

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 grants to be made to schools in cooperation with a local transportation agency and would require*, in rating a proposal, the consideration of the proposal’s benefit to a

~~disadvantaged community~~ *low-income school*, as defined, and the use of a public participation process, including a public meeting, 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
27 recommendations from an informal advisory committee. More
28 recently, the department has demonstrated more of a commitment
29 to low-resource schools by contracting with the State Department
30 of Public Health and the University of California, San Francisco,
31 to evaluate the demographics of SR2S-funded communities and
32 identify barriers in accessing SR2S funds.

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

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

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

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

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

(b) The department shall award grants *under the program* to local governmental agencies ~~under the program~~, *including schools in cooperation with a local transportation agency*, based on the

1 results of a statewide competition that requires submission of
2 proposals for funding and rates those proposals on all of the
3 following factors:

4 (1) Demonstrated needs of the applicant.

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

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

9 (4) Identification of safety hazards.

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

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

16 (7) Use of a public participation process, including, but not
17 limited to, a public meeting that satisfies the following:

18 (A) Involves the public, schools, parents, teachers, local
19 agencies, the business community, key professionals, and others.

20 (B) Identifies community priorities and gathers community
21 input to guide the development of projects.

22 (C) Ensures that community priorities are reflected in the
23 proposal.

24 (D) Secures support for the project by relevant community
25 stakeholders.

26 (8) Benefit to a ~~disadvantaged community~~ *low-income school*,
27 defined for purposes of this section to mean a ~~community with an~~
28 ~~annual median household income that is less than 80 percent of~~
29 ~~the statewide annual median household income.~~ *school where at*
30 *least 75 percent of students receive free or reduced price meals*
31 *under the National School Lunch Program.*

32 (c) Any annual budget allocation to fund grants described in
33 subdivision (b) shall be in addition to any federal funding received
34 by the state that is designated for “Safe Routes to School” projects
35 pursuant to Section 1404 of SAFETEA-LU or any similar program
36 funded through a subsequent transportation act.

37 (d) Any federal funding received by the state that is designated
38 for “Safe Routes to School” projects shall be distributed by the
39 department under the competitive grant process, consistent with
40 all applicable federal requirements.

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

10 (f) The department is encouraged to coordinate with law
11 enforcement agencies' community policing efforts in establishing
12 and maintaining the "Safe Routes to School" construction program.

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