

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2147

Introduced by Assembly Member V. Manuel Perez

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 Perez. Safe Routes to School ~~Construction Program~~. *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 require, in rating a proposal, the consideration of the proposal’s benefit to a disadvantaged community, as defined, *the use of a public participation process, and the degree to which the public’s concerns are incorporated into the proposal. The bill would require the department, for the purpose of ensuring community engagement and feedback and to provide notice for application submissions for the program, to coordinate with regional transportation planning agencies whose counties are subject to the unmet-needs process, as specified. The bill would require counties*

subject to the unmet-needs process that are seeking grants under the program to solicit information through the community engagement process about local safe routes to school needs. The bill would prohibit the department from limiting the number of applications that may be submitted for grants under the program on behalf of disadvantaged communities.

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 date,
11 the SR2S program has awarded \$243.5 million for local projects.

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

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

23 (e) In an effort to improve the SR2S program and the
24 implementation of the grant awards, the department has, over the
25 years, made guideline and scoring modifications with
26 recommendations from an informal advisory committee. More
27 recently, the department has demonstrated more of a commitment
28 to low-resource schools by contracting with the State Department
29 of Public Health and the University of California, San Francisco,

1 to evaluate the demographics of SR2S-funded communities and
2 identify barriers in accessing SR2S funds.

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

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

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

33 SECTION 1.

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

36 2333.5. (a) The department, in consultation with the
37 Department of the California Highway Patrol, shall establish and
38 administer a “Safe Routes to School” construction program for
39 construction of bicycle and pedestrian safety and traffic calming
40 projects.

1 (b) The department shall award grants to local governmental
2 agencies under the program based on the results of a statewide
3 competition that requires submission of proposals for funding and
4 rates those proposals on all of the following factors:

5 (1) Demonstrated needs of the applicant.

6 (2) Potential of the proposal for reducing child injuries and
7 fatalities.

8 (3) Potential of the proposal for encouraging increased walking
9 and bicycling among students.

10 (4) Identification of safety hazards.

11 (5) Identification of current and potential walking and bicycling
12 routes to school.

13 (6) Consultation and support for projects by school-based
14 associations, local traffic engineers, local elected officials, law
15 enforcement agencies, school officials, and other relevant
16 community stakeholders.

17 (7) Benefit to a disadvantaged community, as defined in Section
18 79505.5 of the Water Code.

19 (8) *Use of a public participation process and the degree to*
20 *which the public's concerns are incorporated into the proposal,*
21 *including those counties that participate in the unmet-needs*
22 *process.*

23 (c) Any annual budget allocation to fund grants described in
24 subdivision (b) shall be in addition to any federal funding received
25 by the state that is designated for "Safe Routes to School" projects
26 pursuant to Section 1404 of SAFETEA-LU or any similar program
27 funded through a subsequent transportation act.

28 (d) Any federal funding received by the state that is designated
29 for "Safe Routes to School" projects shall be distributed by the
30 department under the competitive grant process, consistent with
31 all applicable federal requirements.

32 (e) *For the purpose of ensuring community engagement and*
33 *feedback, and to provide notice for application submissions for*
34 *the program, the department shall coordinate with regional*
35 *transportation planning agencies with counties subject to the*
36 *unmet-needs process as set forth in Section 99232.1 of the Public*
37 *Utilities Code. Counties that are required to participate in the*
38 *unmet-needs process and that are seeking grants under the*
39 *program shall solicit information through the community*
40 *engagement process about local safe routes to school needs.*

1 (f) *The department shall not impose a cap or limit on the number*
2 *of applications that may be submitted on behalf of disadvantaged*
3 *communities.*

4 ~~(e)~~

5 (g) Prior to the award of any construction grant or the
6 department's use of those funds for a "Safe Routes to School"
7 construction project encompassing a freeway, state highway or
8 county road, the department shall consult with, and obtain approval
9 from, the Department of the California Highway Patrol, ensuring
10 that the "Safe Routes to School" proposal compliments the
11 California Highway Patrol's Pedestrian Corridor Safety Program
12 and is consistent with its statewide pedestrian safety statistical
13 analysis.

14 ~~(f)~~

15 (h) The department is encouraged to coordinate with law
16 enforcement agencies' community policing efforts in establishing
17 and maintaining the "Safe Routes to School" construction program.