

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §25.501, Definitions, relating to Safe Routes to School Program, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §25.501 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

Submitted and reviewed by:

Carroll Hanson, P.E.  
Director, Traffic Operations Division

Recommended by:

Armede Saiz  
Executive Director

**112688 MAY 26 11**

Minute  
Number

Date  
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to §25.501 concerning the definitions in the Safe  
4 Routes to School Program.

5  
6 EXPLANATION OF PROPOSED AMENDMENTS

7 The department administers the federal Safe Routes to School  
8 Program to enhance safety in and around school areas through a  
9 comprehensive program designed to improve the bicycle and  
10 pedestrian safety of school age children.

11  
12 The current definition of "political subdivision" as contained  
13 in §25.501 is limited to municipalities and counties. The  
14 department is aware that there are other types of political  
15 subdivisions in the state, such as municipal utility districts,  
16 that may wish to apply for and be awarded funding for Safe  
17 Routes to School projects within their jurisdictions.

18  
19 The amendments to §25.501 delete the current definition for  
20 "political subdivision." The department will rely on common  
21 usage of the term and existing state law to determine those  
22 entities that qualify as political subdivisions and, as such,  
23 eligible to apply for and receive Safe Routes to School program  
24 funding.

25

1 FISCAL NOTE

2 James Bass, Chief Financial Officer, has determined that for  
3 each of the first five years the amendments as proposed are in  
4 effect, there will be no fiscal implications for state or local  
5 governments as a result of enforcing or administering the  
6 amendments.

7

8 Carol Rawson, P.E., Director, Traffic Operations Division, has  
9 certified that there will be no significant impact on local  
10 economies or overall employment as a result of enforcing or  
11 administering the amendments.

12

13 PUBLIC BENEFIT AND COST

14 Ms. Rawson has also determined that for each year of the first  
15 five years in which the section is in effect, the public benefit  
16 anticipated as a result of enforcing or administering the  
17 amendments will be a more inclusive and efficient Safe Routes to  
18 School Program. There are no anticipated economic costs for  
19 persons required to comply with the section as proposed. There  
20 will be no adverse economic effect on small businesses.

21

22 SUBMITTAL OF COMMENTS

23 Written comments on the proposed amendments to §25.501 may be  
24 submitted to Carol Rawson, P.E., Director, Traffic Operations  
25 Division, Texas Department of Transportation, 125 East 11th

1 Street, Austin, Texas 78701-2483. The deadline for receipt of  
2 comments is 5:00 p.m. on July 11, 2011.

3

4 STATUTORY AUTHORITY

5 The amendments are proposed under Transportation Code, §201.101,  
6 which provides the Texas Transportation Commission (commission)  
7 with the authority to establish rules for the conduct of the  
8 work of the department, and more specifically, Transportation  
9 Code, §201.614, which authorizes the commission to adopt rules  
10 to implement a Safe Routes to School program.

11

12 CROSS REFERENCE TO STATUTE

13 Transportation Code, §201.614.

1 SUBCHAPTER I. SAFE ROUTES TO SCHOOL PROGRAM

2 §25.501. Definitions. The following words and terms, when used  
3 in this subchapter, shall have the following meanings, unless  
4 the context clearly indicates otherwise.

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

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

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

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

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

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

16 (7) On-system road--A road or highway that is a portion  
17 of the designated state highway system.

18 (8) Off-system road--A road or highway open to the public  
19 that is not part of the designated state highway system, such as  
20 a county road or city street.

21 (9) Public property--Property owned by a state, city,  
22 county, other public entity, or school district.

23 [~~(10) Political subdivision--A municipality or county~~]

1 ~~within the State of Texas.]~~

2       (10) [~~(11)~~] Program--The Safe Routes to School Program.

3       (11) [~~(12)~~] State highway system--The system of highways

4 in the state included in a comprehensive plan prepared by the

5 executive director with the approval of the commission, in

6 accordance with Transportation Code, §201.103.