

112TH CONGRESS  
1ST SESSION

# S. 800

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

APRIL 12, 2011

Mr. HARKIN (for himself, Mr. MERKLEY, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. LEAHY, Mr. BENNET, Mr. FRANKEN, Mr. CARPER, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## 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”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1101(a) of the SAFETEA-LU (119 Stat.  
3 1155) is amended by striking paragraph (17) and insert-  
4 ing the following:

5 “(17) SAFE ROUTES TO SCHOOL PROGRAM.—

6 For the safe routes to school program under section  
7 1404 of this Act, \$183,000,000 for each of fiscal  
8 years 2012 through 2016.”.

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

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

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

13 “(a) DEFINITIONS.—In this section:

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

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

23 “(b) ESTABLISHMENT.—Subject to this section, the  
24 Secretary shall establish and carry out a safe routes to  
25 school program for the benefit of children in kindergarten

1 through the twelfth grade, with a preference for primary  
2 and middle schools.

3 “(c) PURPOSES.—The purposes of the program shall  
4 be—

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

8 “(2) to make bicycling and walking to school a  
9 safer and more appealing transportation alternative,  
10 thereby encouraging a healthy and active lifestyle  
11 from an early age and throughout adolescence; and

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

16 “(d) APPORTIONMENT OF FUNDS.—

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

21 “(A) the total student enrollment in kin-  
22 dergarten through the twelfth grade in each  
23 State; bears to

1           “(B) the total student enrollment in kin-  
2           dergarten through the twelfth grade in all  
3           States.

4           “(2) MINIMUM APPORTIONMENT.—No State  
5           shall receive an apportionment under this section for  
6           a fiscal year in an amount that is less than the  
7           greater of—

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

11                   “(B) \$1,000,000.

12           “(3) STATE INCENTIVE MATCHING FUND.—

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

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

24                           “(i) the additional amount provided to  
25                           a State from those funds shall be directly

1 proportional to the amount of matching  
2 funds provided by the State; and

3 “(ii) any funds remaining after addi-  
4 tional amounts are provided to States shall  
5 be distributed among all States in accord-  
6 ance with the formula described in para-  
7 graph (1).

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

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

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

20 “(5) DETERMINATION OF STUDENT ENROLL-  
21 MENTS.—Determinations under this subsection re-  
22 lating to student enrollments and funds provided to  
23 States shall be made by the Secretary.

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

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

10       “(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

11               “(1) INFRASTRUCTURE-RELATED PROJECTS.—

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

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

6           “(C) SAFE ROUTES TO BUS STOPS.—

7           “(i) USE OF FUNDS.—Each State  
8 may use up to 10 percent of amounts ap-  
9 portioned to the State and used for infra-  
10 structure purposes under this section to  
11 assist eligible recipients in making infra-  
12 structure improvements that create safe  
13 routes to bus stops that are located outside  
14 of the vicinity of schools, as determined by  
15 the Secretary.

16           “(ii) EXCLUSION OF STRUCTURES.—

17 Bus stop structures may not be con-  
18 structed using amounts apportioned to a  
19 State under this section.

20           “(2) NONINFRASTRUCTURE-RELATED ACTIVI-  
21 TIES.—

22           “(A) IN GENERAL.—Subject to subpara-  
23 graph (C), in addition to projects described in  
24 paragraph (1), amounts apportioned to a State  
25 under this section may be used for noninfra-

1 structure-related activities to encourage walk-  
2 ing, bicycling, and other nonmotorized forms of  
3 transportation to school, including for—

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

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

9 “(iii) traffic enforcement in the vicin-  
10 ity of schools;

11 “(iv) student sessions on bicycle and  
12 pedestrian safety, health, and environment;  
13 and

14 “(v) funding for training, volunteers,  
15 and managers of safe routes to school pro-  
16 grams.

17 “(B) MANAGEMENT.—The use of funds to  
18 pay managers of local safe routes to school pro-  
19 grams shall be an allowable use of funding, and  
20 shall not be considered a prohibited, reoccurring  
21 cost.

22 “(C) MAXIMUM ALLOWABLE AMOUNT.—  
23 Not less than 10 percent nor more than 30 per-  
24 cent of the amount apportioned to a State  
25 under this section for a fiscal year shall be used



1           for noninfrastructure-related activities under  
2           this paragraph.

3           “(3) PLANNING GRANTS.—Amounts appor-  
4           tioned to a State under this section may be used to  
5           provide planning grants to assist eligible recipients  
6           in developing a comprehensive safe routes to school  
7           plan that encompasses infrastructure and noninfra-  
8           structure activities.

9           “(4) ELIGIBILITY OF HIGH SCHOOLS.—A  
10          project that proposes to serve a high school shall be  
11          eligible to be carried out using amounts apportioned  
12          to a State under this section only if a portion of the  
13          project would also serve or benefit an elementary or  
14          middle school, as determined by the department of  
15          transportation of the State.

16          “(5) EQUITABLE DISTRIBUTION.—

17                 “(A) IN GENERAL.—Each State that re-  
18                 ceives an apportionment under this section  
19                 shall, beginning with the first fiscal year after  
20                 the initial distribution of funds under this sec-  
21                 tion, carry out an assessment of the economic  
22                 and geographical distribution of funding during  
23                 previous fiscal years in accordance with this  
24                 paragraph to ensure that low-income schools

1 are adequately able to access funds available  
2 under this section.

3 “(B) ANALYSIS.—

4 “(i) IN GENERAL.—Not later than  
5 120 days after the date of enactment of  
6 this paragraph, and for every application  
7 cycle thereafter, each State shall conduct  
8 an analysis of, and submit to the Secretary  
9 a report that describes, for the application  
10 cycle covered by the report and for all pre-  
11 ceding application cycles—

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

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

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

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

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

4                   “(ii) OUTREACH AND TECHNICAL AS-  
5                   SISTANCE.—If the analysis conducted  
6                   under clause (i) reveals that the percentage  
7                   of low-income schools in a State that are  
8                   applying for or receiving funds under this  
9                   section is less than the percentage of  
10                  schools in the State comprised of low-in-  
11                  come schools, the department of transpor-  
12                  tation of the State shall implement out-  
13                  reach and technical assistance measures to  
14                  increase participation in the program  
15                  under this section by low-income schools.

16                  “(iii) MONITORING.—The Secretary  
17                  shall—

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

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

24                         “(III) direct the clearinghouse  
25                         described in subsection (h)(1) to pro-

1                   vide States best practices, technical  
2                   assistance, and support in serving  
3                   low-income schools.

4                   “(6) 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                  “(h) CLEARINGHOUSE.—

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

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

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

18                   “(C) to provide technical assistance and  
19                   disseminate techniques and strategies used for  
20                   successful safe routes to school programs, in-  
21                   cluding for inclusion of children with disabili-  
22                   ties.

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) TREATMENT OF PROJECTS.—

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

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 (without waiving section  
16 113) to facilitate productive and timely expenditure  
17 of funds for projects that are small, low-impact, and  
18 constructed within an existing 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 “(j) 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 and

8 “(B) such additional research as the Sec-  
9 retary determines will advance the safe routes  
10 to school program.

11 “(k) FUNDING.—

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

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

23 “(A) shall not be transferable;

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

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

10       “(3) FEDERAL SHARE.—

11           “(A) IN GENERAL.—The Federal share of  
12 the cost of a project or activity carried out with  
13 funds made available under this section shall be  
14 100 percent.

15           “(B) OTHER FUNDS.—

16           “(i) IN GENERAL.—A State or other  
17 eligible recipient of funds under this sec-  
18 tion may elect to contribute other funds to  
19 a safe routes to school project.

20           “(ii) LOW-INCOME SCHOOLS AND  
21 HIGHER-RISK AREAS.—If a State elects to  
22 consider supplemental funds as part of the  
23 application of an eligible recipient for a  
24 grant from funds made available under  
25 this section, the State shall ensure that



1 low-income schools and schools in areas  
2 with higher risks of death and injury to  
3 child pedestrians and cyclists are not at a  
4 competitive disadvantage in the selection  
5 process.”.

○