

112TH 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 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, \$183,000,000 for each of fiscal
4 years 2012 through 2016.”.

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) DEFINITIONS.—In this section:

10 “(1) VICINITY.—The term ‘vicinity’ means,
11 with respect to a school, the area within bicycling
12 and walking distance of the school (approximately 2
13 miles).

14 “(2) LOW-INCOME SCHOOL.—The term ‘low-in-
15 come school’ means a school in which 65 percent or
16 more of students qualify for a free or reduced price
17 lunch under the Richard B. Russell National School
18 Lunch Act (42 U.S.C. 1751 et seq.).

19 “(b) ESTABLISHMENT.—Subject to this section, the
20 Secretary shall establish and carry out a safe routes to
21 school program for the benefit of children in kindergarten
22 through the twelfth grade, with a preference for primary
23 and middle schools.

24 “(c) PURPOSES.—The purposes of the program shall
25 be—

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

4 “(2) to make bicycling and walking to school a
5 safer and more appealing transportation alternative,
6 thereby encouraging a healthy and active lifestyle
7 from an early age and throughout adolescence; and

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

12 “(d) APPORTIONMENT OF FUNDS.—

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

17 “(A) the total student enrollment in kin-
18 dergarten through the twelfth grade in each
19 State; bears to

20 “(B) the total student enrollment in kin-
21 dergarten through the twelfth grade in all
22 States.

23 “(2) MINIMUM APPORTIONMENT.—No State
24 shall receive an apportionment under this section for

1 a fiscal year in an amount that is less than the
2 greater of—

3 “(A) an amount equal to 0.5 percent of the
4 amounts made available to carry out this sec-
5 tion for the fiscal year; or

6 “(B) \$1,000,000.

7 “(3) STATE INCENTIVE MATCHING FUND.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), before apportioning amounts made
10 available to carry out this section for a fiscal
11 year, the Secretary shall set aside not more
12 than 5 percent of the amounts to provide addi-
13 tional funds to States that match Federal funds
14 with additional State funds for the purposes of
15 this section.

16 “(B) REQUIREMENTS.—With respect to
17 additional funds set aside under subparagraph
18 (A)—

19 “(i) the additional amount provided to
20 a State from those funds shall be directly
21 proportional to the amount of matching
22 funds provided by the State; and

23 “(ii) any funds remaining after addi-
24 tional amounts are provided to States shall
25 be distributed among all States in accord-

1 ance with the formula described in para-
2 graph (1).

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

8 “(A) not more than 1.5 percent of the
9 amounts for use in paying the administrative
10 expenses of the Secretary in carrying out this
11 subsection; and

12 “(B) not more than 1.5 percent of the
13 amounts for use in carrying out research and
14 evaluation activities under subsection (j).

15 “(5) DETERMINATION OF STUDENT ENROLL-
16 MENTS.—Determinations under this subsection re-
17 lating to student enrollments and funds provided to
18 States shall be made by the Secretary.

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

22 “(f) ELIGIBLE RECIPIENTS.—Amounts apportioned
23 to a State under this section shall be used by the State
24 to provide financial assistance to State, local, and regional
25 agencies (including nonprofit organizations), Indian

1 tribes, and tribal organizations that demonstrate an ability
2 to meet the requirements of this section.

3 “(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

4 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

5 “(A) IN GENERAL.—Amounts apportioned
6 to a State under this section may be used for
7 the planning, design, and construction of infra-
8 structure-related projects that will substantially
9 improve the ability of students to walk, bicycle,
10 or use other nonmotorized modes of transpor-
11 tation to school, including sidewalk improve-
12 ments, traffic-calming and speed reduction im-
13 provements, pedestrian and bicycle crossing im-
14 provements, on-street bicycle facilities, off-street
15 bicycle and pedestrian facilities, secure bicycle
16 parking facilities, and traffic diversion improve-
17 ments in the vicinity of schools.

18 “(B) LOCATION OF PROJECTS.—Infra-
19 structure-related projects under subparagraph
20 (A) may be carried out on any public road or
21 any bicycle or pedestrian pathway or trail in the
22 vicinity of a school.

23 “(C) SAFE ROUTES TO BUS STOPS.—

24 “(i) USE OF FUNDS.—Each State
25 may use up to 10 percent of amounts ap-

1 portioned to the State and used for infra-
2 structure purposes under this section to
3 assist eligible recipients in making infra-
4 structure improvements that create safe
5 routes to bus stops that are located outside
6 of the vicinity of schools, as determined by
7 the Secretary.

8 “(ii) EXCLUSION OF STRUCTURES.—
9 Bus stop structures may not be con-
10 structed using amounts apportioned to a
11 State under this section.

12 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
13 TIES.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (C), in addition to projects described in
16 paragraph (1), amounts apportioned to a State
17 under this section may be used for noninfra-
18 structure-related activities to encourage walk-
19 ing, bicycling, and other nonmotorized forms of
20 transportation to school, including for—

21 “(i) public awareness campaigns and
22 outreach to press and community leaders;

23 “(ii) traffic education for children at a
24 school, regardless of whether the children
25 live in the vicinity of the school;

1 “(iii) traffic enforcement in the vicin-
2 ity of schools;

3 “(iv) student sessions on bicycle and
4 pedestrian safety, health, and environment;
5 and

6 “(v) funding for training, volunteers,
7 and managers of safe routes to school pro-
8 grams.

9 “(B) MANAGEMENT.—The use of funds to
10 pay managers of local safe routes to school pro-
11 grams shall be an allowable use of funding, and
12 shall not be considered a prohibited, reoccurring
13 cost.

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

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

1 “(4) ELIGIBILITY OF HIGH SCHOOLS.—A
2 project that proposes to serve a high school shall be
3 eligible to be carried out using amounts apportioned
4 to a State under this section only if a portion of the
5 project would also serve or benefit an elementary or
6 middle school, as determined by the department of
7 transportation of the State.

8 “(5) EQUITABLE DISTRIBUTION.—

9 “(A) IN GENERAL.—Each State that re-
10 ceives an apportionment under this section
11 shall, beginning with the first fiscal year after
12 the initial distribution of funds under this sec-
13 tion, carry out an assessment of the economic
14 and geographical distribution of funding during
15 previous fiscal years in accordance with this
16 paragraph to ensure that low-income schools
17 are adequately able to access funds available
18 under this section.

19 “(B) ANALYSIS.—

20 “(i) IN GENERAL.—Not later than
21 120 days after the date of enactment of
22 this paragraph, and for every application
23 cycle thereafter, each State shall conduct
24 an analysis of, and submit to the Secretary
25 a report that describes, for the application

1 cycle covered by the report and for all pre-
2 ceding application cycles—

3 “(I) the percentage of low-income
4 schools within the State;

5 “(II) the percentage of applica-
6 tions for funds under this section that
7 are received from low-income schools;

8 “(III) the number of distribu-
9 tions of funds made under this sec-
10 tion, expressed as a percentage of the
11 total number of applications for those
12 funds that were received;

13 “(IV) the amount of funds pro-
14 vided under this section to low-income
15 schools; and

16 “(V) the geographical distribu-
17 tion of the amounts provided under
18 this section.

19 “(ii) OUTREACH AND TECHNICAL AS-
20 SISTANCE.—If the analysis conducted
21 under clause (i) reveals that the percentage
22 of low-income schools in a State that are
23 applying for or receiving funds under this
24 section is less than the percentage of
25 schools in the State comprised of low-in-

1 come schools, the department of transpor-
2 tation of the State shall implement out-
3 reach and technical assistance measures to
4 increase participation in the program
5 under this section by low-income schools.

6 “(iii) MONITORING.—The Secretary
7 shall—

8 “(I) monitor the compliance of
9 each State with this paragraph;

10 “(II) monitor the progress of
11 each State in increasing participation
12 by low-income schools in the program
13 under this section; and

14 “(III) direct the clearinghouse
15 described in subsection (h)(1) to pro-
16 vide States best practices, technical
17 assistance, and support in serving
18 low-income schools.

19 “(6) SAFE ROUTES TO SCHOOL COORDI-
20 NATOR.—Each State receiving an apportionment
21 under this section for a fiscal year shall use a suffi-
22 cient amount of the apportionment to fund a full-
23 time position of coordinator for the safe routes to
24 school program of the State.

25 “(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; and

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

16 “(i) TREATMENT OF PROJECTS.—

17 “(1) NONINFRASTRUCTURE PROJECTS.—A non-
18 infrastructure project, a planning project that does
19 not involve or lead directly to construction, or the
20 placement of equipment, such as a mobile speed
21 trailer that does not require any construction, shall
22 not be considered to be a project on a Federal-aid
23 system for the purposes of this chapter.

24 “(2) INFRASTRUCTURE PROJECTS.—Not later
25 than 1 year after the date of enactment of this sec-

1 tion, the Secretary shall promulgate regulations for
2 Federal-aid construction projects under this section
3 that encourage the use of the programmatic categor-
4 ical exclusion, expedited procurement techniques,
5 and other best practices (without waiving section
6 113) to facilitate productive and timely expenditure
7 of funds for projects that are small, low-impact, and
8 constructed within an existing built environment.

9 “(3) STATE PROCESSES.—The Secretary shall
10 work with State departments of transportation to
11 ensure that the regulations promulgated pursuant to
12 paragraph (2) are implemented consistently by
13 States and staff of the Federal Highway Adminis-
14 tration to avoid unnecessary delays in implementing
15 projects and ensuring effective use of Federal funds.

16 “(j) RESEARCH AND EVALUATION.—

17 “(1) IN GENERAL.—The Secretary shall develop
18 and implement a comprehensive evaluation plan that
19 includes—

20 “(A) collaboration with the Centers for
21 Disease Control and Prevention, the Environ-
22 mental Protection Agency, and the Department
23 of Education to develop measures of the effec-
24 tiveness of safe routes to school with respect to

1 health, safety, the environment, student aca-
2 demics, and student behavior;

3 “(B) mandatory collection of standardized
4 evaluation data on those measures for any
5 project funded under this section;

6 “(C) evaluation of data to determine the
7 impact of safe routes to school on all purposes
8 of the program, areas for improvement, and
9 proven best practices at the national, State, and
10 local levels; and

11 “(D) the issuance not less than annually of
12 updated best practices on State and local imple-
13 mentation.

14 “(2) RESEARCH.—The Secretary shall des-
15 ignate independent research organizations or au-
16 thorities to conduct research and issue reports for
17 wide dissemination that benefit the safe routes to
18 school program, including—

19 “(A) robust, reliable, consistent, and fre-
20 quent measures of the use and safety of non-
21 motorized modes of transportation, including
22 walking and bicycling for school-related travel;
23 and

1 “(B) such additional research as the Sec-
2 retary determines will advance the safe routes
3 to school program.

4 “(k) FUNDING.—

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

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

16 “(A) shall not be transferable;

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

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

1 “(3) FEDERAL SHARE.—

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

6 “(B) OTHER FUNDS.—

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

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