

# **Legislation for Healthy Kids, Healthy Schools – Inside and Out**

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## **BACKGROUND**

The Safe Routes to School movement is a true success story of how to capture the public imagination by raising expectations about the relationship between safety, health and transportation. From scattered grassroots efforts to a multi-million dollar federal bill, Safe Routes to School has turned the personal anguish of fearing for our children's safety and well being into a country-wide expectation that our transportation system can and must do better for our children.

Parents and teachers have long recognized that a violent school environment is not a functional educational environment. When violence is the culture of the halls and classrooms, teachers and school administrators are forced to spend too much time playing enforcer, and too little time teaching. Similarly, parents and school administrators have long recognized that, when violence is the culture of the streets around the school, policing the streets pulls them away from other, vital activities. Walking on streets with menacing car and truck traffic forces parents and students to make heroic efforts just to get through the front door of the school.

In fact, creating safe and attractive environments for children to walk to school is a very basic way to address a variety of problems beyond just safety, including school resources, health and academic achievement. Local parents are sick of worrying about near misses near their schools; principals and teachers are frustrated with having to sacrifice school administrator and teacher time that could be spent on providing services and guidance inside the school to running outside to control car traffic during arrival, fire drill and dismissal times; public health professionals are alarmed at decreasing levels of physical activity and rising rates of obesity; and city planners are worried about increasing car use. Education professionals are also realizing the benefits of encouraging more walking. A 2002 study by the California State Department of Education found that there is a direct correlation between levels of physical fitness and test scores across a wide range of ages. Physically fit kids are alert and alert kids are higher performers.

Safe Routes to School programs vary significantly from location to location, depending on the layout of the town or city and the goal of the program. In general, programs are guided by one or more of the principles of the three E's: Engineering, Education and Enforcement. Local groups must choose the best combination of these three tactics to bring about meaningful, long-term change. When Transportation Alternatives, New York City's advocates for walking, bicycling and sensible transportation, began our Safe Routes to School program in 1997 in the Bronx, we did not approach it as a program in isolation. Though preventing pedestrian crashes was our immediate aim, we saw the Safe Routes to School program as a politically and socially palatable way to create fundamental government policy change to rebalance our streets, and raise expectations of the general public of what good transportation policy could do for their safety, health and quality of life. As Safe Routes to School approaches a nationally-sanctioned program, I hope that other local groups use the program in a similar fashion. For example, a Safe Routes to School program will not get kids walking and bicycling to school in the long term in many rural and/or suburban areas unless the municipalities also change their zoning laws so that schools are not built on the inaccessible outskirts of town.

The below tools and recommendations are the building blocks for a unique local movement. I encourage those of you in New York State to work cooperatively to make sure that we develop the best possible

State infrastructure for creative, energized and—most importantly—effective Safe Routes to School programs.

## **LEGISLATION**

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

Overview: A child safety zone is a designated area within a common, central, central high school or union free school district, including at least one personal residence, within which children who reside at a lesser distance from school than the minimum eligibility distance may be provided transportation on the basis that their most direct walking route to school will traverse a hazardous zone. Once properly authorized by the board of education or trustees and the voters of the school district, such transportation may be provided for pupils in kindergarten through grade eight who reside within two miles of the school legally attended and for pupils in grades nine through twelve who reside within three miles of the school legally attended without regard to like circumstances.

Funding: The New York State Board of Education includes the appropriations required to fund transportation services within the child safety zone in the school district budget and provides such services. The costs of providing special transportation services in child safety zones are not eligible for State Transportation Aid and are not to be considered ordinary contingent expenses.

### **NYS Safe Routes to School Law – Chapter 444 of the Transportation Law**

Overview: 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 dedicated fund

### **Federal Safe Routes to School Law**

Part of the Pedestrian and Cyclist Equity Act of 2003 (PACE / H.R. 2568)

Introduced June 13, 2003, being voted on as part of the Federal Transportation Bill

Overview: Section 3 amends title 23, United States Code, to require the Secretary of Transportation to establish and implement a Safe Routes to School program for the benefit of children in primary and middle schools. To fund the program, \$250 million in contract authority is provided from the Highway Trust Fund for each of the fiscal years 2004 through 2009. Funds will be apportioned among the States on the basis of total student enrollment in primary and middle schools, and no State will receive an apportionment for a fiscal year of less than \$2 million. The federal share of the cost of a project is 100 percent. Funds apportioned to a State will be administered by the State Department of Transportation. Eligible recipients may include State, local or regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of the program. Each State receiving an apportionment must fund a full-time position of coordinator of the State's safe routes to school program.

Funds under the program (and under the Surface Transportation Program) may be used for infrastructure-related projects to encourage walking and bicycling to school. Examples include sidewalk improvements; traffic calming and speed reduction improvements; on-street bicycle facilities; off-street bicycle and pedestrian facilities; and secure bicycle parking facilities. Infrastructure-related projects may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

Funds under the program may be used for non-infrastructure-related activities. Examples include 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 coordinators of safe routes to school programs. Not less than 10 percent of amounts apportioned to a State must be used for non-infrastructure-related activities. Funds will be made available to a national nonprofit organization to operate a national Safe Routes to School clearinghouse, develop information and educational programs on safe routes to school, and provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs. A national Safe Routes to School task force, composed of leaders in health, transportation, and education, including representatives of appropriate federal agencies, will be established to study and develop a strategy for advancing safe routes to school programs nationwide. A report containing the results of the study conducted, and the strategy developed, shall be submitted to Congress not later than March 30, 2005.

**Funding:** The House adopted a transportation reauthorization bill with a five-year \$850 million Safe Routes to School program. In the Senate, the bill got through committee mark-up with \$70 million per year for a five or six year program. The bill still needs to be brought to the Senate floor and passed.

### **NYS Traffic Calming Law**

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

**Text:** 26. (a) 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. Establishment of such a speed limit shall, where applicable, be in compliance with the provisions of sections sixteen hundred twenty-four and sixteen hundred eighty-four of this chapter. 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.

### **NYS School Slow Speed Law**

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

**Text:** S 1643. Speed limits on highways in cities and villages. The legislative body of any city or village with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such city or village, 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 as provided in section sixteen hundred twenty, or on which the department of transportation shall have designated that such city or village shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four, subject to the limitations imposed by section sixteen hundred eighty-four may by local law, ordinance, order, rule or regulation

establish 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.

## **RECOMMENDATIONS**

1. Use the federal transportation bill funding, if passed, to activate State Safe Routes to School programs.
2. Amend the State Safe Routes to School bill and School Safety Zone bill to shift funding incentive from busing to fixing areas to make them walkable and bikeable. One possible way of doing this is to insert language in the bills that says that Safe Routes to School monies must first be directed to fixing established child safety zones. Once a zone is walkable, then the money previously used for busing within that zone could then be transferred to the Safe Routes to School funding pot. This money flow would create an incentive for school districts to fix child safety zones.
3. Guide and strengthen the newly designated New York State Safe Routes to School coordinator to create effective, equitable and sustainable programs. The still-pending federal bill calls for the creation of state coordinators for each state to manage the distribution of funding and evaluation. (Note that the statewide coordinator is not necessarily responsible for advising localities about best practices; the federal bill also establishes a national non-profit clearinghouse to disseminate information about best practices for different kinds of Safe Routes to School programs.) Coalition guidance would include:
  - Create an advisory committee including, but not limited to:
    - State Department of Transportation
    - State Department of Health
    - State Board of Education
    - State Council of PTAs
    - State Department of Parks
    - Metropolitan Planning Organizations
    - Governor's Traffic Safety Committee
    - Transportation and health advocates
    - New York State Partnership for Walk Our Children to School
    - New York State Police
  - Create and implement program evaluation indicators. This could include:
    - Number of children who walk/bike to school
    - Crashes
    - Number of children bused to school
    - Number of traffic calming or other pedestrian-oriented traffic safety measures installed
    - Number of miles of sidewalks/bikepaths installed
    - BMI
    - General levels of physical activity
    - Emissions levels
    - Asthma rates

- Awareness of program
- Parent acceptance
- School achievement scores
- Number of driving violations people have received in the area
- Help the coordinator share information. This is especially important given the size of New York State. This could include
  - Statewide conference on Safe Routes to School programs
  - Significant media outreach to publicize positive case studies and generate more support for the programs
  - Regular outreach to elected officials to get them involved in starting programs

## **RESOURCES**

Though there will soon be a national clearinghouse to help people start and run Safe Routes to School programs, many people need help getting started right now. In that spirit, I am listing a few Web sites that can help you get started (please note that there are many other sites with great information). As I mentioned earlier, there are many different kinds of Safe Routes to School programs. If you are interested in starting one, I recommend browsing through some of the different types (Engineering, Education, Encouragement) and then thinking strategically about which sort of approach would be most effective for long term change at your local schools.

- [www.saferoutestoschools.org.uk/](http://www.saferoutestoschools.org.uk/)
- [www.transalt.org/info/streets4people/index.html](http://www.transalt.org/info/streets4people/index.html)
- [www.transalt.org/campaigns/reclaiming/saferoutes.html](http://www.transalt.org/campaigns/reclaiming/saferoutes.html)
- [www.bikewalk.org/safe\\_routes\\_to\\_school/SR2S\\_introduction.htm](http://www.bikewalk.org/safe_routes_to_school/SR2S_introduction.htm)
- [www.americabikes.org/saferoutestoschool.asp](http://www.americabikes.org/saferoutestoschool.asp)
- [www.saferoutestoschools.org/](http://www.saferoutestoschools.org/)
- [www.bikeleague.org/educenter/labsrts.htm](http://www.bikeleague.org/educenter/labsrts.htm)
- [www.pedbikeinfo.org/index.htm](http://www.pedbikeinfo.org/index.htm)