



New York State Legislation Supporting Safe Routes to School and Healthy Infrastructure

Background

Safe Routes to School initially started as a grass routes initiative to encourage children safe transportation alternatives to school. In New York State, “Transportations Alternatives, New York City’s advocates for walking and bicycling and sensible transportation” kicked off the first Safe Routes to School campaign in the Bronx in 1997. Since that time, Safe Routes to School has become a nationally sanctioned program with millions of dollars of federal funding allocated between 2005 and 2009. In New York State, Assembly person Galef and Senator Kuhl sponsored the Safe Routes to School State Law. Jerry Nadler is the transportation committee chair. Currently no safe routes to school coordinator has been named according to the New York State DOT in accordance with August 2005 Transportation Bill.

As of the 2001- 2002 school year approximately 2 million students were transported to and from school by more than 700 school districts in New York at a total cost of \$1.9 billion dollars. Prior to that, during the 1998-1999 school year, New York State transported nearly 2 million students to and from school at a total cost of \$1.5 billion, an increase of nearly 27% in two school years. If annual transportation cost continue to increase at a rate of 13% per year, than it would be projected that school bus transportation would reach \$3.0 billion by the 2005-2006 School year.

Below is a summary of the Safe Routs to School Law in New York State, the School Safety Zone Law, New York Sate Traffic Calming Law, and New York State School Slow Speed Law, followed by a summary of the new Federal Transportation Act, SAFETEA-LU.

LEGISLATION

School Safety Zone Law – Section 3635-b of the Education Law

- If a child lives within a school safety zone (which is a designated area within the school) the pupil may be provided transportation if their most direct walking route to school will transverses a hazardous zone.
- The transportation must be authorized by the board of education and can be provided to students between kindergarten and eighth grades if

authorized within 2 miles of the school, and for students between the ninth and twelfth grades within the three miles of the school.

- **Funding** - New York State Board of Education includes the appropriations to fund transportation within a school safety zone if the school district provides such transportation services within a school safety zone they are not eligible for State Transportation Aid, and are not considered ordinary contingent expenses.

Amended 26, Chapter 69 of 1992

- The above law was amended on May 27, 2005 by Bill S05501 which was sponsored by Flanagan and McEneny and; Eliminates expiration of and makes permanent provisions of the education law providing for the transportation of pupils in child safety zones and the provisions of the transportation law requiring the department to establish regulations of hazardous zones.

NYS Safe Routes to School Law – Chapter 444 of the Transportation Law
(Amends the Transportation Law by adding a new subdivision 35 to Section 14.)

- Section 1 provides that the Transportation Department shall establish and administer a Safe Routes to School program, within amounts appropriated therefore, to eliminate or reduce physical impediments to primary and secondary school-aged children walking or bicycling to school.
- The Transportation Department will approve funding for authorized projects made upon application by the project sponsor, for constructing, reconstructing, enhancing, improving, replacing, reconditioning, restoring, rehabilitating or preserving crosswalks, sidewalks, bicycle lanes and traffic calming measures within two miles of a primary school and three miles from a secondary school. Projects would have to have a ten-year service life.
- **Funding**- No Dedicate Fund

NYS Traffic Calming Law Vehicle and Traffic Laws - Title 8, Article 39, Section 1642, Paragraph 26

- Establishment of maximum speed limits below twenty-five miles per hour at which motor vehicles may proceed on or along designated highways within such city for the explicit purpose of implementing traffic calming measures as such term is defined herein;
 - Provided, however, that no speed limit shall be set below fifteen miles per hour nor shall such speed limit be established where the traffic calming measure to be implemented consists solely of a traffic control sign.
 - Nothing contained herein shall be deemed to alter or affect the establishment of school speed limits pursuant to the provisions of section sixteen hundred forty-three of this article. For the purposes

of this paragraph, "traffic calming measures" shall mean any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.

- Sponsored by: Senators: Diaz, Andrews, Brown, Hassell-Thompson, and Oppenheimer

NYS School Slow Speed Law

Vehicle and Traffic Laws - Title 8, Article 39, Section 1643, Paragraph 26

- Concerning the speed limits on highways in cities and villages.
- The legislative body of any city or village shall establish speed limits for private and local roads open to public motor vehicle traffic, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit. Local law, ordinance, order, rule or regulation may establish the maximum speed limits at which vehicles may proceed within such city or village, within designated areas of such city or village or on or along designated highways within such city or village higher or lower than the fifty-five miles per hour maximum statutory limit.
- No such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than thirty miles per hour.
- No such speed limit applicable on or along designated highways within such city or village shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway, and except that within the cities of Buffalo and Rochester speed limits may be established at not less than fifteen miles per hour for any portion of a highway within a city park.

“Safe, Accountable, Flexible, Efficient Transportation Equity Act”
SAFETEA-LU Act
Title 1 - Federal Aid Highways Subtitle D- Highway Safety
Section 1404 – Safe Routes to School Program

Background

The SAFETEA-LU AACT was signed into law on August 10, 2005 and guarantee’s funding for highways, highway safety, and public transportation of \$244.1 billion. This act is the largest surface transportation investment in the Nation’s history.

Legislation

The purpose of the program is to:

- Enable and encourage children including those with disabilities to walk and bicycle to school
- Make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active life style from an early age
- Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of school
- Focuses on primary and middle schools, which is defined by kindergarten through eighth grade.

Appropriation of Funds:

- Amounts made available for Safe Routes to School for a fiscal year shall be apportioned among the states in the ratio that:
 - The total student enrollment in primary and middle schools in each State bears to:
 - The total student enrollment in primary and middle schools in all States
- Minimum Appointment
 - No State will receive less than \$1,000,000 for a fiscal year under this program
- Set Aside For Administrative Expenses
 - No more than 3,000,000 should be set aside for administrative expenses in the Secretary in carrying out this subsection
- Determination of Student Enrollment
 - Student enrollment determination is made under the secretary
- Administration of Amounts
 - Amounts apportioned to a State under Safe Routes to School shall be administered by the State Department of Transportation
- Eligible Recipients

- Amounts apportioned to the state under safe routes to school will be used by the state to provide financial assistance to the State, local and regional agencies including non profit organizations that demonstrate an ability to meet the requirements
- The following funds have be allocated for the National Safe Routes to School Program:
 - 1) \$54M for fiscal year 2005;
 - 2) \$100M for fiscal year 2006;
 - 3) \$124M for fiscal year 2007;
 - 4) \$150M for fiscal year 2008;
 - 5) \$183M for fiscal year 2009;
- The following funds have be allocated for State of New York by the SAFETEA-LU Act, (including but not limited to Safe Routes to School)
 - 6) Approximately \$1.056B for fiscal year 2006;
 - 7) Approximately \$1.095B for fiscal year 2007;
 - 8) Approximately \$1.179B for fiscal year 2008;
 - 9) Approximately \$1.246B for fiscal year 2009;

Eligible Projects and Activities

- Infrastructure Related Projects and Activities
 - Apportioned money from the state can be used for the planning, design, and construction of infrastructure related projects that will substantially improve the ability of student to walk and bicycle to school, including sidewalk improvements, traffic calming, and speed reduction improvements, pedestrian and bicycle crossing improvements, on street bicycle facilities, parking facilities, and traffic diversion improvements in the vicinity of schools (vicinity to school is defined as approximately 2 miles or the area within bicycling and walking distance of the school)
 - Infrastructure related projects may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.
- Non Infrastructure Related Projects and Activities
 - Funds may be used for non-infrastructure related activities to encourage walking and bicycling to school including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health and environment, and funding for training volunteers and managers of safe routes to school programs.

- Not less than 10 percent and no more than 30 percent of the amount apportioned per fiscal year should be used for non infrastructure related activities
- Each state should use a sufficient amount of the apportionment to fund a full time position of coordinator of the State's safe routes to school program.
- Clearing House
 - Grants will be made to national nonprofit organizations engaged in promoting to safe routes to school to
 - Operate a national safe routes to school clearing house
 - Develop information and educational programs on safe routes to school
 - Provide technical assistance and disseminate technique's and strategies used for successful safe routes to school programs
 - The clearing house should be carried out using funds set aside for administrative expenses
- Task Force
 - Secretary should establish a task force composed of leaders in health, transportation, and education to develop a strategy for advancing safe routes to school program nation wide
 - By March 31, 2006, the secretary must submit to Congress a report with the results of the study conducted and a description of the strategy developed and detailed description of the use of funds for infrastructure related and non-infrastructure related activities
- Applicability of Title 23
 - Projects under this act will be treated as projects on the Federal Aid system under Chapter 1 of Title 23 of US Code: except that funds cannot be transferable and shall remain available until expended and the Federal share of the cost of a project or activity under this section shall be 100 percent.

Resources:

The "Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users" Act passed by the One Hundred and Ninth Congress in August 2005.

Hodge, Kit. Campaigns Director for Transportation Alternatives White Paper "Legislation for Healthy Kids, Healthy School – Inside and Out". April 2005

Federal Highway Administration – Office of Legislation and Intergovernmental Affairs Program Analysis Team. "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, A Summary of Highway Provisions". August 25, 2005