

GOV. MSG. NO. 1347

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 6, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2023, the following bill was signed into law:

HB600 HD1 SD2 CD2

RELATING TO SAFE ROUTES TO SCHOOL.
ACT 244

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 6 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 600
H.D. 1
S.D. 2
C.D. 2

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



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



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.

16 Accordingly, the purpose of this Act is to prioritize the
17 safety of keiki by fixing and simplifying the safe routes to
18 schools program, re-engaging community stakeholders, and
19 appropriating funds to move priority projects and save lives by:

- 20 (1) Enhancing the safe routes to school program by
21 developing strategies and facilitating



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 "§291C- 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 (B) 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 (C) 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 (D) 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) Beginning July 1, 2024, ensure distribution of moneys
15 accrued in the safe routes to school special fund,
16 prioritizing continuity of existing programming;
- 17 (3) Beginning July 1, 2024, review project proposals and
18 select priority projects within one mile of any school
19 or place of learning pursuant to sections 286-7.5,
20 264-142, and 291C-3 to be funded through the safe



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 (c) The safe routes to school advisory committee shall
9 consist of 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;



- 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;



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 members of the public; experts in the field; and
15 county, state, 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 reimbursed for expenses, including travel expenses, necessary
19 for the performance of their duties.



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



1 shall provide a central point of contact for the [~~federal~~] safe
2 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
14 program special fund [~~to the counties~~] in coordination with the
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).
18 No later than twenty days prior to the convening of each regular
19 session, each county shall submit to the legislature an annual
20 report on the status and progress of its county safe routes to



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 (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
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



1 awareness campaigns, student sessions on bicycle and
2 pedestrian safety, or other non-infrastructure
3 activities [~~as prescribed under section 1404 of the~~
4 ~~2005 Safe, Accountable, Flexible, Efficient~~
5 ~~Transportation Equity Act: A Legacy for Users, Public~~
6 ~~Law No. 109-59]~~.

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

- 9 ~~(1) Identify the modes of travel used by students to get~~
10 ~~to school;~~
- 11 ~~(2) Determine the number of students using each mode of~~
12 ~~travel;~~
- 13 ~~(3) Survey the parents of each student to gather~~
14 ~~information regarding the factors involved in the~~
15 ~~choice of transportation mode for the student and,~~
16 ~~where the student travels by automobile or bus,~~
17 ~~conditions that would need to change for the parent to~~
18 ~~permit the student to walk or ride a bicycle to~~
19 ~~school, and obstacles to walking and biking; and~~
- 20 ~~(4) Identify traffic infrastructure elements in the~~
21 ~~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 ~~[(h)] (g)~~ The ~~[director of transportation]~~ 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.



1 ~~[(i) Nothing in this section shall be construed as~~
2 ~~requiring actions or omissions that would render the State~~
3 ~~ineligible 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.

APPROVED this 6th day of July , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 600, HD 1, SD 2, CD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

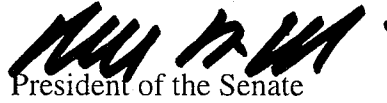


Brian L. Takeshita
Chief Clerk
House of Representatives


THE SENATE OF THE STATE OF HAWAI'I

Date: May 4, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate