



March 24, 2011

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Docket no. DOT-OST-2011-0025

The Safe Routes to School National Partnership appreciates the opportunity to comment on existing rules and regulations impacting implementation of the federal Safe Routes to School program. The Safe Routes to School National Partnership is a network of more than 500 nonprofit organizations, government agencies, schools, and professionals working together to advance the Safe Routes to School movement in the United States. Our focus is on making it safer and more prevalent for more children to walk and bicycle to and from school.

The federal Safe Routes to School program may be one of the smaller surface transportation formula programs, but its impact is significant. It addresses the Administration's priorities of safety and livability, with a focus on children. Nearly 650 children are killed each year while walking or bicycling when they are struck by cars—approximately one-third of all traffic deaths for children ages 0-14. Improving the built environment around schools by adding sidewalks, crosswalks, bike lanes and school zone signage improves safety for children on the way to and from school and in daily life.

Unfortunately, there is a key challenge hindering construction of these projects—delaying the installation of safety improvements, increasing costs, and reducing efficiency. The challenge is that Safe Routes to School projects are governed by Title 23 regulations, which are primarily targeted to large-scale, complex, federally-funded highway projects. Both local award recipients and state coordinators have indicated that the time and effort needed to comply with these regulations is high given the small size and scope of the typical SRTS award (the average size is approximately \$150,000).

As a result, obligation rates have lagged. As of December 31, 2010, states have awarded approximately 71% of available funds and have obligated 43% of available funds. Approximately \$250 million in funds have been promised to local communities but not yet obligated, and many projects are waiting a year or more just for obligation. This delay in obligation results in higher overhead costs, delays in construction, and frustration for local recipients and state coordinators.

The Safe Routes to School National Partnership convened a working group to examine the title 23 recommendations and identify ways to reduce administrative costs and deliver projects more quickly. The [resulting report](#) identifies a number of best practices and recommendations

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that could reduce regulatory delays and burdens, many of which are included below for your consideration:

1. **Clarify usage of the “categorical exclusion” for the National Environmental Policy Act (NEPA) [23 CFR 771.117(c)].** Under current regulations, bicycle and pedestrian lanes, paths and facilities are listed as not requiring additional NEPA documentation or FHWA approval. However, we have found that for Safe Routes to School projects, some states are requiring environmental studies and most are requiring project sponsors to fill out multi-page forms requiring sign-offs from numerous agencies to document they qualify for the categorical exclusion. Safe Routes to School projects are generally small, low-cost and within an existing built environment and should not require documentation to qualify for the categorical exclusion unless special circumstances exist. If the categorical exclusion could be clarified, it would help simplify the process of environmental approvals.
2. **Examine other programs or agencies with more efficient project delivery to identify and adopt best practices and rules changes.** For example, the Community Development Block Grant program through Housing and Urban Development (HUD) provides funding for installation of sidewalks and other community development projects. Local experiences with this program involved less paperwork and quicker construction than is possible through the Safe Routes to School program.
3. **Issue new guidance for the federal Safe Routes to School program** that clarifies for state Departments of Transportation (DOTs) what is permissible and encouraged to expedite projects. It would also be helpful for FHWA division administrators to follow up with state DOTs to review their practices and identify areas for improvement. Some measures that could be recommended include:
 - Monitor the amount of time it takes to get from award to notice to proceed and identify steps in the process that can be improved by the state.
 - Hire contractors at the state level on retainer to implement infrastructure projects and hold them accountable for completing projects within a reasonable timeframe. These contractors can expedite construction by handling Title 23 compliance for multiple projects at once and are more familiar with the process than local communities with less experience with federal transportation rules.
 - Hire engineering firms on retainer to provide “on-call” engineering services and regulatory assistance for project recipients unfamiliar with the regulatory and approval process.
 - Ensure adequate staffing within the state DOT contracting department to handle the administrative workload for the dozens of project recipients and to allow for responsiveness to local inquiries.
 - Develop a checklist for recipients of the various steps in the implementation process, including forms needed, timelines, and contact persons—keeping in mind that many project recipients may be unfamiliar with the federal transportation rules and process.

- Have separate application and compliance forms for non-infrastructure and infrastructure awards so that non-infrastructure projects are not delayed while the additional forms and permissions are completed for construction projects.
- Bundle Safe Routes to School projects as one line in the state and regional Transportation Improvement Plans so that individual project sponsors do not have to apply for amendments to the STIP/TIP. Small-scope Safe Routes to School projects should not be considered “regionally significant” and therefore do not have to be listed individually.

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Thank you again for the opportunity to comment on USDOT’s effort to review its existing rules for opportunities to make them more efficient and less burdensome. We look forward to working with you as it pertains to the Safe Routes to school program. Please contact us if you have questions about our ideas or would like to discuss them further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deb Hubsmith".

Deb Hubsmith, Director
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