

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

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

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

The legislature further finds that the state department of transportation's safe routes to school program was initially created by section 219C-3, Hawaii Revised Statutes, in response to the passage of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, also known as the SAFETEA-LU Act, and attendant funding. The SAFETEA-LU Act funding expired in 2012, and similar federal funds for this purpose have since ceased to be distributed to the states. The legislature finds that section 291C-2, Hawaii Revised Statutes, should be amended because the expiration of federal funds means that the conformance to onerous and complicated federal requirements is no longer needed, and, accordingly, the program can be simplified.

The legislature further finds that the primary source of funding for the safe routes to schools program currently comes from surcharges on citations collected from traffic moving violations, which are deposited into the safe routes to school special fund. However, in 2021, the legislature enacted Act 9, Special Session Laws of Hawaii 2021, which transferred the responsibility of allocating moneys to county safe routes to school programs from the state department of transportation to the legislature. However, it has not been practical for the legislature to distribute safe routes to schools special funds for program objectives on an annual basis because the safe routes to school program is a year-round program that requires regular collaboration between the State, counties, and community stakeholders to develop and implement programming and projects year-round. The lack of a regular process and procedure has led to safe routes to school program special fund moneys not being distributed since 2020, disrupting a previously reliable source of funding that communities and counties relied on for safe routes to school programming and project development.

Since then, traffic fatalities have increased to record levels, with 2022 seeing a record high one hundred seventeen traffic fatalities and five hundred seventy-two serious injuries, with many in and around schools. In 2023, two deaths immediately outside Kaelepulu elementary school and McKinley high school have illustrated the need for immediate action to 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 transportation-related projects that will ensure that keiki are able to safely walk, bike, or roll to common destinations through the Vision Zero policy adopted by the department of transportation and county transportation departments pursuant to section 286-7.5, Hawaii Revised Statutes; the ground transportation facilities plans developed and implemented by the department of transportation and counties pursuant to section 264-142, Hawaii Revised Statutes; and the safe routes to school program under section 291C-3, Hawaii Revised Statutes;
- (2) Establishing a safe routes to school advisory committee of government and community stakeholders to advise the State in carrying out the purposes of the safe to schools program;
- (3) Authorizing the safe routes to school advisory committee to develop an application process for projects under the safe routes to school program and determine awards for selected projects; and
- (4) Appropriating funds for priority projects that will improve safety and allow keiki and their families to safely walk, bike, or roll to school.

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

“§291C- Safe routes to school advisory committee. (a) There is established within the planning branch of the highways division of the department of transportation for administrative purposes a safe routes to school advisory committee to advise the State on strategies to ensure that each child in the State is able to safely bike, walk, or roll to school.

(b) The safe routes to school advisory committee shall:

- (1) Develop a comprehensive, statewide safe routes to school plan that shall include:
 - (A) Goals, strategies, and performance metrics that ensure accountability for improving safety, active transportation mode share, community investment in supportive programming, and infrastructure quality, pursuant to sections 286-7.5 and 264-142;
 - (B) Methods to ensure stability and consistency of the safe routes to school program special fund, which shall provide for infrastructure projects and continuity of existing programmatic (non-infrastructure) work;
 - (C) Recommendations to streamline and facilitate efforts by communities to apply for and implement projects pursuant to sections 286-7.5, 264-142, and 291C-3; and
 - (D) Identification of, and recommendations for, additional funding, planning, and programming that are inclusive and equitable pursuant to sections 286-7.5 and 264-142;
- (2) Beginning July 1, 2024, ensure distribution of moneys accrued in the safe routes to school special fund, prioritizing continuity of existing programming;
- (3) Beginning July 1, 2024, review project proposals and select priority projects within one mile of any school or place of learning pursuant to sections 286-7.5, 264-142, and 291C-3 to be funded through

- the safe routes to school program or otherwise be prioritized and implemented by the department;
- (4) Submit annual reports on the activities and recommendations of the safe routes to school program to the governor and legislature no later than December 31 of each year; and
 - (5) Meet no less than monthly.
- (c) The safe routes to school advisory committee shall consist of the following members or their designees:
- (1) One member to be appointed by the president of the senate and one member to be appointed by the speaker of the house of representatives, who shall chair the advisory committee annually on a rotating basis;
 - (2) The department of transportation's safe routes to school program coordinator;
 - (3) The deputy director of the department of transportation's highways division;
 - (4) One member representing the physical activity and nutrition section of the department of health's chronic disease prevention and health promotion division;
 - (5) The superintendent of education;
 - (6) The co-chairs of the Hawaii climate change mitigation and adaptation commission;
 - (7) One member representing the Hawaii state energy office;
 - (8) One member representing the Hawaii state council on developmental disabilities;
 - (9) One member representing each county agency with jurisdiction over transportation;
 - (10) One member representing an organization with a focus on bicycling to be appointed by the governor, pursuant to section 26-34, for a three-year term;
 - (11) One member representing an organization with a focus on senior citizens and their families to be appointed by the governor, pursuant to section 26-34, for a three-year term;
 - (12) One member representing an organization that understands the ways families with young children navigate through the State to be appointed by the governor, pursuant to section 26-34, for a three-year term;
 - (13) One member representing an organization with a focus on public health and mobility to be appointed by the governor, pursuant to section 26-34, for a three-year term;
 - (14) One member representing an organization with a focus on transportation equity and mobility to be appointed by the governor, pursuant to section 26-34, for a three-year term; and
 - (15) The chairs of the house of representatives standing committee and the senate standing committee with primary jurisdiction over transportation, who shall serve as non-voting, ex-officio members.

The chair of the committee may request the participation or input of members of the public; experts in the field; and county, state, or federal officials or others as necessary.

(d) Members of the safe routes to school advisory committee shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(e) No member of the safe routes to school advisory committee shall be subject to chapter 84 solely because of the member's service on the committee."

SECTION 3. Section 291C-3, Hawaii Revised Statutes, is amended to read as follows:

"§291C-3 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. Beginning July 1, 2024, the program shall be responsible for developing and publishing goals and performance measures in coordination with the safe routes to school advisory committee and providing technical assistance to counties and community organizations in support of projects and programs that advance state and county goals.

(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 [legislature shall appropriate] department of transportation shall expend~~ funds from the safe routes to school program special fund ~~[to the counties]~~ in coordination with the safe routes to school advisory committee to be used for the implementation of ~~[county]~~ the safe routes to school program plan and projects[-] pursuant to section 291C- (b)(2) and (3). No later than twenty days prior to the convening of each regular session, each county shall submit to the legislature an annual report on the status and progress of its county safe routes to school program, including an accounting of all grants provided through the program and a timeline for future grant awards.

(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 pe-

destrian 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].

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

- (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) (f) ~~The [director of transportation, in consultation with organizations that have received non-infrastructure and pending infrastructure grants,] safe routes to school advisory committee established pursuant to section 291C-~~ shall develop a streamlined process for the safe routes to school program that meets federal and state requirements, simplifies the grant proposal application process, and expedites release of funding after completion of school-based and community-based projects for infrastructure and non-infrastructure.

(h) (g) ~~The [director of transportation] safe routes to school advisory committee established pursuant to section 291C-~~ 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.]”~~

SECTION 4. There is appropriated out of the state highway fund the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the safe routes to school program special fund.

SECTION 5. There is appropriated out of the safe routes to school program special fund the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to:

- (1) Support and facilitate the safe routes to school program, projects, and advisory committee; and
- (2) Match any federal funds received by the State for costs related to sidewalk and other infrastructure planning, development, and construction.

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

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2023.

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.