



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Consent
April 3, 2007

Honorable Members of the
Law and Legislation Committee

Title: Legislation Position: Support AB 57 Relating to Safe Routes to School

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt a support position on AB 57.

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827

Presenters: N/A

Department: City Manager's Office

Division: Governmental Affairs

Organization No: 0310

Description/Analysis

Issue: Both federal law and state law contain appropriations for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion, including projects for bicycles and pedestrian safety and traffic calming measures in high-hazard locations. At the state level, this is the "Safe Routes to School" program. Existing state law authorizes certain state and local entities to secure and expend the federal funds for these purposes, but provides for the repeal of these provisions on January 1, 2008.

This federal government funding source, which the state passes through to locals for the "Safe Routes to School" program, has become part of its ongoing federal appropriations process. Therefore, AB 57, is consistent with the federal government, in that it proposes to delete the January 1, 2008 repeal, thereby extending the provisions indefinitely.

Policy Considerations: This bill would delete the repeal provision and make the "Safe Routes to School" program an ongoing program.

Environmental Considerations: None.

Committee/Commission Action: None.

Rationale for Recommendation: Staff recommends support of AB 57 because the City of Sacramento has received Safe Routes to Schools grant funds for several projects since the inception of the program. These projects include the following safety improvements:

1. New traffic signal at Norwood Avenue/Morey Avenue
2. New traffic signal at West El Camino Avenue/Northview Drive
3. Traffic Signal upgrade at Norwood Avenue/Las Palmas Avenue
4. Widened sidewalk at Norwood Avenue near Las Palmas Avenue
5. New sidewalks on Taylor Street
6. New traffic signal/intersection improvements at Millcreek Dr. and West El Camino

Currently the city has two pending applications for the latest call for projects. As an infrastructure project, the city has submitted for improvements to add sidewalks and related improvements for Robla Elementary School at Marysville Boulevard and Rio Linda Boulevard. As a non-infrastructure project, the city has submitted a city-wide after-school bicycle and pedestrian safety education program.

Financial Considerations: None

Emerging Small Business Development (ESBD): None

Approved by: 
 Patti Bisharat
 Director of Governmental Affairs

Recommendation Approved:

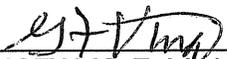

 GUSTAVO F. VINA
 Assistant City Manager

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April 3, 2007

The Honorable Nell Soto
California State Assembly
State Capitol, Room 3091
Sacramento, CA 95814
ATTN: Legislative Director

RE: Support Assembly Bill 57 Highways: Safe Routes to School Construction Program

Dear Assembly Member Soto:

On behalf of the City of Sacramento, I write in support of AB 57. This legislation would delete the repeal date of January 1, 2008, thereby extending the Safe Routes to School Program indefinitely. The City of Sacramento has received Safe Routes to Schools grant funds for several projects since the inception of the program. Safe Routes to School is an important source for local governments in funding projects to protect our school aged pedestrians.

Thank you for introducing this legislation.

Sincerely,

SANDY SHEEDY, Chair
Law and Legislation Committee

cc:

Senator Darrell Steinberg
Senator Dave Cox
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels, Jones & Associates

ASSEMBLY BILL

No. 57

Introduced by Assembly Member Soto

December 4, 2006

An act to amend Section 2333.5 of, and to amend and repeal Sections 2331 and 2333 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 57, as introduced, Soto. Highways: Safe Routes to School construction program.

Existing federal law contains appropriations for a number of programs related to projects for the improvement of highway safety and the reduction of traffic congestion, including projects for bicycles and pedestrian safety and traffic calming measures in high-hazard locations. Existing state law authorizes certain state and local entities to secure and expend the federal funds for these purposes, but provides for the repeal of these provisions on January 1, 2008.

Existing law also requires, until January 1, 2008, 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.

This bill would delete the January 1, 2008, repeal date for these provisions, thereby extending the provisions indefinitely, and would make related changes.

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. Section 2331 of the Streets and Highways Code,
2 as amended by Section 1 of Chapter 392 of the Statutes of 2004,
3 is amended to read:

4 2331. (a) The Highway Safety Act of 1973 (23 U.S.C. Sec.
5 401 et seq.) has authorized appropriations for a number of programs
6 relating to projects for the improvement of highway safety and the
7 reduction of traffic congestion. These programs consist of the
8 rail-highway crossings program (Section 203 of the Highway
9 Safety Act of 1973), the pavement marking demonstration program
10 (23 U.S.C. Sec. 151), projects for high-hazard locations, including,
11 but not limited to, projects for bicycle and pedestrian safety and
12 traffic calming measures in those locations (23 U.S.C. Sec. 152),
13 program for the elimination of roadside obstacles (23 U.S.C. Sec.
14 153), and the federal-aid safer roads demonstration program (23
15 U.S.C. Sec. 405). The purpose of this chapter is to implement these
16 programs in this state. The commission, the department, boards
17 of supervisors, and city councils are authorized to do all things
18 necessary in their respective jurisdictions to secure and expend
19 federal funds in accordance with the intent of that federal act and
20 this chapter, and to coordinate with local law enforcement agencies'
21 community policing efforts.

22 (b) ~~This section shall remain in effect only until January 1, 2008,~~
23 ~~and as of that date is repealed, unless a later enacted statute, that~~
24 ~~is enacted before January 1, 2008, deletes or extends that date.~~

25 SEC. 2. Section 2331 of the Streets and Highways Code, as
26 amended by Section 2 of Chapter 392 of the Statutes of 2004, is
27 repealed.

28 ~~2331. (a) The Highway Safety Act of 1973 (21 U.S.C. Sec.~~
29 ~~401 et seq.) has authorized appropriations for a number of programs~~
30 ~~relating to projects for the improvement of highway safety and the~~
31 ~~reduction of traffic congestion. These programs consist of the~~
32 ~~rail-highway crossings program (Section 203 of the Highway~~
33 ~~Safety Act of 1973), the pavement marking demonstration program~~
34 ~~(23 U.S.C. Sec. 151), projects for high-hazard locations (23 U.S.C.~~
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36 ~~U.S.C. Sec. 153), and the federal-aid safer roads demonstration~~
37 ~~program (23 U.S.C. Sec. 405). The purpose of this chapter is to~~
38 ~~implement these programs in this state. The commission, the~~

1 department, boards of supervisors, and city councils are authorized
2 to do all things necessary in their respective jurisdictions to secure
3 and expend those federal funds in accordance with the intent of
4 the federal act and of this chapter.

5 ~~(b) This section shall become operative on January 1, 2008.~~

6 SEC. 3. Section 2333 of the Streets and Highways Code, as
7 amended by Section 3 of Chapter 392 of the Statutes of 2004, is
8 amended to read:

9 2333. ~~(a)~~ In each annual proposed budget prepared pursuant
10 to Section 165, there shall be included an amount equal to the
11 estimated apportionment available from the federal government
12 for the programs described in Sections 2331 and 2333.5. The
13 commission may allocate a portion of those funds each year for
14 use on city streets and county roads. For projects authorized under
15 Section 2333.5 and receiving funding under this section, the
16 department may substitute State Highway Account funds in
17 accordance with the department's policy for state funding in place
18 at the time of the project fund allocation, if those federal funds are
19 directed to projects on state highways that are eligible for funding
20 under Section 152 of Title 23 of the United States Code. It is the
21 intent of the Legislature that the commission allocate the total
22 amount received from the federal government for all of the
23 programs described in Sections 2331 and 2333.5 in a manner that,
24 over a period of five years, makes not less than one million dollars
25 (\$1,000,000) of those funds available for use pursuant to Section
26 2333.5 and the remaining funds available for use in approximately
27 equal amounts on state highways, local roads, and the program
28 established under Section 2333.5. In addition, it is the intent of the
29 Legislature that the commission shall apportion for use, in
30 financing the railroad grade separation program described in
31 Section 190, a substantial portion of the funds received pursuant
32 to the federal rail-highway crossings program. Notwithstanding
33 any other provision of law, the share of any railroad of the cost of
34 maintaining railroad crossing protection facilities funded, in whole
35 or in part, by funds described in Section 2331 shall be the same
36 share it would be if no federal funds were involved and the crossing
37 protection facilities were funded pursuant to an order of the Public
38 Utilities Commission pursuant to Section 1202 of the Public
39 Utilities Code; and in case of dispute, the Public Utilities
40 Commission shall determine that share pursuant to this section.

1 ~~(b) This section shall remain in effect only until January 1, 2008,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2008, deletes or extends that date.~~

4 SEC. 4. Section 2333 of the Streets and Highways Code, as
5 amended by Section 4 of Chapter 392 of the Statutes of 2004, is
6 repealed.

7 ~~2333. (a) In each annual proposed budget prepared pursuant~~
8 ~~to Section 165, there shall be included an amount equal to the~~
9 ~~estimated apportionment available from the federal government~~
10 ~~for the programs described in Section 2331. The commission may~~
11 ~~allocate a portion of such funds each year for use on city streets~~
12 ~~and county roads. It is the intent of the Legislature that the~~
13 ~~commission allocate the total amount received from the federal~~
14 ~~government for all of the programs described in Section 2331 in~~
15 ~~such a manner that, over a period of five years, such funds are~~
16 ~~made available for use in approximately equal amounts on state~~
17 ~~highways and on local roads. In addition, it is the intent of the~~
18 ~~Legislature that the commission shall apportion for use, in~~
19 ~~financing the railroad grade separation program described in~~
20 ~~Section 190, a substantial portion of the funds received pursuant~~
21 ~~to the federal rail-highway crossings program. Notwithstanding~~
22 ~~any other provision of law, the share of any railroad of the cost of~~
23 ~~maintaining railroad crossing protection facilities funded, in whole~~
24 ~~or in part, by funds described in Section 2331 shall be the same~~
25 ~~share it would be if no federal funds were involved and the crossing~~
26 ~~protection facilities were funded pursuant to an order of the Public~~
27 ~~Utilities Commission pursuant to Section 1202 of the Public~~
28 ~~Utilities Code, and in case of dispute, the Public Utilities~~
29 ~~Commission shall determine such share pursuant to this section.~~

30 ~~(b) This section shall become operative on January 1, 2008.~~

31 SEC. 5. Section 2333.5 of the Streets and Highways Code is
32 amended to read:

33 2333.5. (a) The department, in consultation with the
34 Department of the California Highway Patrol, shall establish and
35 administer a "Safe Routes to School" construction program
36 pursuant to the authority granted under Section 152 of Title 23 of
37 the United States Code and shall use federal transportation funds
38 for construction of bicycle and pedestrian safety and traffic calming
39 projects.

1 (b) The department shall make grants available to local
2 governmental agencies under the program based on the results of
3 a statewide competition that requires submission of proposals for
4 funding and 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 (c) With respect to the use of funds provided in subdivision (a),
18 prior to the award of any construction grant or the department's
19 use of those funds for a "Safe Routes to School" construction
20 project encompassing a freeway, state highway or county road,
21 the department shall consult with, and obtain approval from, the
22 Department of the California Highway Patrol, ensuring that the
23 "Safe Routes to School" proposal compliments the California
24 Highway Patrol's Pedestrian Corridor Safety Program and is
25 consistent with its statewide pedestrian safety statistical analysis.

26 (d) The department shall continue to study the effectiveness of
27 the program established under this section, and shall submit, on
28 or before March 1, 2007, a report of its findings to the Legislature.
29 The report shall include, but need not be limited to, the following
30 elements:

31 (1) An evaluation of the program's impact on accident, injury,
32 and fatality rates involving pedestrians or bicycles in the vicinity
33 of the projects. As a subset, this element shall specifically address
34 impacts on rates of fatalities and injuries to children.

35 (2) An evaluation of the program's impact on rates of bicycling
36 and walking as modes of transportation to or from schools located
37 in the vicinity of the projects.

38 (3) An evaluation of the potential safety effects of spending the
39 program funds on other state and local safety programs, including
40 a comparison of the relative safety effects of spending the available

1 funds on the “Safe Routes to School” construction program or on
2 the state and local highway safety programs and, to the extent
3 possible within that comparison, the impacts on rates of fatalities
4 and injuries to children.

5 (e) The department is encouraged to coordinate with local law
6 enforcement agencies’ community policing efforts in establishing
7 and maintaining the “Safe Routes to School” construction program.

8 ~~(f) This section shall remain in effect only until January 1, 2008,~~
9 ~~and as of that date is repealed, unless a later enacted statute, that~~
10 ~~is enacted before January 1, 2008, deletes or extends that date.~~