

OFFICE OF THE SECRETARY OF STATE  
DENNIS RICHARDSON  
SECRETARY OF STATE  
  
LESLIE CUMMINGS  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 737  
DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION SAFETY DIVISION

**FILED**  
04/23/2018 8:38 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Safe Routes to School Fund rule update

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/31/2018 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: LeeAnne Fergason  
503-986-5805  
leeanne.fergason@odot.state.or.us

Mill Creek Building  
555 13th Street, Suite 2  
Salem, OR 97301

Filed By:  
Lauri Kunze  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 05/15/2018

TIME: 5:00 PM

OFFICER: LeeAnne Fergason

ADDRESS: Chemeketa Center for  
Business and Industry  
626 High Street NE  
Room 115  
Salem, OR 97301

NEED FOR THE RULE(S):

The proposed amendments incorporate legislative changes made since ODOT adopted these rules.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

FISCAL AND ECONOMIC IMPACT:

These rule changes have no known financial impact on other agencies or business, including small business, or members of the public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

---

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The proposed rulemaking has no impact on small businesses; therefore, small businesses were not involved in the development of the rule amendments.

---

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

---

RULES PROPOSED:

737-025-0000, 737-025-0010, 737-025-0011, 737-025-0012, 737-025-0020, 737-025-0030, 737-025-0040, 737-025-0050, 737-025-0060, 737-025-0070, 737-025-0080, 737-025-0090, 737-025-0091, 737-025-0092, 737-025-0093

AMEND: 737-025-0000

RULE SUMMARY: Describes purpose of division 25 rules.

CHANGES TO RULE:

737-025-0000

Purpose of the Rules ¶

ORS 184.740 establishes the Safe Routes to School Fund to assist communities in identifying and reducing barriers and hazards to children walking or bicycling to and from school. The purpose of the rules in division 25 is to establish the criteria used in awarding grants from the Safe Routes to School Fund.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

AMEND: 737-025-0010

RULE SUMMARY: Definitions to further describe certain words and phrases in the additional rules in Division 25 about the Safe Routes to School Fund.

CHANGES TO RULE:

737-025-0010

Definitions and Acronyms ¶

~~For the purposes of Division 25 rules, the following definitions apply:¶~~

~~(1) "Action Plan (1) "Applicant" means the plan developed to fulfill the requirements of ORS 195.115 and OAR 737-025-0050(3) and that meets the requirements of 737-025-0060.¶~~

~~(2) "Applicant" means an entity that qualifies under OAR 737-025-0030 and OAR 737-025-003091.¶~~

~~(3) "Application" means the form, prescribed by the Transportation Safety Division (TSD) ODOT, and all supplemental attachments, exhibits or other supporting papers required by OAR 737-025-0050 w.¶~~

~~(3) "Bicycling" includes, but is not limited to, use of bicycles.¶~~

~~(4) "Cash Match" is actual funds provided by then applying for a Safe Routes to School Fund grant that are reasonable, necessary and directly related to the Project and funded by the applicant. Actual funds may be considered up to two years prior to the project application deadline. Education and outreach efforts at the school do not constitute cash match.¶~~

~~(4) "Education" means public-awareness and encouragement campaigns, outreach to press and community leaders, bicycle and pedestrian safety programs and activities, traffic education, training, and the evaluation of such activities.¶~~

~~(5) "Endorsement" means support and approval as required in OAR 737-025-0030.¶~~

~~(6) "Enforcement" means law enforcement operations and equipment relating to school zones, crosswalks, speed; crossing guard activities and supplies; and evaluation of such activities.¶~~

~~(7) "Engineering" means planning, design, construction, and evaluation of infrastructure-related projects.¶~~

~~(8) "Letter of commitment In kind match" is time, services, or any other portion of the program or project not covered by grant funding or cash match provisions.¶~~

~~(10) "Infrastructure" means public improvement to transportation facilities and systems. Examples include but are not limited to sidewalks, street crossings, and bicycle lanes.¶~~

~~(11) "Letter of support" means a letter from the governing body (or bodies) or the school or school district, stating their willingness to participate in the project, as well as their endorsement of the project.¶~~

~~(9) "Letter of Interest" means the preliminary letter, in a format prescribed by TSD as referenced in OAR 737-025-0050 ODOT.¶~~

~~(13) "Non-infrastructure" means parts of Safe Routes to School program that is not public improvement to transportation facilities. Examples include but not limited to education, outreach, and training.¶~~

~~(10) "Non-Profit" means an organization or group of organizations described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code; or is organized not for profit, pursuant to ORS Chapter 65, or any predecessor of ORS Chapter 65; or is otherwise organized and operated under section 501(c) of the Internal Revenue Code.¶~~

~~(11) "OTSC" means the Oregon Transportation Safety Committee, the Governor-appointed committee that advises ODOT as defined in ORS 802.300.¶~~

~~(12) "Qualifying School" 5) "OBPAC" means the Oregon Bicycle and Pedestrian Advisory Committee, the Governor-appointed committee that advises ODOT as defined in ORS 366.112.¶~~

~~(16) "ODOT" means the Oregon Department of Transportation and its divisions.¶~~

~~(17) "OTC" means the Oregon Transportation Commission, the Governor-appointed and legislatively confirmed committee that oversees ODOT as defined in ORS 184.612.¶~~

~~(18) "OTSC" means the Oregon Transportation Safety Committee, the Governor-appointed committee that advises ODOT as defined in ORS 802.300.¶~~

(19) "Priority Safety Corridor" is a project in an area with high-risk factors that are known to impact safety and have not been mitigated.

(a) A project qualifies where the project boundaries include the following high-risk safety conditions:

(A) Either the posted or 85th percentile speed is 40 miles per hour or greater; or

(B) Two or more of the following exist:

(i) Speed limit 30 miles per hour or greater;

(ii) More than two lanes or a crossing distance greater than 30 feet;

(iii) 12,000 or greater annual average daily traffic;

(C) Has a demonstrated history of crashes related to school traffic.

(b) Projects that do not meet these criteria may qualify for an exception if the applicant can demonstrate a significant safety risk through data or research. "Priority Safety Corridor" is separate and distinct from "Safety Corridor" defined in ORS 811.483 and is not a designation or certification made by ODOT, OTSC, or OTC.

(20) "Public School" means a public agency or school district defined in OAR 581-022-0102.

(21) "Qualifying School" is intended for Non-Infrastructure grants and means a public, private, parochial, charter or alternative educational program offering instruction at levels kindergarten through eighth grade, or any part thereof.

(22) "Safe Routes to School Action Plan" means the plan developed to fulfill the requirements of ORS 195.115, OAR 737-025-0050 (3), and OAR 737-025-0060 (1).

(23) "Safe Routes to School Infrastructure Plan" means the plan developed to fulfill the requirements of ORS 195.115 and OAR 737-025-0060 (2).

(24) "School district" means:

(a) A school district as defined in ORS 330.003.

(b) The Oregon State School for the Blind.

(c) The Oregon State School for the Deaf.

(d) An educational program under the Youth Corrections Education Program.

(e) A public charter school as defined in ORS 338.005.

(f) An education service district.

(25) "SRTS" means Safe Routes to School.

(26) "SRTS Fund" means the Safe Routes to School Fund established under ORS 184.740.

(27) "Safe Routes to School Advisory Committee" means the volunteer advisory group that gives advice and direction to the Safe Routes to School TDD" means the Transportation Development Division, a division of the Oregon Department of Transportation.

(28) "Title I School" refers to a school program.

(17) "TSD" means the Transportation Safety Division, a division of the Oregon Department of Transportation.

(18) "Trafficin which children from low income families make up at least 40 percent of enrollment, according to Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.

(29) "Transportation safety committee" means a local government advisory body charged with transportation safety. Alternately, a local non-profit, such as a coalition or neighborhood association, which specifically includes traffic or transportation safety in their charter or charge from one or more government bodies can fulfill this role in the absence of a committee.

(30) "Walking or bicycle TSD" means the Transportation Safety Division, a division of the Oregon Department of Transportation.

(31) "Walking" means use of human-powered forms of transportation, including, but not limited to, walking, or use of bicycles, bike trail travel to your destination by foot, scooters, skateboards, scooters, rollerblades, skates and, use of wheelchairs or other mobility device.

Statutory/Other Authority: ORS 184.616, 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

ADOPT: 737-025-0011

RULE SUMMARY: Describes the two types of Safe Routes to School Programs, infrastructure and non-infrastructure.

CHANGES TO RULE:

737-025-0011

Safe Routes to School Program Purpose

The Oregon Safe Routes to School Program consists of two parts: infrastructure and non-infrastructure. Both programs focus on efforts that improve safety conditions for children to walk or bike to school. These programs are intended to address safety risks, such as any one of the components of a Priority Safety Corridor, and other safety needs considering the unique perspectives and behavior of children who walk or bike. A comprehensive Safe Routes to School program is inclusive of both non-infrastructure and infrastructure elements. ¶

(1) Grant programs for Non-Infrastructure projects are described in OAR 737-025-0012 through OAR 737-025-0080.¶

(a) Non-infrastructure is the education element of the Safe Routes to School program. Efforts include Safe Routes to School Action Plan development, outreach, encouragement, training, evaluation, enforcement, and education services that identify and reduce barriers and hazards to children walking or bicycling to and from school. ¶

(b) Funding for the non-infrastructure projects may be provided by the Oregon Transportation Commission or, through other funding within the Safe Routes to School Fund (ORS 184.740) not subject to restrictions in Article IX, Section 3a of the Oregon Constitution. ¶

(2) Grant programs for Infrastructure projects are described in OAR 737-025-0012 through 737-025-0020, 737-025-0060, and 737-025-0090 through 737-028-0093.¶

(a) Infrastructure is the engineering element of Safe Routes to School. Efforts include the development, construction, reconstruction, repair, maintenance, or operational improvements of bikeways and walkways that reduce barriers and hazards to children walking or bicycling to and from school. ¶

(b) Funding for the infrastructure projects that comes from money directed into the Safe Routes to School Fund (ORS 184.740) by ORS Chapter 750, (2017 Oregon Laws) must be used in accordance with the Oregon Constitution, Article IX, Section 3a and projects must be built within the public road right of way. Other funding may be provided by the OTC, donations, or other sources and may have different funding restrictions.

Statutory/Other Authority: ORS 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

ADOPT: 737-025-0012

RULE SUMMARY: Description of the role and make up of the Safe Routes to School Advisory Committee

CHANGES TO RULE:

737-025-0012

Safe Routes to School Advisory Committee

A Safe Routes to School Advisory Committee is formed to guide the Safe Routes to School Infrastructure and Non-Infrastructure programs. The committee is advisory to the Oregon Department of Transportation (ODOT) and the Oregon Transportation Commission (OTC), in consultation with the Oregon Transportation Safety Committee (OTSC).¶¶

(1) The 10-15 member committee is composed of volunteer members representing interests including but not limited to: the OTSC, OBPAC, safe routes to school practitioners, school districts, eligible entities, and equity and safety representatives.¶¶

(2) Committee members are appointed by the ODOT Director.¶¶

(3) Committee members will serve a four-year term and a maximum of two terms.¶¶

(4) The Committee will be responsible for setting project selection criteria and making project selection recommendations. Project selection recommendations go to the OTC for infrastructure projects and to the OTSC prior to the OTC for non-infrastructure.¶¶

(5) The OTSC and OBPAC will provide input on policy direction and guidance to the Safe Routes to School Advisory Committee.

Statutory/Other Authority: ORS 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

AMEND: 737-025-0020

RULE SUMMARY: Brief description of the application procedure for the infrastructure and non-infrastructure Safe Routes to School Programs.

CHANGES TO RULE:

737-025-0020

Grant Application Procedure

~~(1) In January of odd-numbered years, ODOT will announce periods for the schedules to submitting grant applications for grants from the Safe Routes to School Fund infrastructure and non-infrastructure programs. Applications will not be accepted at times outside an announced application period.~~

~~(2) ODOT will make reasonable efforts to inform potential grant applicants of the grant schedule.~~

~~(2) A Letter of Interest may be required for specific grant cycles and must be submitted by the applicant and accepted by ODOT prior to an application.~~

~~(3) An applicant must complete an application in a format prescribed by ODOT and containing or accompanied by such information as ODOT may require within the prescribed time period.~~

~~(4) Applicants for projects that are not funded during an application period may reapply during a subsequent application period announced by ODOT.~~

Statutory/Other Authority: ORS 184.616; ~~2~~, 184.619; ~~740~~, 184.740; ~~1~~, 184.741; ~~2~~

Statutes/Other Implemented: ORS 184.741, 184.742

AMEND: 737-025-0030

RULE SUMMARY: Description of who may apply for Non-infrastructure grants for Safe Routes to School.

CHANGES TO RULE:

737-025-0030

Who May Apply for Non-infrastructure Grants ¶¶

Eligible applicants for SRTS Fund non-infrastructure grants include:¶¶

(1) A school district, or a qualifying school not represented by a school district, in cooperation with the governing body (or bodies) with jurisdiction over the affected roadways or properties. The school district, or qualifying school not represented by a school district, must submit letters of commitment support from such governing bodies stating their participation and endorsement as applicable to the project;¶¶

(2) A city, county, state, regional government body, transit district or other unit of local government as defined by ORS 190.003, in cooperation with a school district or a qualifying school. The governing body must submit a letter of commitment support from the qualifying school or affected school district stating its participation or endorsement as applicable to the project;¶¶

(3) A non-profit organization in partnership with a school district, qualifying school, or one of the governmental bodies identified in section (1) or (2) of this rule. The application must include appropriate letters of commitment support from the affected governing bodies. Additionally, if the organization is not a school, the application must include a letter of commitment support from the affected school district, if applicable, stating its participation or endorsement. ~~The school district, if applicable, or one of the governing bodies with jurisdiction over the affected roadways or properties, must confirm their willingness to take legal and financial responsibility for the infrastructure portion of the project.~~

Statutory/Other Authority: ORS ~~184.616;9~~, ~~184.619;740~~, ~~184.740;1~~, ~~184.741;2~~

Statutes/Other Implemented: ORS ~~184.741~~, ~~184.742~~

AMEND: 737-025-0040

RULE SUMMARY: Description of eligible projects and activities for non-infrastructure Safe Routes to School grants.

CHANGES TO RULE:

737-025-0040

Eligible Projects and Activities for Non-infrastructure Grants ¶¶

Eligible Projects and Activities for Non-Infrastructure Grants ¶¶

(1) Grants awarded through the Safe Routes to School Non-Infrastructure Program may be used for projects or activities in:¶¶

(a) Education;¶¶

(b) ~~Engineering;~~¶¶

(c) ~~Enforce~~enforcement;¶¶

(c) Safe Routes to School Action or Safe Routes to School Infrastructure Plan Development; or¶¶

(d) Any combination of the above.¶¶

(2) All projects and activities must directly benefit a qualifying school.¶¶

(3) All projects and activities must meet the eligibility criteria applicable and match requirements to the specific funds being dispensed ~~through the SRTS Fund~~.

Statutory/Other Authority: ORS 184.616;~~2~~, 184.619;~~740~~, 184.740;~~1~~, 184.741~~2~~

Statutes/Other Implemented: ORS 184.741, 184.742

AMEND: 737-025-0050

RULE SUMMARY: Description of grant application requirements for non-infrastructure grants for Safe Routes to School.

CHANGES TO RULE:

737-025-0050

Grant Application Requirements for Non-infrastructure Grants ¶

An eligible applicant applying for a non-infrastructure grant from the SRTS Fund must submit ~~the following documents to TSD:¶~~

- ~~(1) A Letter of Interest, if the application announcement indicates it is required for that specific funding cycle.¶~~
- ~~(2) A completed applan application following ODOT specifications in a format prescribed by TSD and containing or accompanied by such information as TSD may require.¶~~
- ~~(3) An Action Plan which meets TSD requirements 737-025-0020 that may require a Safe Routes to School Action Plan which meets TSD requirements, a Safe Routes to School Infrastructure Plan, or a commitment to independently complete an Action Plan or Infrastructure Plan within a specified time, or a request for assistance to complete an Action Plan or Infrastructure Plan (as allowed by ORS 184.741).~~

Statutory/Other Authority: ORS ~~184.616;2, 184.619;740, 184.740;1, 184.741~~2

Statutes/Other Implemented: ORS ~~184.741, 184.742~~

AMEND: 737-025-0060

RULE SUMMARY: Brief descriptions of Safe Routes to School Action Plans and Safe Routes to School Infrastructure Plans.

CHANGES TO RULE:

737-025-0060

~~Action Plan~~ Safe Routes to School Action Plan and Safe Routes to School Infrastructure Plan ¶

~~Action Plans submitted to fulfill the requirements of OAR 737-025-0050 for each school identified for a SRTS project or activity~~ (1) Safe Routes to School Action Plans must:¶

~~(1a) Outline~~ Identify existing conditions and attitudes that have been identified as barriers and hazards to children walking or bicycling to and from school, ~~as required by~~ developed pursuant to ORS 195.115.¶

~~(2b) List~~ Prioritize the most critical actions needed to reach the Action Plan's stated goals in the areas of education, engineering, and enforcement. Action plans created prior to 2019 are valid without prioritization of a list of most critical actions needed.¶

~~(3c) Be a product of a coalition of~~ List specific engineering needs, including identification of infrastructure projects and priorities or refer to Safe Routes to School Infrastructure Plan if applicable.¶

(d) Be a product of work by local interested parties that must include representation of the following groups (a single person may fulfill multiple representations):¶

~~(a)~~ (A) School Principal or designated school staff representative endorsed by the school district, if one exists;¶

~~(b)~~ (B) A parent who is a representative of or has the endorsement of a recognized school/parent organization, if one exists;¶

~~(c)~~ (C) City or county staff or representative endorsed by the local road authority;¶

~~(d) Local traffic safety~~ (D) Local transportation safety committee, if one exists.¶

(2) Safe Routes to School Infrastructure Plans must:¶

(a) Identify existing conditions identified as physical barriers and hazards to children walking or bicycling to and from school.¶

(b) Prioritize the most critical infrastructure needs, projects, and priorities.¶

(c) Be a product of work by local interested parties that must include representation of the following groups (a single person may fulfill multiple representations):¶

(A) School Principal or designated school staff representative endorsed by the school district, if one exists;¶

(B) A parent who is a representative of or has the endorsement of a recognized school/parent organization, if one exists;¶

(C) Representative endorsed by the local road authorities;¶

(D) Local transportation committee, if one exists.

Statutory/Other Authority: ORS 184.616; ~~9~~, 184.619; ~~740~~, 184.740; ~~1~~, 184.741; ~~2~~

Statutes/Other Implemented: ORS 184.741, ~~184.742~~

AMEND: 737-025-0070

RULE SUMMARY: Description of project selection criteria for Safe Routes to School non-infrastructure grants.

CHANGES TO RULE:

737-025-0070

Project Selection Criteria for Non-infrastructure Grants ¶

The following criteria will be used to select projects to receive SRTS Fund grants:¶

(1) Technical Merit:¶

(a) Conformance to the local transportation plan, state land use laws and appropriate federal, state and local planning and programming requirements.¶

(b) Adherence to appropriate design standards or methodology if applicable.¶

(c) Appropriate scope of work in relation to identified needs.¶

(d) Emphasis on best practices learned from successful SRTS programs.¶

(e) Efficient and cost- effective use of funds.¶

(2) Benefit:¶

(a) Potential to improve the ability of students to walk and bicycle to school.¶

(b) Potential to reduce or avoid child injuries and fatalities.¶

(c) Potential to create a more livable community by reducing the barriers and hazards to children walking or bicycling to school.¶

~~(d) Potential to create a safer walking and bicycling built environment within approximately two miles of a school.~~

~~Highest priority will be given for projects within one-half mile of a qualifying school.¶~~

(3) Support and readiness:¶

(a) Support of the school district, if applicable, and governing body for the project as demonstrated by a letter of ~~commitment~~support and endorsement.¶

(b) Readiness to proceed with the project as demonstrated by a proposed start date, identification of other available funding, or other indicators as provided by the applicant.

Statutory/Other Authority: ORS 184.616;~~2~~, 184.619;~~740~~, 184.740;~~1~~, 184.741~~2~~

Statutes/Other Implemented: ORS 184.741, 184.742

AMEND: 737-025-0080

RULE SUMMARY: Description of selection and awarding of Safe Routes to School non-infrastructure grants.

CHANGES TO RULE:

737-025-0080

Project Selection and Awarding Non-infrastructure Grants ¶

(1) TSD will review the applications to determine if:¶

(a) The Applicant and the project are eligible for a SRTS Fund grant; and¶

(b) The project proposal complies with the appropriate standards or practices for the work described.¶

(2) The Safe Routes to School Advisory Committee will evaluate and rank eligible applications and submit funding recommendations to the TSD Administrator and the OTSC.¶

(3) The TSD Administrator will ~~select~~propose projects ~~and to the OTSC in order to~~ award grants based on the criteria established in OAR 737-025-0070.

Statutory/Other Authority: ORS 184.616;~~9~~, 184.619;~~740~~, 184.740;~~2~~, 184.741

Statutes/Other Implemented: 184.742, ORS 184.741

ADOPT: 737-025-0090

RULE SUMMARY: Brief description of the Safe Routes to School Infrastructure Program.

CHANGES TO RULE:

737-025-0090

Safe Routes to School Infrastructure Grants Program Description

Funds shall be provided for grants that support biking and walking infrastructure safety improvement projects to and from schools.¶

(1) Project Identification Grant Program - up to 2.5 percent available funding shall go towards a project identification assistance grant that leads to the identification and eventual construction of projects that reduce barriers and hazards to children walking or bicycling to and from school, including but not limited to development of Safe Routes to School Infrastructure Plans described in OAR 737-025-0060(2)¶

(2) Rapid Response Grant Program - up to 10 percent of available funding shall go towards a rapid response grant program. The Rapid Response Grant Program will run between the Competitive Grant Program selection cycles.¶

(3) Competitive Grant Program - remaining available funds shall go towards a competitive grant program, with a regularly reoccurring solicitation process.

Statutory/Other Authority: ORS 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

ADOPT: 737-025-0091

RULE SUMMARY: Brief description of eligible entities and projects for the Safe Routes to School Infrastructure Program.

CHANGES TO RULE:

737-025-0091

Eligible Entities, Projects, and Activities for Infrastructure Grants

(1) For the Rapid Response and Competitive Grant Programs:

(a) Eligible entities include: ODOT, cities, counties, transit district, tribes and any eligible road authority as defined under ORS 810.010.

(b) Eligible projects must:

(A) Be within one mile of a public school.

(B) Provide safety improvements that reduce barriers and hazards to children walking or bicycling to and from school including but not limited to: creation of or improvements to sidewalks or bicycle lanes, reductions in vehicle speeds, and improvements to pedestrian and bicycle crossings.

(C) Fit within in a plan developed pursuant to ORS 195.115. Plans may include but are not limited to: a Safe Route to School Action Plan or Safe Route to School Infrastructure Plan (OAR 737-025-0060), Transportation System Plan, or other locally adopted plan.

(D) Be approved by the roadway authority (governing body).

(E) Include, in the application materials, a letter of support from the school district or impacted school.

(F) Provide a cash match of at least 40 percent of the total project's costs; or

(G) The OTC may reduce an applicant's cash match of at least 20 percent of the total project's costs when one or more of the following conditions apply:

(i) The school is located in a city with a population of 5,000 or fewer;

(ii) The project reduces hazards within a Priority Safety Corridor; or

(iii) The school site qualifies as a Title I School.

(2) For the Project Identification Grant Program:

(a) Eligible entities include ODOT.

(b) ODOT must provide a cash match of at least 40 percent of the total grant award.

(c) ODOT or its consultants must use the grant award to provide technical assistance to cities, counties, tribes, school districts, or any public-funded agency in support of identifying infrastructure projects that reduce barriers and hazards of children biking or walking to school.

Statutory/Other Authority: ORS 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

ADOPT: 737-025-0092

RULE SUMMARY: Brief description of the project selection criteria for the Safe Routes to School Infrastructure Program.

CHANGES TO RULE:

737-025-0092

Project Selection Criteria for Infrastructure Grants

(1) The following criteria will be used to select projects for the infrastructure Competitive Grant Program:¶

(a) Technical Merit:¶

(A) Conformance to plan developed pursuant to ORS 195.115, state land use laws and appropriate federal, state and local planning and programming requirements:¶

(B) Adherence to appropriate design standards of methodology:¶

(C) Appropriate scope of work in relation to identified needs:¶

(D) Ability to provide at least the minimum required cash match.¶

(b) Benefit:¶

(A) Potential to reduce or avoid child injuries and fatalities:¶

(B) Potential to improve the ability of students to walk and bicycle to school:¶

(C) Potential to improve community outcomes, such as public safety (e.g. Priority Safety Corridor), equity (e.g. Title I schools), or livability.¶

(c) Project Characteristics:¶

(A) School type:¶

(B) Proximity to a school:¶

(C) Relationship to ongoing or planned non-infrastructure work.¶

(d) Support and Readiness:¶

(A) Support of the school district and governing body for the project as demonstrated by a letter of support and endorsement:¶

(B) Readiness to proceed with the project as demonstrated by a proposed start date, identification of other available funding, or other indicators as provided by the applicant.¶

(2) The following criteria will be used to select projects for the infrastructure Rapid Response Grant Program:¶

(a) All of the criteria for Competitive Program:¶

(b) A clear sense of urgency, including a convincing reason why the project cannot wait for the next selection cycle of the Competitive Grant Program, and why it was not submitted in the last cycle:¶

(c) Strong state, regional, or local support for advancing the project immediately:¶

(d) Represents an immediate need or opportunity.¶

(A) An immediate "need" is considered a crash or several near-misses that have occurred within proximity to one another and a SRTS project is needed as soon as possible to address the safety problem.¶

(B) An immediate "opportunity" is considered a project that has started or is about to start where the project can exceed the minimum match requirement to significantly improve safety near a school.¶

(3) The OTC will prioritize projects within a one-mile radius of a public school that serves students in pre-kindergarten, kindergarten, or grades 1-8, or any combination of those grade levels, or a school that serves students in kindergarten through grade 12, and will establish additional priorities from the project selection criteria each solicitation cycle.

Statutory/Other Authority: ORS 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742

ADOPT: 737-025-0093

RULE SUMMARY: A brief description of awarding the Safe Routes to School Infrastructure Program.

CHANGES TO RULE:

737-025-0093

Award of Infrastructure Grants

(1) ODOT will review letters of intent and applications to determine if:

(a) The Applicant and the project are eligible for an infrastructure grant.

(b) The Applicant proposal complies with the appropriate standards or practices for the work described, and

(c) The grant application is complete.

(2) The Safe Routes to School Advisory Committee will evaluate eligible applications and submit funding recommendations to the Oregon Transportation Commission. When reviewing applications for Rapid Response and Project Identification Program grants, a sub-committee of SRTS Advisory Committee may convene in order to make recommendations.

(3) The Safe Routes to School Advisory Committee or sub-committee recommendations will be forwarded to the Oregon Transportation Commission for consideration of approval of grants for funding.

(4) Project Awardees shall enter into a Grant Agreement with TDD prior to release of any grant funds.

(5) Project Awardees are responsible for any cost overages that occur during project delivery.

Statutory/Other Authority: ORS 184.619, 184.740, 184.741, 184.742

Statutes/Other Implemented: ORS 184.741, 184.742