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1

### A BILL FOR AN ACT

RELATING TO SAFE ROUTES TO SCHOOL.

### **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The legislature finds that safety on our 2 streets is the top transportation priority. Ensuring safe 3 routes to school for every keiki will protect Hawaii's most 4 vulnerable road users and serve as a long-term investment in the 5 future of transportation in the State. Decades of 6 automobile-centric planning and development have created 7 formidable barriers to safety for keiki and kupuna on our roads. 8 These barriers include a lack of complete, safe, and comfortable 9 bicycle and pedestrian networks; burdensome and complicated 10 funding mechanisms for safe routes to school programs and 11 community engagement; a lack of a state safe routes to school 12 plan that creates performance measures, goals, strategies, and 13 accountability; and a lack of coordinated safe routes to school 14 promotion among state and county agencies and community-based 15 organizations.

16 The legislature further finds that the state department of 17 transportation's safe routes to school program was initially 18 created by section 219C-3, Hawaii Revised Statutes, in response 2023-3012 HB600 CD2 SMA-1.docx

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1 to the passage of the federal Safe, Accountable, Flexible, 2 Efficient Transportation Equity Act: A Legacy for Users, also 3 known as the SAFETEA-LU Act, and attendant funding. The 4 SAFETEA-LU Act funding expired in 2012, and similar federal 5 funds for this purpose have since ceased to be distributed to 6 the states. The legislature finds that section 291C-2, Hawaii 7 Revised Statutes, should be amended because the expiration of 8 federal funds means that the conformance to onerous and 9 complicated federal requirements is no longer needed, and, 10 accordingly, the program can be simplified.

11 The legislature further finds that the primary source of 12 funding for the safe routes to schools program currently comes 13 from surcharges on citations collected from traffic moving 14 violations, which are deposited into the safe routes to school 15 special fund. However, in 2021, the legislature enacted Act 9, 16 Special Session Laws of Hawaii 2021, which transferred the 17 responsibility of allocating moneys to county safe routes to 18 school programs from the state department of transportation to 19 the legislature. However, it has not been practical for the 20 legislature to distribute safe routes to schools special funds 21 for program objectives on an annual basis because the safe

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1 routes to school program is a year-round program that requires 2 regular collaboration between the State, counties, and community 3 stakeholders to develop and implement programming and projects 4 year-round. The lack of a regular process and procedure has led 5 to safe routes to school program special fund moneys not being 6 distributed since 2020, disrupting a previously reliable source 7 of funding that communities and counties relied on for safe 8 routes to school programming and project development.

9 Since then, traffic fatalities have increased to record 10 levels, with 2022 seeing a record high one hundred seventeen 11 traffic fatalities and five hundred seventy-two serious 12 injuries, with many in and around schools. In 2023, two deaths 13 immediately outside Kaelepulu elementary school and McKinley 14 high school have illustrated the need for immediate action to 15 help create safer routes to schools.

Accordingly, the purpose of this Act is to prioritize the safety of keiki by fixing and simplifying the safe routes to schools program, re-engaging community stakeholders, and appropriating funds to move priority projects and save lives by: (1) Enhancing the safe routes to school program by developing strategies and facilitating



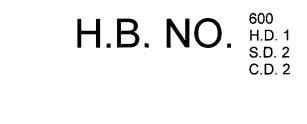
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1		transportation-related projects that will ensure that
2		keiki are able to safely walk, bike, or roll to common
3		destinations through the Vision Zero policy adopted by
4		the department of transportation and county
5		transportation departments pursuant to
6		section 286-7.5, Hawaii Revised Statutes; the ground
7		transportation facilities plans developed and
8		implemented by the department of transportation and
9		counties pursuant to section 264-142, Hawaii Revised
10		Statutes; and the safe routes to school program under
11		section 291C-3, Hawaii Revised Statutes;
12	(2)	Establishing a safe routes to school advisory
13		committee of government and community stakeholders to
14		advise the State in carrying out the purposes of the
15		safe to schools program;
16	(3)	Authorizing the safe routes to school advisory
17		committee to develop an application process for
18		projects under the safe routes to school program and

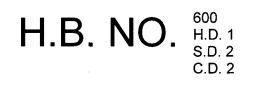
19 determine awards for selected projects; and





1	(4) Appropriating funds for priority projects that will
2	improve safety and allow keiki and their families to
3	safely walk, bike, or roll to school.
4	SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
5	amended by adding a new section to part I to be appropriately
6	designated and to read as follows:
7	" <u>§291C-</u> Safe routes to school advisory committee. (a)
8	There is established within the planning branch of the highways
9	division of the department of transportation for administrative
10	purposes a safe routes to school advisory committee to advise
11	the State on strategies to ensure that each child in the State
12	is able to safely bike, walk, or roll to school.
13	(b) The safe routes to school advisory committee shall:
14	(1) Develop a comprehensive, statewide safe routes to
15	school plan that shall include:
16	(A) Goals, strategies, and performance metrics that
17	ensure accountability for improving safety,
18	active transportation mode share, community
19	investment in supportive programming, and
20	infrastructure quality, pursuant to
21	sections 286-7.5 and 264-142;



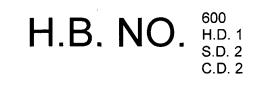


1		<u>(B)</u>	Methods to ensure stability and consistency of
2			the safe routes to school program special fund,
3			which shall provide for infrastructure projects
4			and continuity of existing programmatic
5			(non-infrastructure) work;
6		<u>(C)</u>	Recommendations to streamline and facilitate
7			efforts by communities to apply for and implement
8			projects pursuant to sections 286-7.5, 264-142,
9			and 291C-3; and
10		<u>(D)</u>	Identification of, and recommendations for,
11			additional funding, planning, and programming
12			that are inclusive and equitable pursuant to
13			sections 286-7.5 and 264-142;
14	(2)	Begi	nning July 1, 2024, ensure distribution of moneys
15		accr	ued in the safe routes to school special fund,
16		prio	ritizing continuity of existing programming;
17	(3)	Begi	nning July 1, 2024, review project proposals and
18		sele	ct priority projects within one mile of any school
19		or p	lace of learning pursuant to sections 286-7.5,
20		264-3	142, and 291C-3 to be funded through the safe

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1		routes to school program or otherwise be prioritized
2		and implemented by the department;
3	(4)	Submit annual reports on the activities and
4		recommendations of the safe routes to school program
5		to the governor and legislature no later than
6		December 31 of each year; and
7	(5)	Meet no less than monthly.
8	<u>(c)</u>	The safe routes to school advisory committee shall
9	<u>consist c</u>	f the following members or their designees:
10	(1)	One member to be appointed by the president of the
11		senate and one member to be appointed by the speaker
12		of the house of representatives, who shall chair the
13		advisory committee annually on a rotating basis;
14	(2)	The department of transportation's safe routes to
15		school program coordinator;
16	(3)	The deputy director of the department of
17		transportation's highways division;
18	(4)	One member representing the physical activity and
19		nutrition section of the department of health's
20		chronic disease prevention and health promotion
21		division;

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1	(5)	The superintendent of education;
2	(6)	The co-chairs of the Hawaii climate change mitigation
3		and adaptation commission;
4	(7)	One member representing the Hawaii state energy
5		office;
6	(8)	One member representing the Hawaii state council on
7		developmental disabilities;
8	(9)	One member representing each county agency with
9		jurisdiction over transportation;
10	(10)	One member representing an organization with a focus
11		on bicycling to be appointed by the governor, pursuant
12		to section 26-34, for a three-year term;
13	(11)	One member representing an organization with a focus
14		on senior citizens and their families to be appointed
15		by the governor, pursuant to section 26-34, for a
16		three-year term;
17	(12)	One member representing an organization that
18		understands the ways families with young children
19		navigate through the State to be appointed by the
20		governor, pursuant to section 26-34, for a three-year
21		term;



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1	(13)	One member representing an organization with a focus
2		on public health and mobility to be appointed by the
3		governor, pursuant to section 26-34, for a three-year
4		term;
5	(14)	One member representing an organization with a focus
6		on transportation equity and mobility to be appointed
7		by the governor, pursuant to section 26-34, for a
8		three-year term; and
9	(15)	The chairs of the house of representatives standing
10		committee and the senate standing committee with
11		primary jurisdiction over transportation, who shall
12		serve as non-voting, ex-officio members.
13	The chair	of the committee may request the participation or
14	input of a	members of the public; experts in the field; and
15	county, st	tate, or federal officials or others as necessary.
16	(d)	Members of the safe routes to school advisory
17	committee	shall serve without compensation but shall be
18	reimburse	d for expenses, including travel expenses, necessary
19	for the pe	erformance of their duties.



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1	(e) No member of the safe routes to school advisory
2	committee shall be subject to chapter 84 solely because of the
3	member's service on the committee."
4	SECTION 3. Section 291C-3, Hawaii Revised Statutes, is
5	amended to read as follows:
6	"§291C-3 State and county safe routes to school programs;
7	coordinators; grants; reports. (a) There is established,
8	within the department of transportation, a safe routes to school
9	program that shall, among other things, enhance traffic safety
10	around Hawaii's schools, enable and encourage children to walk
11	and bicycle to school, and make bicycling and walking to school
12	a safer and more appealing transportation alternative.
13	Beginning July 1, 2024, the program shall be responsible for
14	developing and publishing goals and performance measures in
15	coordination with the safe routes to school advisory committee
16	and providing technical assistance to counties and community
17	organizations in support of projects and programs that advance
18	state and county goals.
19	(b) There is created, within the department of
20	transportation, the position of safe routes to school program
21	coordinator. The safe routes to school program coordinator

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shall provide a central point of contact for the [federal] safe
routes to school program.

3 (c) A county designated office, through the county safe 4 routes to school program coordinator, and in consultation with 5 the department of education, department of health, and Hawaii 6 Association of Independent Schools, shall provide safe routes to 7 school funds for school-based and community-based workshops and 8 infrastructure and non-infrastructure projects that will reduce 9 vehicular traffic and congestion, encourage walking and 10 bicycling, and promote health and safety around Hawaii's 11 schools.

12 (d) The [legislature shall appropriate] department of 13 transportation shall expend funds from the safe routes to school program special fund [to the counties] in coordination with the 14 15 safe routes to school advisory committee to be used for the 16 implementation of [county] the safe routes to school program 17 plan and projects [-] pursuant to section 291C- (b) (2) and (3). No later than twenty days prior to the convening of each regular 18 19 session, each county shall submit to the legislature an annual 20 report on the status and progress of its county safe routes to

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1 school program, including an accounting of all grants provided 2 through the program and a timeline for future grant awards. 3 (e) Implementation of the county safe routes to school 4 program shall take into consideration the need to: 5 Fill a permanent, full-time position of safe routes to (1)6 school coordinator within the county designated 7 office; 8 (2) Maximize the participation of school officials and 9 stakeholder groups in the community; 10 Work in conjunction with county designated safe routes (3) 11 to school stakeholders and train volunteer 12 facilitators for school-based workshops and 13 community-based projects, including flexible training 14 schedules; 15 (4) Train potential grant requestors and stakeholder 16 groups in federal and state requirements necessary for 17 procurement, contracts, design, and construction; and 18 (5) Allocate not less than ten per cent and not more than 19 thirty per cent of safe routes to school funds for 20 non-infrastructure-related activities or activities to 21 encourage walking and bicycling to school, public

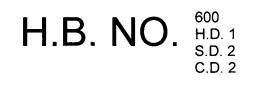
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	awareness campaigns, student sessions on bicycle and
	pedestrian safety, or other non-infrastructure
	activities [ <del>as prescribed under section-1404 of the</del>
	2005 Safe, Accountable, Flexible, Efficient
	Transportation Equity Act: A Legacy for Users, Public
	Law No. 109-59].
[ <del>(1)</del> ]	- Each-grant proposal in the county safe routes to
<del>school pr</del>	ogram shall:
<del>(1)</del>	Identify the modes of travel used by students to get
	to school;
<del>(2)</del>	Determine the number of students using each mode of
	travel;
<del>(3)</del>	Survey the parents of each student to gather
	information regarding the factors involved in the

- choice of transportation mode for the student and,
- where the student travels by automobile or bus,
- conditions that would need to change for the parent to
- permit the student to walk or ride a bicycle to
- school, and obstacles to walking and biking; and
- (4) Identify traffic infrastructure elements in the
  - immediate vicinity of each school, including multi-





1	lane roadways, speed limits, and traffic calming
2	features that, either by their presence or absence,
3	contribute to the use of automobiles as a student's
4	mode of travel to school.
5	(g)] (f) The [director of transportation, in
6	consultation with organizations that have received non-
7	infrastructure and pending infrastructure grants,] safe routes to
8	school advisory committee established pursuant to
9	section 291C- shall develop a streamlined process for the safe
10	routes to school program that meets federal and state
11	requirements, simplifies the grant proposal application process,
12	and expedites release of funding after completion of school-based
13	and community-based projects for infrastructure and
14	non-infrastructure.
15	[ <del>(h)</del> ] <u>(g)</u> The [ <del>director of transportation</del> ] safe routes to
16	school advisory committee established pursuant to
17	section 291C- shall submit to the legislature an annual
18	report of the status and progress of the safe routes to school
19	program, including an accounting of all grants provided through
20	the program and a timeline for future grant awards, no later
21	than twenty days prior to the convening of each regular session.

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1	[ <del>(i) Nothing in this section shall be construed as</del>
2	requiring actions or omissions that would render the State
3	incligible to receive funds for the safe routes to school
4	program under the 2005 Safe, Accountable, Flexible,
5	Efficient Transportation Equity Act: A Legacy for Users, Public
6	Law No. 109-59.]"
7	SECTION 4. There is appropriated out of the state highway
8	fund the sum of \$10,000,000 or so much thereof as may be
9	necessary for fiscal year 2023-2024 and the same sum or so much
10	thereof as may be necessary for fiscal year 2024-2025 to be
11	deposited into the safe routes to school program special fund.
12	SECTION 5. There is appropriated out of the safe routes to
13	school program special fund the sum of \$10,000,000 or so much
14	thereof as may be necessary for fiscal year 2023-2024 and the
15	same sum or so much thereof as may be necessary for fiscal year
16	2024-2025 to:
17	(1) Support and facilitate the safe routes to school
18	program, projects, and advisory committee; and
19	(2) Match any federal funds received by the State for
20	costs related to sidewalk and other infrastructure
21	planning, development, and construction.







1	The sums appropriated shall be expended by the department
2	of transportation for the purposes of this Act.
3	SECTION 6. Statutory material to be repealed is bracketed
4	and stricken. New statutory material is underscored.
5	SECTION 7. This Act shall take effect on July 1, 2023.





#### Report Title:

DOT; Safe Routes to School; Advisory Committee; Safe Routes to School Program Coordinator; Appropriation

#### Description:

Establishes the Safe Routes to School Advisory Committee. Requires the Safe Routes to School Advisory Committee to develop a comprehensive, statewide Safe Routes to School Plan. Amends the duties of the Department of Transportation's Safe Routes to School Program. Deposits state highway funds into the safe routes to school program special fund. Appropriates funds from the safe routes to school program special fund. (CD2)

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