of schools.
- c) Enforcement – Partnering with local law enforcement to ensure traffic laws are obeyed in the vicinity 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.
- d) Encouragement – Using events and activities to promote walking and bicycling.

- e) Evaluation – Monitoring and documenting outcomes and trends through the collection of data, including the collection of data before and after the intervention(s).

**Funding Levels**

The SRTS Program provides \$612 million to the States over five fiscal years (FY2005-2009), in accordance with a formula specified in the legislation. FHWA will apportion SRTS funding annually to each State, in conjunction with regular Federal-aid highway apportionments.

SRTS Annual Funding Levels	
Fiscal Year	Funding
2005	\$54 million
2006	\$100 million
2007	\$125 million
2008	\$150 million
2009	\$183 million

**Funding Level by State**

FHWA has developed a State-by-State breakdown of apportionments for FY 2005 – FY 2009. Future apportionments for FY 2007 – FY 2009 were projected using FY 2006 factors. FY 2007 – FY 2009 apportionments are provided for planning purposes only. The actual apportionments for FY 2007 through FY 2009 will be based on the latest available data; consequently, apportionments in those years may differ from the estimates presented here. [\(LINK HERE FOR TABLE\)](#)

**Program Funding Framework**

The legislation established a number of parameters related to program funding which address the following items:

- **Apportionment Formula**--Funds are provided to each State and the District of Columbia by formula based on the State’s percentage of the national total of school-aged children in grades K – 8. As described above, apportionments will be updated by FHWA as new national enrollment data becomes available.
- **Minimum Allocation**--No State shall receive less than \$1 million in any fiscal year.
- **Infrastructure and Noninfrastructure Funds**—Funds are made available for two different types of projects (infrastructure and noninfrastructure), with not less than 10 percent and not more than 30 percent of each State’s apportionment required to be spent on noninfrastructure activities.
- **Duration of Availability**—Funds shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, USC; except that such funds shall not be transferable and shall remain available until expended.
- **No Local Match Permitted**—the Federal share of the cost of a project or activity shall be 100 percent.

- **Set-Aside for Administrative Expenses** --Prior to distributing funding to the States, FHWA may deduct up to \$3 million each year for administrative expenses to carry out the SRTS Program.

### **Reimbursement Program**

The SRTS Program is a reimbursement program for cost incurred. It is not a “cash-up front” program. Costs incurred prior to FHWA project approval are not eligible for reimbursement.

### **Supplements Existing Programs**

The SRTS legislation supplements, rather than replaces, current funding streams that support walking and bicycling transportation. States may find that they have more applicants than they can fund through the Federal-aid SRTS Program. Maintaining existing funding sources will help alleviate gaps between funding requests and available SRTS Program funds.

Existing state and local SRTS programs should therefore be sustained and coordinated with the Federal-aid SRTS Program. Existing programs and policies that will use SRTS Program funds should be brought into alignment with the overall purposes, desired outcomes and objectives of the SRTS Program, as well as the technical requirements of Section 1404.

## **II. STATE PROGRAM STRUCTURE AND ADMINISTRATION**

### **DOT Program Administration Overview**

The legislation includes a number of provisions that directly address how the SRTS Program is to be administered by the States:

#### **Administered by State DOTs**

Consistent with other federal aid highway programs, SRTS funding is to be administered by the State Department of Transportation.

- *(d) ADMINISTRATION OF AMOUNTS.--Amounts apportioned to a State under this section shall be administered by the State's department of transportation.*

#### **Coordinator Requirement**

The legislation requires a full-time position for State programs, and provides resources to fund these positions.

- *(3) SAFE ROUTES TO SCHOOL COORDINATOR.--Each State receiving an apportionment under this section for a fiscal year shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.*

As stated in the Explanatory Statement accompanying SAFETEA-LU, the State SRTS Coordinator position in each State is to be funded from the infrastructure portion of a State's SRTS Program apportionment. [[FHWA memo of September 26, 2005](#) provides guidance relating to the Coordinator position.] In addition to the salary and fringe benefits of the Coordinator, other costs that are necessary and reasonable for the efficient performance of the Coordinator's duties (e.g. travel, training, etc.) that are allowable under OMB Circular A-87 may be charged to SRTS funds. Indirect/administrative costs incurred by a State Transportation Department for other aspects of administering the SRTS Program also may be allowed if the State has an indirect cost rate established and approved in accordance with OMB Circular A-87. ([OMB Circular A-87](#))

### **Specifies Eligible Recipients**

The SRTS legislation identifies eligible funding recipients, which may include nontraditional partners of State DOTs. Many projects may be grassroots driven and project sponsors may be school or community based groups.

- *(e) ELIGIBLE RECIPIENTS.--Amounts apportioned to a State under this section shall be used by the State to provide financial assistance to State, local, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section.*

### **SRTS Program Development**

FHWA recognizes that no single approach to program administration is superior or appropriate for all State DOTs; States vary greatly in size and potential numbers of schools to be served, and SRTS funding varies in a corresponding manner. The approach of combining funding for infrastructure projects and noninfrastructure activities into one program is somewhat unique in transportation and may not be easily accommodated by the existing administrative and program structures in many State DOTs.

FHWA encourages State DOTs to develop creative approaches to program structure and project implementation procedures, with the goal of best meeting the objectives described below. As the legislation requires the FHWA to report to Congress on the progress of this program, and also requires the FHWA to establish a Task Force to study effective strategies, FHWA anticipates that the SRTS Task Force will review State programs in the future to identify how the objectives are being met.

### **Objectives of SRTS Programs**

The following four objectives should be considered in structuring programs at the State level:

- **Objective 1: Enable Participation on a Variety of Levels**  
State programs should be accessible to a wide variety of project sponsors and partners (including those that are non-traditional recipients of transportation funding, such as parent-teacher organizations and other nonprofit organizations).

SRTS programs can be implemented at different levels – at a single school, a cluster of schools, on school system or region-wide basis, or in some cases on a statewide level. There are some activities that are more effective when implemented on a region-wide or school district basis, such as incorporating pedestrian and bicycle safety into school curricula, and media outreach efforts. State programs should therefore consider a structure that enables project applications to be submitted by a single school, or by applicants that represent multiple schools.

- **Objective #2: Make the Program Accessible to Diverse Participants**

State programs should be easily accessible to schools and communities in rural, suburban and urban settings, especially those with fewer local resources and limited ability to afford new initiatives. This is particularly important, as school zones in low income areas often have higher than average child pedestrian crash rates, and have the greatest need for a SRTS program, yet may have limited resources to access these funds. In addition, there are many States with a high percentage of rural schools that should be given the opportunity to participate in this program in an appropriate way.

States are encouraged to review and analyze bike and pedestrian crash data and consider setting aside some funds to provide assistance to schools in areas with higher than average child crash rates. Targeted outreach and technical assistance efforts may be required to ensure that low income communities in urban or rural settings can fairly compete for SRTS funds. Assistance may be needed with technical assessment, preparation of grant applications, or capacity development. Careful development of project selection criteria will also help reinforce the importance of addressing equity issues in SRTS programs.

- **Objective #3: Promote Comprehensive SRTS Programs and Activities**

State programs should foster projects that combine engineering improvements along with education, encouragement, enforcement, and evaluation activities at the same schools. This may be accomplished by including funding for activities that address the five components (“5 E’s”) in most or all funding awards, or requiring local applicants to demonstrate how components that are not included in the application are already being addressed in the school or within the school’s immediate community.

- **Objective #4: Maximize Impact of the Funds**

State programs should maximize use of the most effective physical treatments and designs to improve bicycle and pedestrian safety and use; as well as the most effective approaches in the areas of safety education, encouragement, and, enforcement. In addition, the program structure should encourage timely and expeditious implementation and cost-effective expenditure of funds. It also can be valuable to have SRTS funds leverage additional funds from other sources, and that materials produced be easily adaptable for use by other communities. (Note that no funding “match” is permitted. See section on “Project Selection Criteria”

for additional information about leveraging and see section “Utilizing Related Funding Sources” for information about other funding sources.)

Additional information is given for several of the objectives identified above within the text of this Guidance.

### **Statewide Multidisciplinary Coordination**

FHWA encourages State DOTs to collaborate with other agencies and interested organizations within their State to create and implement a plan for how to best accomplish the purposes of the SRTS Program described in Section 1404. Integrating the State SRTS Program with multiple State agencies, such as bicycle and pedestrian programs, highway and traffic safety groups, environment and planning groups, law enforcement, public health officials, and boards of education, etc., will make the program outcomes more comprehensive and more effective in increasing safety and numbers of children walking and bicycling to school. Based on experiences of SRTS programs already operating in some States, FHWA also encourages State DOTs to involve experts and professionals representing SRTS stakeholders from the fields of public health, education, child safety, bicycling and walking and others as appropriate to assist with development and implementation of the program.

### **SRTS Program Administration**

#### **Minimum Infrastructure and Noninfrastructure Spending**

FHWA anticipates that State DOTs need guidance on how to address both noninfrastructure and infrastructure activities in their program administration process. The legislation specifies that 10 to 30 percent of each State’s funding is to be spent on noninfrastructure activities:

***(B) ALLOCATION.--Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this section for a fiscal year shall be used for noninfrastructure-related activities under this subparagraph. (Sec 1404(2) (B))***

The intent of this language is to ensure that education, encouragement, enforcement and evaluation activities are included as a significant part of SRTS activities. States and communities should combine these activities with engineering modifications to encourage an approach to SRTS that both results in safer walking and bicycling environments and encourages more walking and bicycling to school.

#### **Program Administration Models**

With the requirement that both infrastructure and noninfrastructure activities be funded by the SRTS Program, States will need to develop administrative procedures that can accomplish this task. FHWA encourages State DOTs to develop administrative procedures that effectively accommodate both infrastructure and noninfrastructure

activities. The following are examples of program administration models: (this list is not intended to be comprehensive)

1. **One Agency/One Application:** Program is administered by one single agency through one single application process. A State may decide that each application must consist of both infrastructure and noninfrastructure activities (or require evidence that both types of activities will be undertaken even if one is not part of the SRTS funding request) in order to ensure a comprehensive and integrated project at each location. States that use this approach should strongly consider development of a multi-disciplinary and multi-agency committee to evaluate project applications and recommend projects for funding. Additionally, States should consider using a separate rating system for the two different components within a single application and make grant selections based on the cumulative total. If a State decides that they will consider applications for infrastructure only and noninfrastructure only activities, the administration of SRTS should enable both types of projects to be evaluated fairly.
2. **One Agency/ Multiple Applications:** Program is administered by one single agency through more than one type of grant application process. The State DOT could run distinct competitive grant application processes for both the infrastructure and noninfrastructure portions of funding. In this scenario, applicants should be required to show that their programs are comprehensive, i.e. infrastructure projects should be part of a larger effort that includes the five components of SRTS activities (“5 E’s”).
3. **Multiple Agencies (Split Program):** Program funds are separated into infrastructure and noninfrastructure categories and administered by different divisions of DOT, different State agencies, or a nonprofit organization. The State DOT could provide funding to another state-level department or a nonprofit organization (e.g. health department, office of traffic safety, a bicycle and pedestrian safety department within the DOT, a University, or a non-governmental organization) to administer the grant applications and evaluation components for the noninfrastructure requirements. This entity would then report to the State DOT who remains responsible for the administration and stewardship of the SRTS Program, regardless of whether a different entity is administering parts of the Program.
4. **Phased Program:** Program funds are given in “stages:” 1) initial grants are given to provide technical assistance, assessment and project/activity planning support, 2) follow up funds for execution of infrastructure and noninfrastructure projects. The State DOT could provide a portion of the noninfrastructure funding to a service provider (i.e. through a competitive bid process) with demonstrated success in conducting community-based SRTS training, assessment and technical assistance. This third party would be responsible for training schools regarding the development of SRTS plans, and in providing technical assistance where needed. Schools would then be eligible for a “second stage” of funding once their

SRTS plans are completed. This option may be desirable in States where there is a need to target low income and/or rural areas.

Regardless of how each State structures its SRTS Program and project application process, FHWA strongly recommends that infrastructure and noninfrastructure activities be coordinated in order to achieve successful outcomes.

### **Recommended Evaluation of SRTS Programs**

Ongoing review and evaluation activities associated with SRTS programs are vital for the continual improvement of each program (and for the study and development of a strategy for advancing SRTS programs nationwide, as called for in Section 1404). FHWA is required to report to Congress on the progress of the SRTS Program, and therefore requests that States gather and provide the following information with respect to the expenditure of these funds:

#### **Evaluation of Safety Benefits**

Understanding safety outcomes provides information about how SRTS activities reduce fatalities and injuries, as well as reduce risk associated with walking and bicycling to school. FHWA acknowledges some challenges in evaluating crash data with respect to the success of SRTS programs. Crash reporting systems generally do not distinguish if pedestrian and bicycle crashes occur during the trip to/from school. Also, to measure program effectiveness in terms of crashes, it is appropriate to review accident data 3 years prior and 3 years following the implementation of a comprehensive SRTS program. Funding cycles are likely to be considerably shorter than this timeframe.

For this reason, FHWA will accept other methods of evaluating the safety benefits of the program, such as changes in public perception of safety, the effect on safety behaviors among participants of SRTS programs, or increased awareness of safe walking and bicycling practices.

#### **Evaluation of Behavioral Changes**

Understanding the effect of the program on the number of students who walk and bicycle, versus arrive/depart from school via other modes of transportation provides information about how SRTS activities affect the behavior of students and motorists. States are asked to measure this change by collecting information prior to the start of SRTS programs, and then after such programs have been established in participating schools. Care should be taken to compare outcomes based on similar conditions (i.e. weather, regular day or contest day, etc.). FHWA recognizes that where programs are being implemented specifically to reduce hazards for children already walking and bicycling to school, this would not necessarily be an appropriate evaluation measure.

#### **Evaluation of Other Potential Benefits**

In addition to the two categories listed above, States may choose to evaluate their programs in terms of:

- a) The number of new partnerships created as a result of the program,
- b) The number of students and/or schools reached through the program,
- c) Measurements of student health, air quality, congestion, and other metrics noted or implied by the legislative purposes of the program, and
- d) Improvements to the built environment that benefit the ability to walk and bicycle to and from schools (i.e., the number of new facilities, miles of sidewalks, etc.).

Additional guidance will be provided in the future with regards to the evaluation of program success. Recommended data collection forms that would allow for standardized data collection across States also will be provided. Preliminary forms for collecting before-project data will be provided soon so States can consider including the forms in their call for applications. It is anticipated that a more comprehensive package of standardized evaluation tools, including post-project forms, will be provided in time for program and project evaluations.

### **Project Selection**

Each State DOT develops its own procedures and policies for soliciting and selecting projects for funding, including but not limited to, selection criteria, funding cycles, grant amounts, time limits, etc. This Program Guidance provides the broad outlines and requirements a State should follow when implementing its Program. As stated in the Conference Report for SAFETEA-LU, “*States should be encouraged to create competitive application forms, criteria, and evaluations that are appropriate for the two different types of projects.*” (SAFETEA-LU, Joint Explanatory Statement of the Committee of the Conference, Report 109-203, pp. 866-867)

Regardless of how each State structures its SRTS program and project application process, FHWA *strongly recommends that infrastructure and noninfrastructure activities be coordinated in order to achieve successful outcomes.*

### **Projects Competing from Different Jurisdictional Levels**

SRTS activities occur at three jurisdictional levels – at the school level, on school system or region-wide basis, or in some States, on a statewide level. The right structure for balancing spending at these different levels will vary from State to State. FHWA recommends that State SRTS Programs develop an application process that ensures project applicants will compete only with other project applicants proposing activities at the same level. These levels can be described as follows:

- **Individual school-based projects:** There should be opportunities for individual schools (or a cluster of schools in close proximity) to submit applications for funding. FHWA recommends that infrastructure projects be coordinated with noninfrastructure activities to encourage comprehensive programs at the school and community level. Infrastructure-only projects should primarily be focused at locations where walking and bicycling to school is already occurring at high levels and remediation of unsafe conditions or facilities is needed. Noninfrastructure-only projects at the school-level may be

appropriate where a safe built environment for walking and bicycling already exists.

- **Multi-school projects:** This category includes school district-based projects, multi-district, city, county or other sub-state or regional configuration. In many cases, these projects will be primarily noninfrastructure activities and relate to training, education, encouragement, and enforcement activities. Projects that address school curriculum and training, walk to school day promotion, and media-oriented strategies are likely to be more effectively administered and implemented at some collective level above the individual school.
- **State-wide activities:** Examples of State-level activities include training, publication and distribution of materials, providing a pool of engineering expertise and/or safety educators for schools to draw upon, or mounting a media campaign or State curriculum initiative. Whether States undertake statewide activities will depend on State-level needs, interest and policy. The potential effectiveness of statewide SRTS activities may also depend on the size of the State. In some cases the State health, education, Office of Highway Safety or other agency, or statewide public interest group will want to address the issue on this scale.

### **Funding Set-Asides**

States may want to evaluate what needs or priorities they have for encouraging activity at any or each of these levels, and consider setting aside portions of the SRTS funding for projects at one or more of each level. Statewide projects might include those that the State DOT itself has an interest in undertaking.

### **Project Selection Criteria**

Project selection criteria should require applications to address both infrastructure and noninfrastructure activities, regardless of whether the grant is requesting one type of funding, or both. Applicants should be permitted to show evidence that they are either planning these activities (either through funds requested through the Section 1404 Program or other sources) or already have adequate programs to address the other “E’s” that are not included in the current application.

FHWA recommends that States establish and consider multiple eligibility criteria including, but not limited to:

- Demonstrated needs
- Identification of safety hazards
- Potential of proposal to reduce child injuries and fatalities
- Potential of proposal to create a safer walking and bicycling built environment within approximately two miles of a school
- Potential of proposal to encourage walking and bicycling among students
- Identification of current and potential safe walking and bicycling routes to schools
- Number of child pedestrians or bicyclists currently using routes
- Number of child pedestrians or bicyclists anticipated to use routes
- Community support for application

The above approach also allows SRTS activities to leverage other potential funding resources as mechanisms to fund these activities. However, Section 1404 clearly states that the Federal share of the cost of the project shall be 100 percent (Sec. 1404(i)), therefore States are not permitted to require a funding match. In order to leverage other funds, though, States may consider giving further consideration to applicants that have secured additional funding or resources. However, to protect the ability of disadvantaged communities to compete effectively, equal weight must be given to applications from schools or communities with fewer resources at their disposal.

Sample application materials are provided in the Appendix.

### **Public Involvement in Project Selection**

FHWA recommends that States include some level of public involvement as part of the project selection process, due to the unique nature of SRTS programs and the need for multiple perspectives in decision-making. For example, when advancing projects under the FHWA Transportation Enhancements and Recreational Trails Programs, many States engage public stakeholder committees in the project selection process. The committees may include representatives of user groups and other affected parties. Such committees could also work with the State's SRTS Coordinator to guide the overall direction of the State's SRTS program activities, and help to ensure that it consistently serves the Program purposes set forward in SAFETEA-LU.

## **III. ELIGIBLE ACTIVITIES**

### **Funding Categories**

Funds are available for infrastructure-related projects and noninfrastructure-related activities:

- (1) INFRASTRUCTURE-RELATED PROJECTS.-- (A) IN GENERAL.-- Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school,...*
- (2) NONINFRASTRUCTURE-RELATED ACTIVITIES.-- (A) IN GENERAL.- -In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for noninfrastructure-related activities to encourage walking and bicycling to school,... (Sec. 1404(f))*

Projects and activities in each category should directly support increased safety and convenience for elementary and middle school children in grades K-8 to bicycle and/or walk to school. Projects may indirectly benefit high school age youth or the general public, however these constituencies cannot be the sole or primary beneficiaries.

Infrastructure projects constructed with these funds must be accessible to persons with disabilities, per the Americans with Disabilities Act Accessibility Guidelines (ADAAG)

at 28 CFR Part 36, Appendix A, as enforced by the U.S. Department of Justice and FHWA, and as required under Section 504 of the Rehabilitation Act.

### **Eligible Infrastructure Projects**

SAFETEA-LU specifies that eligible infrastructure-related projects include *the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including*

- *sidewalk improvements,*
- *traffic calming and speed reduction improvements,*
- *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. (Section 1404(f)(1)(A))*

Given the general guidelines established in the legislation, each State DOT will be responsible for determining the specific types of infrastructure projects that are eligible for this program. Below is a list of potential infrastructure projects that some States have used for existing SRTS or related programs. This list is not intended to be comprehensive; other types of projects that are not on this list may also be eligible if they meet the objectives of reducing speeds and improving pedestrian and bicycle safety and access.

- **Sidewalk improvements:** new sidewalks, sidewalk widening, sidewalk gap closures, sidewalk repairs, curbs, gutters, and curb ramps.
- **Traffic calming and speed reduction improvements:** roundabouts, bulb-outs, speed humps, raised crossings, raised intersections, median refuges, narrowed traffic lanes, lane reductions, full- or half-street closures, automated speed enforcement, and variable speed limits.
- **Pedestrian and bicycle crossing improvements:** crossings, median refuges, raised crossings, raised intersections, traffic control devices (including new or upgraded traffic signals, pavement markings, traffic stripes, in-roadway crossing lights, flashing beacons, bicycle-sensitive signal actuation devices, pedestrian countdown signals, vehicle speed feedback signs, and pedestrian activated signal upgrades), and sight distance improvements.
- **On-street bicycle facilities:** new or upgraded bicycle lanes, widened outside lanes or roadway shoulders, geometric improvements, turning lanes, channelization and roadway realignment, traffic signs, and pavement markings.
- **Off-street bicycle and pedestrian facilities:** exclusive multi-use bicycle and pedestrian trails and pathways that are separated from a roadway.
- **Secure bicycle parking facilities:** bicycle parking racks, bicycle lockers, designated areas with safety lighting, and covered bicycle shelters.

- **Traffic diversion improvements:** separation of pedestrians and bicycles from vehicular traffic adjacent to school facilities, and traffic diversion away from school zones or designated routes to a school.

Planning, design, and engineering expenses, including consultant services, associated with developing eligible infrastructure projects are also eligible to receive infrastructure funds.

### **Project Location**

For infrastructure projects, public funds must be spent on projects within the public right of way. This may include projects on private land that have public access easements. Public property includes lands that are owned by a public entity, including those lands owned by public school districts. Construction and capital improvement projects also must be located within approximately two miles of a primary or middle school (grades K – 8). Schools with grades that extend higher than grade 8, but which include grades that fall within the eligible range, are eligible to receive infrastructure improvements.

**For projects on private land,** there must be a written legal easement or other written legally binding agreement that ensures public access to the project. There must be an easement filed of record, which specifies the minimum length of time for the agreement to maximize the public investment in the project. The project agreement should clearly state in writing:

- The purpose of the project.
- The minimum timeframe for the easement or lease.
- The duties and responsibilities of the parties involved.
- How the property will be used and maintained in the future.

The project must remain open for general public access for the use for which the funds were intended for the timeframe specified in the easement or lease. The public access should be comparable to the nature and magnitude of the investment of public funds.

Reversionary clauses may be appropriate in some instances. These clauses would assure that if the property is no longer needed for the purpose for which it was acquired, it would revert to the original owner.

### **Real Property Acquisition**

For real property acquisition, all project sponsors must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Regulations implementing this Act are found in 49 CFR Part 24. These regulations will be applied to evaluating the acquisition of real property and any potential displacement activities. See <http://www.fhwa.dot.gov/realestate/ua/index.htm>.

### **Eligible Noninfrastructure Activities**

SAFETEA-LU specifies that eligible noninfrastructure activities are *activities to encourage walking and bicycling to school, including*

- *public awareness campaigns and outreach to press and community leaders,*
- *traffic education and enforcement in the vicinity of schools,*
- *student sessions on bicycle and pedestrian safety, health, and environment, and*
- *funding for training, volunteers, and managers of safe routes to school programs. (Section 1404(f)(2)(A))*

The above categories are broad in nature. There are several sources of information available nationally that provide further guidance on noninfrastructure activities, such as the National Highway Traffic Safety Administration's (NHTSA) [Safe Routes to Schools: Practice and Promise](#), and NHTSA's [Safe Routes to School Toolkit](#).

Existing SRTS programs have used noninfrastructure funds for the following purposes:

- Creation and reproduction of promotional and educational materials.
- Bicycle and pedestrian safety curricula, materials and trainers.
- Training, including SRTS training workshops that target school- and community-level audiences.
- Modest incentives for SRTS contests, and incentives that encourage more walking and bicycling over time.
- Safety and educational tokens that also advertise the program.
- Photocopying, duplicating, and printing costs, including CDs, DVDs, etc.
- Mailing costs.
- Costs for data gathering, analysis, and evaluation reporting at the local project level.
- Pay for substitute teacher if needed to cover for faculty attending SRTS functions during school hours.
- Costs for additional law enforcement or equipment needed for enforcement activities.
- Equipment and training needed for establishing crossing guard programs.
- Stipends for parent or staff coordinators. (The intent is to be able to reimburse volunteers for materials and expenses needed for coordination and efforts. The intent is not to pay volunteers for their time. In some cases, however, a State may permit paying a stipend to a "super volunteer" to coordinate its local program(s). This is an important possibility to keep open for low-income communities. It may be beneficial to set a limit on the maximum value of a stipend, such as \$2000/school year.)
- Costs to employ a SRTS Program Manager, which is a person that runs a SRTS program for an entire city, county, or some other area-wide division that includes numerous schools. (Program Managers may coordinate the efforts of numerous stakeholders and volunteers, manage the process for implementation at the local or regional level, and may be responsible for reporting to the State SRTS Coordinator.)
- Costs to engage the services of a consultant (either non-profit or for-profit) to manage a SRTS program as described in the prior bullet.

This listing is not inclusive, although States considering funding items not listed must ensure that the activity meets the purposes of the SRTS Program as specified by SAFETEA-LU, and that the item is generally comparable to those listed above or in the legislation.

### **Activity Locations**

Traffic education and enforcement activities must take place within approximately two miles of a primary or middle school (grades K – 8). Other eligible activities under the noninfrastructure portion of the SRTS Program do not have a location restriction. Education and encouragement activities are allowed at private schools as long as other noninfrastructure program criteria are fulfilled.

### **Inappropriate Uses of SRTS Funds**

States are not permitted to use Section 1404 funds for projects that do not specifically serve the stated purposes of the SRTS Program, nor should they be used for reoccurring costs except as specifically provided in the legislation. For example, in general, Program funds should not be used to pay crossing guard salaries, as these are reoccurring costs (although funds *may* be used for crossing guard training programs). Funding requests for costs that are expected to be reoccurring costs in future years should include plans for how the costs will be funded in the future and a rationale for how federal funding of 1-2 years will enable leveraging of future financial security for the activity.

The use of Section 1404 funds for projects that reorganize pick-up and drop-off primarily for the convenience of drivers rather than to improve child safety and/or walking and bicycling access is not permitted, nor should Program funds be spent on education programs that are primarily focused on bus safety. Improvements to bus stops are not eligible for this funding.

## **IV. SPECIFIC FUNDING GUIDELINES**

### **Requiring Matching Funds Not Permitted**

States may not require applicants to provide a funding “match” for the federal share of a project or activity under this program. The legislation states that the cost of a project or activity under this program “shall be 100 percent.” FHWA interprets the Congressional intent of this requirement as a desire to protect low-income communities from being at a disadvantage when competing for funds by not requiring a match.

### **Leveraging Additional Funds**

Experience from States with existing SRTS programs is that applications for SRTS funds greatly exceed available funding resources. When this occurs, worthy projects may not be able to receive funding due to the limited resources. Creatively leveraging funds to maximize the efficient use of SRTS funds may improve the ability of States to provide funds to eligible projects and activities. This process may not unfairly disadvantage low-

income communities when competing for funds. Section 1404 funds include a requirement that the Federal share of the cost of a project or activity be 100 percent.

### **Utilizing Related Funding Sources**

There are many additional federal, state and local funding sources available to complement the Federal Safe Routes to School resources. Funding resources that could be used to supplement the Federal Safe Routes to School activities include but are not limited to health, recreation, transportation, physical education, law enforcement, and safety funds. Flexible transportation resources including the Transportation Enhancements Program, the Surface Transportation Program, the Congestion Mitigation and Air Quality Program, Equity Bonus Funds, the new state Highway Safety Improvement Program, and National Highway Traffic Safety Administration 402 Traffic Safety funds are available and eligible to be used for certain Safe Routes to School projects. States, either as part of their program or through SRTS project applicants, may use Section 1404 funds to attract, combine and apply many resources for the furtherance of the SRTS program purposes and objectives. Finally, many States and local communities have already established funding programs for SRTS that should remain available for projects and applications.

### **Multi-year Funding and Funding Cycles**

Some States have found implementation of SRTS programs or activities over several years, rather than in one single school year, to be beneficial by allowing adequate time to fully establish these programs and “institutionalize” them to become a standard part of the school year. This can also be beneficial to infrastructure projects that extend over a substantial time period, and FHWA recommends that States consider accommodating multi-year activities among their eligible projects.

Considering the administrative burden of evaluating funding proposals on a yearly basis, this strategy may also lend itself to multi-year “Calls for Applications,” i.e. a funding cycle that occurs every two years instead of once per year.

### **Project streamlining**

A number of streamlining measures are available to deliver SRTS projects:

#### **Categorical Exclusions**

Except in unusual circumstances, FHWA expects that SRTS infrastructure projects will fall under the categorical exclusions provisions of [23 CFR Sec 771.117](#) that recognize construction of bicycle and pedestrian lanes, paths, and facilities as not involving significant environmental impacts. This will greatly streamline compliance with the National Environmental Policy Act (NEPA) requirements.

#### **TIP / STIP Grouping**

Transportation projects proposed for funding under 23 U.S.C., including recipients of Safe Routes to Schools funds, must be programmed in a metropolitan planning organization’s Transportation Improvement Program (TIP) and the Statewide

Transportation Improvement Program (STIP). Except in unusual circumstances, SRTS projects will not be considered regionally significant as defined by [23 CFR 450.104](#) and may be grouped each program year by function, geographic area and/or work type in a metropolitan planning organization's TIP and the STIP, rather than listed individually. See 23 USC 134 (j) (3) for TIP. See 23 USC 135 (g) (4) (C) for STIP.

### **Working Capital Advance**

A working capital advance may be available, on a limited basis, to local governments and non-profit organizations through the working capital advance option [49 CFR Part 18](#) and [19](#). Funds provided for this program are on a cost reimbursement basis. However, Section 49 CFR, Part 18 (for local governments) and 49 CFR, Part 19 (for nonprofit organizations) provides for a working capital advance payment option when necessary to make prompt payments for project costs. Since payments to States are governed by the Cash Management Improvement Act, this advance payment option is only available to local governments and non-profit organizations through the State DOT. The following procedures apply:

- The advance will be considered a working capital advance ([see 49 CFR Part 18.21\(e\)](#) for local governments and [49 CFR Part 19.22 \(2\)\(e\)](#) for nonprofit organizations) limited to the estimated amount needed for one billing cycle. The local government will then bill the State for costs incurred. The advance will be netted out at the time of the final billing.
- To reduce administrative burden, projects with a Federal share under \$25,000 that will be completed in less than one year may receive an advance for the full amount of the Federal share.
- Agreements to provide for the use of this option should be developed through the cooperative efforts of the State and the FHWA division office.

*Costs incurred prior to FHWA project approval are not eligible for reimbursement.*

### **Title 23 requirements**

For infrastructure projects, Congress included legislative language in the Safe Routes to School program that states, ***“Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code (See SAFETEA-LU, Section 1404 (j).”***

The above language means that Title 23 requirements apply to the infrastructure portion of the Safe Routes to School program including, but not limited to, Davis Bacon prevailing wage rate, competitive bidding and other contracting requirements, even for projects not located within the highway right-of-way and regardless of functional classification criteria.

Since eligible subgrantees include non-traditional partners at the community level who may not be familiar with Title 23 requirements, it's important that the State fully inform potential subgrantees of these Federal requirements ahead of time. Some subgrantees may wish to seek a lead sponsor such as a county public works department that has experience with Federal construction contracts in general, and Title 23 in particular.

## **Grant Management**

Apportionments to States will be awarded and administered in accordance with the provisions in [49 CFR Part 18](#), the USDOT’s regulations that implements the government-wide Common Rule for grants and cooperative agreements to State and local governments.

States are to follow State law and procedures when awarding and administering sub grants to local and Indian tribal governments in accordance with [49 CFR 18.37](#). In addition, FHWA policies and regulations also apply for infrastructure projects due to the legal requirement that brings in Title 23 provisions under the Safe Routes to School Program.

Sub awards by a State to institutions of higher education, hospitals and nonprofit organizations are to be awarded in accordance with [49 CFR Part 19](#), the USDOT regulation that implements the government-wide common rule for grants and cooperative agreements to institutions of higher education, hospitals, and non profit organizations.

The USDOT regulations are available at: [www.fhwa.dot.gov/legsregs/legislat.html](http://www.fhwa.dot.gov/legsregs/legislat.html)

## **Program Codes - Fiscal Management Information System (FMIS)**

The following program codes have been assigned for the Safe Routes to School Program in FHWA’s Fiscal Management Information System (FMIS).

Due to the minimum / maximum provision in law for the Noninfrastructure category, (*“not less than 10 percent and not more than 30 percent of each State’s apportionment for a fiscal year shall be used for noninfrastructure”*) a 20% overlap between infrastructure and noninfrastructure funding exists.

To accommodate this 20% overlap and to ensure accurate reporting, an “Either” code has been established as a “funding source, parent code” with two subsidiary, limiting codes that roll up to the parent code.

### **SRTS Codes for FY06 – FY09**

- LU10 – Non-Infrastructure. 10% floor.
- LU20 – Infrastructure. 70% floor.
- LU30 – Either Infrastructure or Non-infrastructure. 20% (Parent code.)
  - \*LU40 – Non-Infrastructure. 20% (Subsidiary, child code of LU30)
  - \*LU50 – Infrastructure. 20% (Subsidiary, child code, of LU30).

\*Total sum of these two codes cannot not exceed the 20% amount in LU30. Obligations under LU40 and LU50 should automatically draw down from LU30.

It is important for program monitoring that States accurately report their expenditures using the above codes. For the “Either code” States should report how they spent their

flexible 20% funding between the two categories using the subsidiary codes discussed above.

### **SRTS codes for FY05**

Due to the lateness of SAFETEA-LU, FHWA had to establish quickly a one-year code for FY05. FHWA is in the process of establishing two subsidiary codes for the “Either” category similar to what was done above.

- HU10 – Non-infrastructure. 10% floor
- HU20 – Infrastructure. 70% floor
- HU30 – Either Infrastructure or Non-Infrastructure. 20%

SRTS funds are available until expended (They are not subject to the usual Federal-aid highway four-year rule of availability).

### **Obligation Limitation**

The SRTS Program is subject to the Federal-aid highway program's obligation limitation. By law, obligation limitation for formula programs, including the SRTS Program, is distributed in a lump sum to each State DOT. Within the overall limitation, each State has flexibility to choose how to use funds among the various highway programs as long as the total obligations do not exceed the set limit.

**Brief background about Obligation Limitation --** Each year appropriations legislation sets a limitation on the obligation of Federal-aid highway program funds. This limitation does not reduce the amount of funding distributed, but rather limits the amount of the distributed funds that may be obligated in that year. Such limitations serve to align the funds authorized in multi-year legislation like SAFETEA-LU with more current economic and fiscal conditions as part of the required annual Federal budget process.