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.

Be it enacted by the Senate and House of Representa-
tives 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 insert-
ing the following:
“(17) Safe routes to school program.—For the safe routes to school program under section 1404 of this Act, $183,000,000 for each of fiscal years 2012 through 2016.”.

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) Definitions.—In this section:

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

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

“(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 consumption, 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 kindergarten through the twelfth grade in each State; bears to

“(B) the total student enrollment in kindergarten 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 that is less than the greater of—

“(A) an amount equal to 0.5 percent of the amounts made available to carry out this section for the fiscal year; or

“(B) $1,000,000.

“(3) State Incentive Matching Fund.—

“(A) In General.—Subject to subparagraph (B), before apportioning amounts made available to carry out this section for a fiscal year, the Secretary shall set aside not more than 5 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 accord-
ance with the formula described in para-

graph (1).

“(4) Set-asides for administrative ex-
penses, research, and evaluation.—Before ap-
portioning 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 more than 1.5 percent of the
amounts for use in carrying out research and
evaluation activities under subsection (j).

“(5) Determination of student enroll-
ments.—Determinations under this subsection re-
lating to student enrollments and funds provided to
States shall be made by the Secretary.

“(e) Administration of amounts.—Amounts ap-
portioned to a State under this section shall be adminis-
tered 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 ap-
portioned 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) Eligibility of High Schools.—A project that proposes to serve a high school shall be eligible to be carried out using amounts apportioned to a State under this section only if a portion of the project would also serve or benefit an elementary or middle school, as determined by the department of transportation of the State.

“(5) Equitable Distribution.—

“(A) In general.—Each State that receives an apportionment under this section shall, beginning with the first fiscal year after the initial distribution of funds under this section, carry out an assessment of the economic and geographical distribution of funding during previous fiscal years in accordance with this paragraph to ensure that low-income schools are adequately able to access funds available under this section.

“(B) Analysis.—

“(i) In general.—Not later than 120 days after the date of enactment of this paragraph, and for every application cycle thereafter, each State shall conduct an analysis of, and submit to the Secretary a report that describes, for the application
cycle covered by the report and for all pre-
ceeding application cycles—

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

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

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

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

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

“(ii) OUTREACH AND TECHNICAL AS-
sISTANCE.—If the analysis conducted
under clause (i) reveals that the percentage
of low-income schools in a State that are
applying for or receiving funds under this
section is less than the percentage of
schools in the State comprised of low-in-
come schools, the department of transportation of the State shall implement outreach and technical assistance measures to increase participation in the program under this section by low-income schools.

“(iii) MONITORING.—The Secretary shall—

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

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

“(III) direct the clearinghouse described in subsection (h)(1) to provide States best practices, technical assistance, and support in serving low-income schools.

“(6) 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.

“(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; and

“(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.

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

“(i) **TREATMENT OF PROJECTS.**—

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

“(2) **INFRASTRUCTURE PROJECTS.**—Not later than 1 year after the date of enactment of this sec-
tion, 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 (without waiving section 113) 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.

“(j) 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; and
“(B) such additional research as the Secretary determines will advance the safe routes to school program.

“(k) 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) **Low-income 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 low-income 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.”.