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)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO SAFE ROUTES TO SCHOOL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

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

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

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

"§291C-A 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.

(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 director of transportation, through the safe routes to school program coordinator and in consultation with county safe routes to school program coordinators, shall develop a mechanism to provide funds to county safe routes to school programs from the safe routes to school program special fund.
established under section 291C-B to be used for the
implementation of county safe routes to school program projects.

(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
pedestrian 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.

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

(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,
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1. Contribute to the use of automobiles as a student's mode of travel to school.

2. (9) The director of transportation, in consultation with organizations that have received non-infrastructure and pending infrastructure grants, shall develop a streamlined process for the safe routes to school program that meets federal and state requirements or amendments 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.

3. Nothing in this section shall be construed as nullifying any grant awards, no later than twenty days prior to the convening of each regular session, including an accounting of all grants provided through the program, including an accounting of all community-based projects for infrastructure and non-infrastructure for infrastructure and non-infrastructure projects for school-based and release of funding after completion of school-based and expedite the application process, and endorsing the safe routes to school program that meets federal and state infrastructure grants, shall develop a streamlined process for organizations that have received non-infrastructure and pending projects for transportation, in consultation with.

4. The director of transportation shall submit to the legislature an annual report of the status and progress of the safe routes to school program, including an accountability report of all

5. The director of transportation 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, including an accounting of all community-based projects for infrastructure and non-infrastructure.
§291C-B Safe routes to school program special fund; establishment. (a) There is established in the state treasury the safe routes to school program special fund, into which shall be deposited:

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

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

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

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

§291C-C Safe routes to school program surcharge. (a) In addition to any other civil penalties ordered by the court, a person who violates any provision under part X shall be ordered to pay a safe routes to school program surcharge of $10 if the violator is not already required to pay a safe routes to school program surcharge for the violation.
(b) The person shall pay the surcharge to the clerk of the court. The surcharge shall be deposited with the director of finance who shall transmit the surcharge to the safe routes to school program special fund established under section 291C-B.

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

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

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

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

SECTION 5. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.
SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

APPROVED this 10th day of JUL, 2012

GOVERNOR OF THE STATE OF HAWAI'I