

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-109
Hawaii Administrative Rules

January 3, 2014

SUMMARY

Chapter 19-109, Hawaii Administrative Rules, entitled "Safe Routes to School Special Fund", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 4

HIGHWAYS DIVISION

CHAPTER 109

SAFE ROUTES TO SCHOOL PROGRAM SPECIAL FUND

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§19-109-1 Purpose. The purpose of this chapter is to implement HRS section 291C-4 by establishing procedures for the distribution and expenditure of moneys in the safe routes to school program special fund. [Eff **MAR 10 2014**] (Auth: HRS §291C-4)
(Imp: HRS §§291C-3, 291C-4)

§19-109-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter: "Counties" means the City and County of Honolulu, and Maui, Hawaii and Kauai counties.

"Department" means the State of Hawaii department of transportation.

"Director" means the director of the department of transportation or an authorized representative.

"HRS" means Hawaii Revised Statutes.

[Eff **MAR 10 2014**] (Auth: HRS §291C-4)

(Imp: HRS §§291C-3, 291C-4)

§19-109-3 Safe routes to school program special fund. (a) The following shall be deposited into the fund:

- (1) Assessments collected for speeding in a school zone pursuant to HRS section 291C-104; and
- (2) Safe routes to school program surcharges collected in accordance with HRS sections 291-16 and 291C-5.

(b) The director shall determine a portion of moneys in the fund to be distributed to the respective counties to expend. [Eff **MAR 10 2014**]
(Auth: HRS §291-4) (Imp: HRS §§291C-3, 291C-4)

§19-109-4 Transfer of funds. (a) The director shall determine on not less than an annual basis the amount of moneys to be distributed to counties, and distribute funds to each county in accordance with the following formula:

- (1) One-half shall be distributed evenly among the counties; and
- (2) The other half shall be distributed among the counties in proportion to their respective number of public school students in grades K-8 that live within walking distance from the school they attend.
 - (A) Walking distance shall be considered to be within a 1-mile radius for students in grades K-5 or 1.5 mile radius for students in grades 6-8.

(B) The department shall obtain the most current data as made available from the State of Hawaii Department of Education.

(b) For any county, unspent funds in excess of the total amount of funds received from the safe routes to school program special fund during the previous three years shall be returned to the safe routes to school program special fund.

(c) The department shall not distribute funds to any county which has failed to comply with the conditions set forth in HRS section 291C-3 and this chapter.

(d) Unspent funds that are returned to the safe routes to school program special fund by counties and funds that are not distributed to non-compliant counties will be distributed evenly among remaining counties. [Eff MAR 10 2014] (Auth: HRS §291C-4) (Imp: HRS §§291C-3, 291C-4)

§19-109-5 Expenditure of funds. (a) Moneys in the safe routes to school program special fund shall be available for use by the department to administer a state safe routes to school program including, without limitation, the cost of equipment and general administrative overhead.

(b) Moneys distributed from the safe routes to school program special fund shall be used by the counties to administer a county-level safe routes to school program, including, without limitation, the cost of equipment and general administrative overhead.

(c) Projects funded in part or whole by moneys from the safe routes to school program special fund shall:

- (1) Primarily benefit elementary or middle school children; and
- (2) Achieve at least one of the following of the following goals:

- (A) Enable and encourage children, including those with disabilities, to walk or bicycle to school;
- (B) Make walking and bicycling to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
- (C) 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. [Eff **MAR 10 2014**]
(Auth: HRS §291C-4) (Imp: HRS §§291C-3, 291C-4)

§19-109-6 County safe routes to school program coordinators. (a) Each county shall:

- (1) Designate a safe routes to school program coordinator; and
- (2) Develop a county-level safe routes to school program which includes a process to identify and implement safe routes to school infrastructure and non-infrastructure projects.

(b) The county safe routes to school coordinator shall either manage or oversee projects funded in whole or in part by moneys received from the safe routes to school program special fund to ensure compliance with applicable federal and state requirements. [Eff **MAR 10 2014**] (Auth: HRS §291C-4) (Imp: HRS §§291C-3, 291C-4)

§19-109-7 Reporting requirements. (a) Each county safe routes to school coordinator shall:

- (1) Submit to the department by July 1 of each year a mid-year progress report on the

status of its county-level safe routes to school program; and

- (2) Submit to the department by November 1 of each year an annual report on the status and progress of its safe routes to school program.

(b) The reports required by subsection (a)

shall:

- (1) Cover the period from January of the current calendar year;
- (2) Include an accounting of all grants provided by the program; and
- (3) Include a timeline for future grant awards.

(c) The department shall:

- (1) Prepare an annual report based on information received from the counties; and
- (2) Submit the report to the legislature no later than twenty days prior to the convening of each regular session.

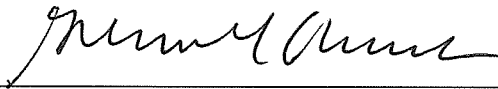
[Eff **MAR 10 2014**] (Auth: HRS §291C-4)
 (Imp: HRS §§291C-3, 291C-4)

§19-109-8 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof to any person or property is held to be invalid for any reason, the validity of the remainder of this chapter shall not be affected. [Eff **MAR 10 2014**] (Auth: HRS §291C-4)
 (Imp: HRS §§291C-3, 291C-4)

DEPARTMENT OF TRANSPORTATION

Chapter 19-109, Hawaii Administrative Rules, on the Summary Page dated January 3, 2014, was adopted on January 3, 2014, following a public hearing held on November 21, 2013, after public notice was given in the Honolulu Star-Advertiser, Maui News, West Hawaii Today, Garden Island and Hawaii Tribune-Herald on October 22, 2013.

The adoption of Chapter 19-109, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.



GLENN M. OKIMOTO, Ph.D.
Director of Transportation

APPROVED:

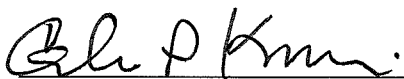


NEIL ABERCROMBIE
Governor
State of Hawaii

Date: 2-28-14

Filed

APPROVED AS TO FORM:



Deputy Attorney General

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LIEUTENANT GOVERNOR'S
OFFICE