



GOV. MSG. NO. 1434

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 10, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 10, 2012, the following bill was signed into law:

HB2626 HD2 SD2 CD1

RELATING TO SAFE ROUTES TO SCHOOL.
Act 317 (12)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

on _____

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 2626
H.D. 2
S.D. 2
C.D. 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. Chapter 291, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§291- Safe routes to school program surcharge. (a) In
5 addition to any other civil penalties ordered by the court, a
6 person who violates any provision under this part shall be
7 ordered to pay a safe routes to school program surcharge of \$10.

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

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

15 "§291C-A State and county safe routes to school programs;
16 coordinators; grants; reports. (a) There is established,
17 within the department of transportation, a safe routes to school
18 program that shall, among other things, enhance traffic safety



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

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

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

18 (d) The director of transportation, through the safe
19 routes to school program coordinator and in consultation with
20 county safe routes to school program coordinators, shall develop
21 a mechanism to provide funds to county safe routes to school
22 programs from the safe routes to school program special fund



1 established under section 291C-B to be used for the
2 implementation of county safe routes to school program projects.

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

5 (1) Fill a permanent, full-time position of safe routes to
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 (3) Work in conjunction with county designated safe routes
11 to school stakeholders and train volunteer
12 facilitators for school-based workshops and community-
13 based projects, including flexible training schedules;

14 (4) Train potential grant requestors and stakeholder
15 groups in federal and state requirements necessary for
16 procurement, contracts, design, and construction; and

17 (5) Allocate not less than ten per cent and not more than
18 thirty per cent of safe routes to school funds for
19 non-infrastructure-related activities or activities to
20 encourage walking and bicycling to school, public
21 awareness campaigns, student sessions on bicycle and
22 pedestrian safety, or other non-infrastructure



1 activities as prescribed under section 1404 of the
2 2005 Safe, Accountable, Flexible, Efficient
3 Transportation Equity Act: A Legacy for Users, Public
4 Law No. 109-59.

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

7 (1) Identify the modes of travel used by students to get
8 to school;

9 (2) Determine the number of students using each mode of
10 travel;

11 (3) Survey the parents of each student to gather
12 information regarding the factors involved in the
13 choice of transportation mode for the student and,
14 where the student travels by automobile or bus,
15 conditions that would need to change for the parent to
16 permit the student to walk or ride a bicycle to
17 school, and obstacles to walking and biking; and

18 (4) Identify traffic infrastructure elements in the
19 immediate vicinity of each school, including multi-
20 lane roadways, speed limits, and traffic calming
21 features that, either by their presence or absence,



1 contribute to the use of automobiles as a student's
2 mode of travel to school.

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

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

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



1 §291C-B Safe routes to school program special fund;

2 establishment. (a) There is established in the state treasury
3 the safe routes to school program special fund, into which shall
4 be deposited:

5 (1) Assessments collected for speeding in a school zone,
6 pursuant to section 291C-104; and

7 (2) Safe routes to school program surcharges collected in
8 accordance with sections 291- and 291C-C.

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

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

17 §291C-C Safe routes to school program surcharge. (a) In
18 addition to any other civil penalties ordered by the court, a
19 person who violates any provision under part X shall be ordered
20 to pay a safe routes to school program surcharge of \$10 if the
21 violator is not already required to pay a safe routes to school
22 program surcharge for the violation.



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

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

7 "(c) Any person who violates this section shall be fined
8 \$250 [~~and~~], may be charged with a surcharge of up to \$100 to be
9 deposited into the trauma system special fund[-], and, where the
10 violation involves speeding in a school zone, shall be charged
11 with a surcharge of \$25 to be deposited into the safe routes to
12 school program special fund."

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

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

19 SECTION 5. In codifying the new sections added by section
20 2 of this Act, the revisor of statutes shall substitute
21 appropriate section numbers for the letters used in designating
22 the new sections in this Act.



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

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

6 SECTION 8. This Act shall take effect on September 1,
7 2012.

APPROVED this 10 day of JUL , 2012

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII

