

ACT 317

H.B. NO. 2626

A Bill for an Act Relating to Safe Routes to School.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§291- Safe routes to school program surcharge. (a) In addition to any other civil penalties ordered by the court, a person who violates any provision under this part shall be ordered to pay a safe routes to school program surcharge of \$10.

(b) The person shall pay the surcharge to the clerk of the court. The surcharge shall be deposited with the director of finance who shall credit the surcharge to the safe routes to school program special fund established under section 291C-B.”

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§291C-A State and county safe routes to school programs; coordinators; grants; reports. (a) There is established, within the department of transportation, a safe routes to school program that shall, among other things, enhance

traffic safety around Hawaii's schools, enable and encourage children to walk and bicycle to school, and make bicycling and walking to school a safer and more appealing transportation alternative.

(b) There is created, within the department of transportation, the position of safe routes to school program coordinator. The safe routes to school program coordinator shall provide a central point of contact for the federal safe routes to school program.

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

(d) The director of transportation, through the safe routes to school program coordinator and in consultation with county safe routes to school program coordinators, shall develop a mechanism to provide funds to county safe routes to school programs from the safe routes to school program special fund established under section 291C-B to be used for the implementation of county safe routes to school program projects.

(e) Implementation of the county safe routes to school program shall take into consideration the need to:

- (1) Fill a permanent, full-time position of safe routes to school coordinator within the county designated office;
- (2) Maximize the participation of school officials and stakeholder groups in the community;
- (3) Work in conjunction with county designated safe routes to school stakeholders and train volunteer facilitators for school-based workshops and community-based projects, including flexible training schedules;
- (4) Train potential grant requestors and stakeholder groups in federal and state requirements necessary for procurement, contracts, design, and construction; and
- (5) Allocate not less than ten per cent and not more than thirty per cent of safe routes to school funds for non-infrastructure-related activities or activities to encourage walking and bicycling to school, public awareness campaigns, student sessions on bicycle and pedestrian safety, or other non-infrastructure activities as prescribed under section 1404 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law No. 109-59.

(f) Each grant proposal in the county safe routes to school program shall:

- (1) Identify the modes of travel used by students to get to school;
- (2) Determine the number of students using each mode of travel;
- (3) 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-lane roadways, speed limits, and traffic

calming features that, either by their presence or absence, contribute to the use of automobiles as a student's mode of travel to school.

(g) The director of transportation, in consultation with organizations that have received non-infrastructure and pending infrastructure grants, shall develop a streamlined process for the safe routes to school program that meets federal and state requirements, simplifies the application process, and expedites release of funding after completion of school-based and community-based projects for infrastructure and non-infrastructure.

(h) The director of transportation shall submit to the legislature an annual report of the status and progress of the safe routes to school program, including an accounting of all grants provided through the program and a timeline for future grant awards, no later than twenty days prior to the convening of each regular session.

(i) Nothing in this section shall be construed as requiring actions or omissions that would render the State ineligible to receive funds for the safe routes to school program under the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law No. 109-59.

§291C-B Safe routes to school program special fund; establishment. (a) There is established in the state treasury the safe routes to school program special fund, into which shall be deposited:

- (1) Assessments collected for speeding in a school zone, pursuant to section 291C-104; and
- (2) Safe routes to school program surcharges collected in accordance with sections 291- and 291C-C.

Moneys in the fund shall be distributed by the director of transportation to the respective counties to expend.

(b) The director of transportation shall adopt rules pursuant to chapter 91 to implement this section. The rules shall establish a formula by which the moneys in the fund shall be distributed to each county and provide how the county shall expend the moneys for the purposes under 291C-A in public school zones.

§291C-C Safe routes to school program surcharge. (a) In addition to any other civil penalties ordered by the court, a person who violates any provision under part X shall be ordered to pay a safe routes to school program surcharge of \$10 if the violator is not already required to pay a safe routes to school program surcharge for the violation.

(b) The person shall pay the surcharge to the clerk of the court. The surcharge shall be deposited with the director of finance who shall transmit the surcharge to the safe routes to school program special fund established under section 291C-B."

SECTION 3. Section 291C-104, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Any person who violates this section shall be fined \$250 ~~and~~, may be charged with a surcharge of up to \$100 to be deposited into the trauma system special fund~~[-]~~, and, where the violation involves speeding in a school zone, shall be charged with a surcharge of \$25 to be deposited into the safe routes to school program special fund."

SECTION 4. There is appropriated out of the safe routes to school program special fund the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2012-2013 for the safe routes to school program.

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The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 5. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 8. This Act shall take effect on September 1, 2012.

(Approved July 10, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.