

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2147

**Introduced by Assembly Member V. Manuel Pérez
(Coauthors: Assembly Members Eng and Solorio)**

February 18, 2010

An act to amend Section 2333.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, as amended, V. Manuel Pérez. Safe Routes to School construction program.

Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals.

This bill would additionally ~~authorized~~ *authorize* grants to be made to ~~schools in cooperation with a local transportation agency school districts~~ and would require, in rating a proposal, the consideration of the proposal’s benefit to a low-income school, ~~as defined, and the use of a public participation process, including a public meeting and the degree to which the proposal reflects the participation, input, and priorities of community stakeholders,~~ as specified. *The bill would also require the department to form a multidisciplinary committee to advise the department, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In 1999, the Legislature enacted Assembly Bill 1475
4 (Chapter 663, Statutes of 1999), which established the
5 state-administered Safe Routes to School (SR2S) program.
6 California was the first state in the country to create a state safe
7 routes to school program, thereby demonstrating its commitment
8 and investment to safe and healthy children.

9 (b) In 2007, the passage of Assembly Bill 57 (Chapter 673,
10 Statutes of 2007) extended the SR2S program indefinitely. To
11 date, the SR2S program has awarded \$243.5 million for local
12 projects.

13 (c) Since its creation, the SR2S program has improved safety
14 for child pedestrians and bicyclists, encouraged children to lead
15 healthy and active lifestyles, and has facilitated projects that reduce
16 traffic congestion, fuel consumption, and air pollution.

17 (d) The Department of Transportation, in consultation with the
18 Federal Highway Administration, is responsible for the
19 administration of the program. Specifically, the department is
20 required to make grants available to local governmental agencies
21 based on the results of a statewide competition. The rating of grant
22 proposals is guided by factors outlined both in statute and within
23 program guidelines.

24 (e) In an effort to improve the SR2S program and the
25 implementation of the grant awards, the department has, over the
26 years, made guideline and scoring modifications with

1 recommendations from an informal advisory committee. ~~More~~
2 ~~recently~~ *Recently*, the department has ~~demonstrated more of a~~
3 ~~expanded its~~ commitment to *supporting* low-resource schools by
4 contracting with the State Department of Public Health and the
5 University of California, San Francisco, to evaluate the
6 demographics of SR2S-funded communities and identify barriers
7 in accessing SR2S funds.

8 (f) In recent years, in anticipation of the appropriation of billions
9 of dollars of federal transportation infrastructure funding, national,
10 state, and local organizations, and federal, state, and local elected
11 officials have coalesced around the question of equitable
12 development and equitable funding, initiating a critical dialogue,
13 at the state and federal levels, about how transportation funds
14 should be spent and how those expenditures will benefit
15 disadvantaged communities.

16 (g) Governor Schwarzenegger has taken a strong interest in the
17 SR2S program as “a critical program in the fight against obesity.”
18 The Governor is also interested in identifying ways to actively
19 engage low-income communities to increase their participation in
20 the SR2S program and their receipt of funding. To accomplish this
21 goal, the Governor, in a letter to the department dated February
22 24, 2010, has asked for the department to determine the
23 socioeconomic status of past and current SR2S participants and
24 the appropriate level of participation among these applicants, and
25 to review other Safe Routes to School programs to determine how
26 they have been effective in securing high participation levels from
27 low socioeconomic status communities. Based on its findings, the
28 Governor has directed the department to adapt the SR2S program
29 to “funding priorities and criteria to increase participation in SR2S
30 among low socioeconomic status, disadvantaged schools and
31 communities.”

32 (h) As the department implements the Governor’s directives
33 and makes improvement to the guidelines and application rubric,
34 it is incumbent on the state to have these program improvements
35 codified and make necessary changes to the law to ensure the
36 commitment to equitable access to the SR2S program remains
37 constant.

38 SEC. 2. Section 2333.5 of the Streets and Highways Code is
39 amended to read:

1 2333.5. (a) The department, in consultation with the
 2 Department of the California Highway Patrol, shall establish and
 3 administer a “Safe Routes to School” construction program for
 4 construction of bicycle and pedestrian safety and traffic calming
 5 projects.

6 (b) The department shall award grants under the program to
 7 local governmental agencies, including ~~schools in cooperation~~
 8 ~~with a local transportation agency, based on the results of a~~
 9 ~~statewide competition that requires submission of proposals for~~
 10 ~~funding and rates those proposals on all of the school districts,~~
 11 *based on the results of a statewide competition. In the case of an*
 12 *application submitted by a school district, the department may*
 13 *require that a city or county serve as a responsible agency to*
 14 *ensure that local design standards and applicable state and federal*
 15 *requirements are met. The proposals for funding shall be rated on*
 16 *all of the following factors:*

- 17 (1) Demonstrated needs of the applicant.
- 18 (2) Potential of the proposal for reducing child injuries and
 19 fatalities.
- 20 (3) Potential of the proposal for encouraging increased walking
 21 and bicycling among students.
- 22 (4) Identification of safety hazards.
- 23 (5) Identification of current and potential walking and bicycling
 24 routes to school.
- 25 (6) ~~Consultation and support for projects by Degree to which~~
 26 ~~the proposal reflects the participation, input, and priorities of~~
 27 ~~community stakeholders, including, but not limited to, school-based~~
 28 ~~associations, local traffic engineers, local elected officials, law~~
 29 ~~enforcement agencies, school officials, and other relevant~~
 30 ~~community stakeholders parents, students, and business and~~
 31 ~~community leaders.~~
- 32 (7) ~~Use of a public participation process, including, but not~~
 33 ~~limited to, a public meeting that satisfies the following:~~
 - 34 (A) ~~Involves the public, schools, parents, teachers, local~~
 35 ~~agencies, the business community, key professionals, and others.~~
 - 36 (B) ~~Identifies community priorities and gathers community~~
 37 ~~input to guide the development of projects.~~
 - 38 (C) ~~Ensures that community priorities are reflected in the~~
 39 ~~proposal.~~

1 ~~(D) Secures support for the project by relevant community~~
2 ~~stakeholders.~~

3 ~~(8)~~

4 ~~(7) Benefit to a low-income school, defined for purposes of this~~
5 ~~section to mean a school where at least 75 percent of students~~
6 ~~receive free or reduced price meals under the National School~~
7 ~~Lunch Program.~~

8 *(c) The department shall form a multidisciplinary Safe Routes*
9 *to School committee to advise the department that includes*
10 *representatives of relevant state agencies and other stakeholders,*
11 *including nonprofit organizations, cities, schools, and no less than*
12 *one representative of a low-income community.*

13 ~~(e)~~

14 *(d) Any annual budget allocation to fund grants described in*
15 *subdivision (b) shall be in addition to any federal funding received*
16 *by the state that is designated for “Safe Routes to School” projects*
17 *pursuant to Section 1404 of SAFETEA-LU or any similar program*
18 *funded through a subsequent transportation act.*

19 ~~(d)~~

20 *(e) Any federal funding received by the state that is designated*
21 *for “Safe Routes to School” projects shall be distributed by the*
22 *department under the competitive grant process, consistent with*
23 *all applicable federal requirements.*

24 ~~(e)~~

25 *(f) Prior to the award of any construction grant or the*
26 *department’s use of those funds for a “Safe Routes to School”*
27 *construction project encompassing a freeway, state highway, or*
28 *county road, the department shall consult with, and obtain approval*
29 *from, the Department of the California Highway Patrol, ensuring*
30 *that the “Safe Routes to School” proposal complements the*
31 *California Highway Patrol’s Pedestrian-Corridor Safety Corridor*
32 *and Bicyclist Enforcement and Education Program and is consistent*
33 *with its statewide pedestrian and bicycle safety statistical analysis.*

34 ~~(f)~~

35 *(g) The department is encouraged to coordinate with law*
36 *enforcement agencies’ community policing efforts in establishing*
37 *and maintaining the “Safe Routes to School” construction program.*

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