

111TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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.”.