

111TH CONGRESS  
1ST SESSION

# S. 1156

To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

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## IN THE SENATE OF THE UNITED STATES

MAY 21, 2009

Mr. HARKIN (for himself, Mr. BURR, Mr. SANDERS, Mr. MERKLEY, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Routes to School  
5 Program Reauthorization Act”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 1101(a) of the SAFETEA-LU (119 Stat.  
8 1155) is amended by striking paragraph (17) and insert-  
9 ing the following:

1           “(17) SAFE ROUTES TO SCHOOL PROGRAM.—  
2           For the safe routes to school program under section  
3           1404 of this Act, \$600,000,000 for each of fiscal  
4           years 2010 through 2014.”.

5 **SEC. 3. SAFE ROUTES TO SCHOOL PROGRAM.**

6           Section 1404 of the SAFETEA-LU (23 U.S.C. 402  
7           note; 119 Stat. 1228) is amended to read as follows:

8 **“SEC. 1404. SAFE ROUTES TO SCHOOL PROGRAM.**

9           “(a) DEFINITION OF VICINITY.—In this section, the  
10          term ‘vicinity’ means, with respect to a school, the area  
11          within bicycling and walking distance of the school (ap-  
12          proximately 2 miles).

13          “(b) ESTABLISHMENT.—Subject to this section, the  
14          Secretary shall establish and carry out a safe routes to  
15          school program for the benefit of children in kindergarten  
16          through the twelfth grade, with a preference for primary  
17          and middle schools.

18          “(c) PURPOSES.—The purposes of the program shall  
19          be—

20                 “(1) to enable and encourage children, includ-  
21                 ing those with disabilities, to walk and bicycle to  
22                 school;

23                 “(2) to make bicycling and walking to school a  
24                 safer and more appealing transportation alternative,

1 thereby encouraging a healthy and active lifestyle  
2 from an early age and throughout adolescence; and

3 “(3) to facilitate the planning, development,  
4 and implementation of projects and activities that  
5 will improve safety and reduce traffic, fuel consump-  
6 tion, and air pollution in the vicinity of schools.

7 “(d) APPORTIONMENT OF FUNDS.—

8 “(1) IN GENERAL.—Subject to paragraphs (2)  
9 through (5), amounts made available to carry out  
10 this section for a fiscal year shall be apportioned  
11 among the States in the proportion that—

12 “(A) the total student enrollment in kin-  
13 dergarten through the twelfth grade in each  
14 State; bears to

15 “(B) the total student enrollment in kin-  
16 dergarten through the twelfth grade in all  
17 States.

18 “(2) MINIMUM APPORTIONMENT.—No State  
19 shall receive an apportionment under this section for  
20 a fiscal year in an amount less than an amount  
21 equal to 0.5 percent of the amounts made available  
22 to carry out this section for the fiscal year.

23 “(3) STATE INCENTIVE MATCHING FUND.—

24 “(A) IN GENERAL.—Subject to subpara-  
25 graph (B), before apportioning amounts made

1 available to carry out this section for a fiscal  
2 year, the Secretary shall set aside not more  
3 than 10 percent of the amounts to provide addi-  
4 tional funds to States that match Federal funds  
5 with additional State funds for the purposes of  
6 this section.

7 “(B) REQUIREMENTS.—With respect to  
8 additional funds set aside under subparagraph  
9 (A)—

10 “(i) the additional amount provided to  
11 a State from those funds shall be directly  
12 proportional to the amount of matching  
13 funds provided by the State; and

14 “(ii) any funds remaining after addi-  
15 tional amounts are provided to States shall  
16 be distributed among all States in accord-  
17 ance with the formula described in para-  
18 graph (1).

19 “(4) SET-ASIDES FOR ADMINISTRATIVE EX-  
20 PENSES, RESEARCH, AND EVALUATION.—Before ap-  
21 portioning amounts made available to carry out this  
22 section for a fiscal year, the Secretary shall set  
23 aside—

24 “(A) not more than 1.5 percent of the  
25 amounts for use in paying the administrative

1 expenses of the Secretary in carrying out this  
2 subsection; and

3 “(B) not less than 1.5 nor more than 2.5  
4 percent of the amounts for use in carrying out  
5 research and evaluation activities under sub-  
6 section (k).

7 “(5) DETERMINATION OF STUDENT ENROLL-  
8 MENTS.—Determinations under this subsection re-  
9 lating to student enrollments and funds provided to  
10 States shall be made by the Secretary.

11 “(e) ADMINISTRATION OF AMOUNTS.—Amounts ap-  
12 portioned to a State under this section shall be adminis-  
13 tered by the department of transportation of the State.

14 “(f) ELIGIBLE RECIPIENTS.—Amounts apportioned  
15 to a State under this section shall be used by the State  
16 to provide financial assistance to State, local, and regional  
17 agencies (including nonprofit organizations), Indian  
18 tribes, and tribal organizations that demonstrate an ability  
19 to meet the requirements of this section.

20 “(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

21 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

22 “(A) IN GENERAL.—Amounts apportioned  
23 to a State under this section may be used for  
24 the planning, design, and construction of infra-  
25 structure-related projects that will substantially

1 improve the ability of students to walk, bicycle,  
2 or use other nonmotorized modes of transpor-  
3 tation to school, including sidewalk improve-  
4 ments, traffic-calming and speed reduction im-  
5 provements, pedestrian and bicycle crossing im-  
6 provements, on-street bicycle facilities, off-street  
7 bicycle and pedestrian facilities, secure bicycle  
8 parking facilities, and traffic diversion improve-  
9 ments in the vicinity of schools.

10 “(B) LOCATION OF PROJECTS.—Infra-  
11 structure-related projects under subparagraph  
12 (A) may be carried out on any public road or  
13 any bicycle or pedestrian pathway or trail in the  
14 vicinity of a school.

15 “(C) SAFE ROUTES TO BUS STOPS.—

16 “(i) USE OF FUNDS.—Each State  
17 may use up to 10 percent of amounts ap-  
18 portioned to the State and used for infra-  
19 structure purposes under this section to  
20 assist eligible recipients in making infra-  
21 structure improvements that create safe  
22 routes to bus stops that are located outside  
23 of the vicinity of schools, as determined by  
24 the Secretary.

1                   “(ii) EXCLUSION OF STRUCTURES.—  
 2                   Bus stop structures may not be con-  
 3                   structed using amounts apportioned to a  
 4                   State under this section.

5                   “(2) NONINFRASTRUCTURE-RELATED ACTIVI-  
 6                   TIES.—

7                   “(A) IN GENERAL.—Subject to subpara-  
 8                   graph (C), in addition to projects described in  
 9                   paragraph (1), amounts apportioned to a State  
 10                  under this section may be used for noninfra-  
 11                  structure-related activities to encourage walk-  
 12                  ing, bicycling, and other nonmotorized forms of  
 13                  transportation to school, including for—

14                  “(i) public awareness campaigns and  
 15                  outreach to press and community leaders;

16                  “(ii) traffic education for children at a  
 17                  school, regardless of whether the children  
 18                  live in the vicinity of the school;

19                  “(iii) traffic enforcement in the vicin-  
 20                  ity of schools;

21                  “(iv) student sessions on bicycle and  
 22                  pedestrian safety, health, and environment;  
 23                  and

1           “(v) funding for training, volunteers,  
2           and managers of safe routes to school pro-  
3           grams.

4           “(B) MANAGEMENT.—The use of funds to  
5           pay managers of local safe routes to school pro-  
6           grams shall be an allowable use of funding, and  
7           shall not be considered a prohibited, reoccurring  
8           cost.

9           “(C) MAXIMUM ALLOWABLE AMOUNT.—  
10          Not less than 10 percent nor more than 30 per-  
11          cent of the amount apportioned to a State  
12          under this section for a fiscal year shall be used  
13          for noninfrastructure-related activities under  
14          this paragraph.

15          “(3) PLANNING GRANTS.—Amounts appor-  
16          tioned to a State under this section may be used to  
17          provide planning grants to assist eligible recipients  
18          in developing a comprehensive safe routes to school  
19          plan that encompasses infrastructure and noninfra-  
20          structure activities.

21          “(4) EQUITABLE DISTRIBUTION.—Each State  
22          receiving an apportionment under this section shall  
23          ensure that funds to be used for infrastructure and  
24          noninfrastructure purposes are distributed in such a  
25          way that a fair balance of funding is provided to all



1 types of communities, including low-income commu-  
2 nities and urban, rural, and suburban school dis-  
3 tricts.

4 “(5) SAFE ROUTES TO SCHOOL COORDI-  
5 NATOR.—Each State receiving an apportionment  
6 under this section for a fiscal year shall use a suffi-  
7 cient amount of the apportionment to fund a full-  
8 time position of coordinator for the safe routes to  
9 school program of the State.

10 “(6) ADVISORY COMMITTEE.—Each State re-  
11 ceiving an apportionment under this section shall  
12 form a multidisciplinary State advisory committee  
13 that includes relevant State agencies and other  
14 stakeholders (including nonprofit organizations, cit-  
15 ies, and schools)—

16 “(A) to provide guidance on program  
17 structure;

18 “(B) to review applications for funding;  
19 and

20 “(C) to provide biennial progress reports  
21 on the implementation of safe routes to school  
22 program of the State.

23 “(h) CLEARINGHOUSE.—

1           “(1) IN GENERAL.—The Secretary shall provide  
2 grants to a national nonprofit organization engaged  
3 in promoting safe routes to schools—

4           “(A) to operate a national safe routes to  
5 school clearinghouse;

6           “(B) to develop information and edu-  
7 cational programs on safe routes to school;

8           “(C) to provide technical assistance and  
9 disseminate techniques and strategies used for  
10 successful safe routes to school programs, in-  
11 cluding for inclusion of children with disabil-  
12 ities;

13           “(D) to carry out a national awareness  
14 and promotion campaign on the benefits of  
15 walking and bicycling to school and driver safe-  
16 ty in the vicinity of schools;

17           “(E) to maintain a national database of all  
18 projects assisted under this subsection; and

19           “(F) to collect data relating to the pur-  
20 poses of this program, including information on  
21 the prevalence of inclusion of children with dis-  
22 abilities.

23           “(2) FUNDING.—The Secretary shall carry out  
24 this subsection using amounts set aside for adminis-  
25 trative expenses under subsection (d)(4)(A).

1 “(i) TASK FORCE.—

2 “(1) IN GENERAL.—The Secretary shall estab-  
3 lish a permanent, national safe routes to school task  
4 force composed of individuals who are leaders in  
5 health, transportation, and education (including rep-  
6 resentatives of appropriate Federal agencies and  
7 nonprofit organizations), to assess and make rec-  
8 ommendations on the implementation and evaluation  
9 of the safe routes to school program.

10 “(2) REPORTS.—Not later than 30 months  
11 after the date of enactment of this paragraph, and  
12 not later than 90 days before the end of the final  
13 fiscal year for which funds are authorized to be ap-  
14 propriated to carry out this section, respectively, the  
15 Secretary shall submit to Congress a report that in-  
16 cludes—

17 “(A) a description of the status of imple-  
18 mentation of the safe routes to school program;

19 “(B) recommendations on strategies for  
20 successful implementation of that program; and

21 “(C) guidance on evaluation strategies for  
22 that program.

23 “(3) FUNDING.—The Secretary shall carry out  
24 this subsection using amounts set aside for research  
25 and evaluation activities under subsection (d)(4)(B).

1 “(j) TREATMENT OF PROJECTS.—

2 “(1) NONINFRASTRUCTURE PROJECTS.—A non-  
3 infrastructure project and an infrastructure project  
4 that does not involve or lead directly to construction  
5 for which assistance is provided under this section  
6 shall not be considered to be a project on a Federal-  
7 aid system for purposes of chapter 1 of title 23,  
8 United States Code.

9 “(2) INFRASTRUCTURE PROJECTS.—Not later  
10 than 1 year after the date of enactment of this sec-  
11 tion, the Secretary shall promulgate regulations for  
12 Federal-aid construction projects under this section  
13 that encourage the use of the programmatic categor-  
14 ical exclusion, expedited procurement techniques,  
15 and other best practices to facilitate productive and  
16 timely expenditure of funds for projects that are  
17 small, low-impact, and constructed within an exist-  
18 ing built environment.

19 “(3) STATE PROCESSES.—The Secretary shall  
20 work with State departments of transportation to  
21 ensure that the regulations promulgated pursuant to  
22 paragraph (2) are implemented consistently by  
23 States and staff of the Federal Highway Adminis-  
24 tration to avoid unnecessary delays in implementing  
25 projects and ensuring effective use of Federal funds.

1 “(k) RESEARCH AND EVALUATION.—

2 “(1) IN GENERAL.—The Secretary shall develop  
3 and implement a comprehensive evaluation plan that  
4 includes—

5 “(A) collaboration with the Centers for  
6 Disease Control and Prevention, the Environ-  
7 mental Protection Agency, and the Department  
8 of Education to develop measures of the effec-  
9 tiveness of safe routes to school with respect to  
10 health, safety, the environment, student aca-  
11 demics, and student behavior;

12 “(B) mandatory collection of standardized  
13 evaluation data on those measures for any  
14 project funded under this section;

15 “(C) evaluation of data to determine the  
16 impact of safe routes to school on all purposes  
17 of the program, areas for improvement, and  
18 proven best practices at the national, State, and  
19 local levels; and

20 “(D) the issuance not less than annually of  
21 updated best practices on State and local imple-  
22 mentation.

23 “(2) RESEARCH.—The Secretary shall des-  
24 ignate independent research organizations or au-  
25 thorities to conduct research and issue reports for

1 wide dissemination that benefit the safe routes to  
2 school program, including—

3 “(A) robust, reliable, consistent, and fre-  
4 quent measures of the use and safety of non-  
5 motorized modes of transportation, including  
6 walking and bicycling for school-related travel;

7 “(B) a school travel safety index capable of  
8 measuring both the mode share and crash his-  
9 tory for school-related travel at the national,  
10 State, and local levels; and

11 “(C) such additional research as the Sec-  
12 retary determines will advance the safe routes  
13 to school program.

14 “(3) SCHOOL SITING.—The Secretary shall as-  
15 semble a working group composed of representatives  
16 of the Department of Transportation, the Depart-  
17 ment of Health and Human Services, the Depart-  
18 ment of Education, the Centers for Disease Control  
19 and Prevention, the Environmental Protection Agen-  
20 cy, States, and stakeholder groups (including non-  
21 profit organizations and schools)—

22 “(A) to examine the complex issue of  
23 school siting (including the impact of school  
24 siting on levels of walking and bicycling to  
25 school); and

1           “(B) to develop and annually update rec-  
2           ommendations, strategies, and best practices to  
3           assist States and local governments in making  
4           decisions about siting schools.

5           “(1) FUNDING.—

6           “(1) IN GENERAL.—Except as provided in para-  
7           graphs (2) and (3), funds made available to carry  
8           out this section shall be available for obligation in  
9           the same manner as if the funds were apportioned  
10          under chapter 1 of title 23, United States Code, ex-  
11          cept to the extent that the Secretary determines that  
12          any requirement of that title (other than section 113  
13          of that title) is not consistent with the objectives of  
14          this section.

15          “(2) AVAILABILITY.—Funds made available to  
16          carry out this section—

17                  “(A) shall not be transferable;

18                  “(B) shall remain available for obligation  
19                  for a period of 3 years beginning on the date  
20                  on which the funds are made available; and

21                  “(C) if allowed by a State to expire, shall  
22                  be redistributed by the Secretary among States  
23                  that obligated funds made available to the  
24                  States during the 2-year period beginning on

1 the date on which the funds were made avail-  
2 able to the States.

3 “(3) FEDERAL SHARE.—

4 “(A) IN GENERAL.—The Federal share of  
5 the cost of a project or activity carried out with  
6 funds made available under this section shall be  
7 100 percent.

8 “(B) OTHER FUNDS.—

9 “(i) IN GENERAL.—A State or other  
10 eligible recipient of funds under this sec-  
11 tion may elect to contribute other funds to  
12 a safe routes to school project.

13 “(ii) DISADVANTAGED SCHOOLS AND  
14 HIGHER-RISK AREAS.—If a State elects to  
15 consider supplemental funds as part of the  
16 application of an eligible recipient for a  
17 grant from funds made available under  
18 this section, the State shall ensure that  
19 disadvantaged schools and schools in areas  
20 with higher risks of death and injury to  
21 child pedestrians and cyclists are not at a  
22 competitive disadvantage in the selection  
23 process.”.

○