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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1101(a) of the SAFETEA–LU (119 Stat. 1155) is amended by striking paragraph (17) and inserting the following:
“(17) Safe routes to school program.—For the safe routes to school program under section 1404 of this Act, $600,000,000 for each of fiscal years 2010 through 2014.”.

SEC. 3. SAFE ROUTES TO SCHOOL PROGRAM.

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

“SEC. 1404. SAFE ROUTES TO SCHOOL PROGRAM.

“(a) Definition of vicinity.—In this section, the term ‘vicinity’ means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

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

“(c) Purposes.—The purposes of the program shall be—

“(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

“(2) to make bicycling and walking to school a safer and more appealing transportation alternative,
thereby encouraging a healthy and active lifestyle
from an early age and throughout adolescence; and
“(3) to facilitate the planning, development,
and implementation of projects and activities that
will improve safety and reduce traffic, fuel consump-
tion, and air pollution in the vicinity of schools.
“(d) APPORTIONMENT OF FUNDS.—
“(1) IN GENERAL.—Subject to paragraphs (2)
through (5), amounts made available to carry out
this section for a fiscal year shall be apportioned
among the States in the proportion that—
“(A) the total student enrollment in kin-
dergarten through the twelfth grade in each
State; bears to
“(B) the total student enrollment in kin-
dergarten through the twelfth grade in all
States.
“(2) MINIMUM APPORTIONMENT.—No State
shall receive an apportionment under this section for
a fiscal year in an amount less than an amount
equal to 0.5 percent of the amounts made available
to carry out this section for the fiscal year.
“(3) STATE INCENTIVE MATCHING FUND.—
“(A) IN GENERAL.—Subject to subpara-
graph (B), before apportioning amounts made
available to carry out this section for a fiscal year, the Secretary shall set aside not more than 10 percent of the amounts to provide additional funds to States that match Federal funds with additional State funds for the purposes of this section.

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

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

“(ii) any funds remaining after additional amounts are provided to States shall be distributed among all States in accordance with the formula described in paragraph (1).

“(4) SET-ASIDES FOR ADMINISTRATIVE EXPENSES, RESEARCH, AND EVALUATION.—Before apportioning amounts made available to carry out this section for a fiscal year, the Secretary shall set aside—

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

“(B) not less than 1.5 nor more than 2.5 percent of the amounts for use in carrying out research and evaluation activities under subsection (k).

“(5) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection relating to student enrollments and funds provided to States shall be made by the Secretary.

“(e) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the department of transportation of the State.

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

“(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

“(1) INFRASTRUCTURE-RELATED PROJECTS.—

“(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially
improve the ability of students to walk, bicycle, or use other nonmotorized modes of transportation to school, including sidewalk improvements, traffic-calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

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

“(C) SAFE ROUTES TO BUS STOPS.—

“(i) USE OF FUNDS.—Each State may use up to 10 percent of amounts apportioned to the State and used for infrastructure purposes under this section to assist eligible recipients in making infrastructure improvements that create safe routes to bus stops that are located outside of the vicinity of schools, as determined by the Secretary.
“(ii) Exclusion of structures.—

Bus stop structures may not be constructed using amounts apportioned to a State under this section.

“(2) Noninfrastructure-related activities.—

“(A) In general.—Subject to subparagraph (C), in addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for noninfrastructure-related activities to encourage walking, bicycling, and other nonmotorized forms of transportation to school, including for—

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

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

“(iii) traffic enforcement in the vicinity of schools;

“(iv) student sessions on bicycle and pedestrian safety, health, and environment; and
“(v) funding for training, volunteers, and managers of safe routes to school programs.

“(B) MANAGEMENT.—The use of funds to pay managers of local safe routes to school programs shall be an allowable use of funding, and shall not be considered a prohibited, reoccurring cost.

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

“(3) PLANNING GRANTS.—Amounts apportioned to a State under this section may be used to provide planning grants to assist eligible recipients in developing a comprehensive safe routes to school plan that encompasses infrastructure and noninfrastructure activities.

“(4) EQUITABLE DISTRIBUTION.—Each State receiving an apportionment under this section shall ensure that funds to be used for infrastructure and noninfrastructure purposes are distributed in such a way that a fair balance of funding is provided to all
types of communities, including low-income communities and urban, rural, and suburban school districts.

“(5) Safe routes to school coordinator.—Each State receiving an apportionment under this section for a fiscal year shall use a sufficient amount of the apportionment to fund a full-time position of coordinator for the safe routes to school program of the State.

“(6) Advisory committee.—Each State receiving an apportionment under this section shall form a multidisciplinary State advisory committee that includes relevant State agencies and other stakeholders (including nonprofit organizations, cities, and schools)—

“(A) to provide guidance on program structure;

“(B) to review applications for funding; and

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

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

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

“(B) to develop information and educational programs on safe routes to school;

“(C) to provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs, including for inclusion of children with disabilities;

“(D) to carry out a national awareness and promotion campaign on the benefits of walking and bicycling to school and driver safety in the vicinity of schools;

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

“(F) to collect data relating to the purposes of this program, including information on the prevalence of inclusion of children with disabilities.

“(2) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (d)(4)(A).
“(i) Task Force.—

“(1) In general.—The Secretary shall establish a permanent, national safe routes to school task force composed of individuals who are leaders in health, transportation, and education (including representatives of appropriate Federal agencies and nonprofit organizations), to assess and make recommendations on the implementation and evaluation of the safe routes to school program.

“(2) Reports.—Not later than 30 months after the date of enactment of this paragraph, and not later than 90 days before the end of the final fiscal year for which funds are authorized to be appropriated to carry out this section, respectively, the Secretary shall submit to Congress a report that includes—

“(A) a description of the status of implementation of the safe routes to school program;

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

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

“(3) Funding.—The Secretary shall carry out this subsection using amounts set aside for research and evaluation activities under subsection (d)(4)(B).
“(j) **TREATMENT OF PROJECTS.**—

“(1) **Noninfrastructure projects.**—A non-infrastructure project and an infrastructure project that does not involve or lead directly to construction for which assistance is provided under this section shall not be considered to be a project on a Federal-aid system for purposes of chapter 1 of title 23, United States Code.

“(2) **Infrastructure projects.**—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations for Federal-aid construction projects under this section that encourage the use of the programmatic categorical exclusion, expedited procurement techniques, and other best practices to facilitate productive and timely expenditure of funds for projects that are small, low-impact, and constructed within an existing built environment.

“(3) **State processes.**—The Secretary shall work with State departments of transportation to ensure that the regulations promulgated pursuant to paragraph (2) are implemented consistently by States and staff of the Federal Highway Administration to avoid unnecessary delays in implementing projects and ensuring effective use of Federal funds.
“(k) RESEARCH AND EVALUATION.—

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

“(A) collaboration with the Centers for Disease Control and Prevention, the Environmental Protection Agency, and the Department of Education to develop measures of the effectiveness of safe routes to school with respect to health, safety, the environment, student academics, and student behavior;

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

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

“(D) the issuance not less than annually of updated best practices on State and local implementation.

“(2) RESEARCH.—The Secretary shall designate independent research organizations or authorities to conduct research and issue reports for
wide dissemination that benefit the safe routes to school program, including—

“(A) robust, reliable, consistent, and frequent measures of the use and safety of non-motorized modes of transportation, including walking and bicycling for school-related travel;

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

“(C) such additional research as the Secretary determines will advance the safe routes to school program.

“(3) SCHOOL SITING.—The Secretary shall assemble a working group composed of representatives of the Department of Transportation, the Department of Health and Human Services, the Department of Education, the Centers for Disease Control and Prevention, the Environmental Protection Agency, States, and stakeholder groups (including non-profit organizations and schools)—

“(A) to examine the complex issue of school siting (including the impact of school siting on levels of walking and bicycling to school); and
“(B) to develop and annually update recommendations, strategies, and best practices to assist States and local governments in making decisions about siting schools.

“(l) FUNDING.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except to the extent that the Secretary determines that any requirement of that title (other than section 113 of that title) is not consistent with the objectives of this section.

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

“(A) shall not be transferable;

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

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

“(3) Federal share.—

“(A) In general.—The Federal share of the cost of a project or activity carried out with funds made available under this section shall be 100 percent.

“(B) Other funds.—

“(i) In general.—A State or other eligible recipient of funds under this section may elect to contribute other funds to a safe routes to school project.

“(ii) Disadvantaged schools and higher-risk areas.—If a State elects to consider supplemental funds as part of the application of an eligible recipient for a grant from funds made available under this section, the State shall ensure that disadvantaged schools and schools in areas with higher risks of death and injury to child pedestrians and cyclists are not at a competitive disadvantage in the selection process.”.