

108TH CONGRESS  
1ST SESSION

# H. R. 2568

To amend title 23, United States Code, to establish a transportation and active living program, a safe routes to school program, and a non-motorized transportation pilot program.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. OBERSTAR (for himself, Mr. BLUMENAUER, Mr. HOBSON, Mr. LIPINSKI, Ms. NORTON, Mr. PASCRELL, Mr. LAMPSON, Mr. HONDA, Mr. FROST, Mr. SERRANO, Mr. MORAN of Virginia, Mr. SANDERS, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. DOGGETT, Ms. BALDWIN, Mr. BALLANCE, Mr. CASE, and Mr. SCOTT of Georgia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to establish a transportation and active living program, a safe routes to school program, and a nonmotorized transportation pilot program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pedestrian and Cyclist  
5 Equity Act of 2003”.

1 **SEC. 2. TRANSPORTATION AND ACTIVE LIVING PROGRAM.**

2 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
3 23, United States Code, is amended by adding at the end  
4 the following:

5 **“§ 165. Transportation and active living program**

6 “(a) IN GENERAL.—Subject to the requirements of  
7 this section, the Secretary shall establish and carry out  
8 a transportation and active living program.

9 “(b) PURPOSE.—The purpose of the program shall  
10 be to create, enhance, and promote, through changes in  
11 transportation, community design, and architectural poli-  
12 cies and programs, community environments that improve  
13 opportunities for people to be physically active in their  
14 daily lives.

15 “(c) GRANTS.—In carrying out the program, the Sec-  
16 retary shall make grants to State, local, and regional agen-  
17 cies, including nonprofit organizations, for eligible activi-  
18 ties.

19 “(d) ELIGIBLE ACTIVITIES.—In making grants  
20 under this section, the Secretary may consider initiatives  
21 that—

22 “(1) adopt community design, land use, and  
23 transportation policies that promote active living or  
24 remove barriers to physical activity, including poli-  
25 cies that—

1           “(A) integrate land use and transportation  
2           planning processes to promote nonmotorized  
3           travel choices;

4           “(B) incorporate pedestrian- and bicycle-  
5           friendly features into community planning or  
6           legislative initiatives;

7           “(C) develop campaigns and provide tech-  
8           nical assistance for safe routes to school;

9           “(D) implement commuter choice options  
10          and provide incentives for walking and bicy-  
11          cling;

12          “(E) enhance accessibility and mobility ini-  
13          tiatives for people with disabilities; and

14          “(F) improve access to transit, parks, and  
15          recreation areas; and

16          “(2) implement communications and marketing  
17          strategies to promote physical activity, including  
18          strategies that—

19                 “(A) promote the use of systems and facili-  
20                 ties that increase physical activity, such as bike-  
21                 ways, trails, parks, and transit;

22                 “(B) promote awareness and under-  
23                 standing of the benefits of environments that  
24                 support physical activity;

1           “(C) provide school and workplace edu-  
2 cation about resources to support a physically  
3 active lifestyle; and

4           “(D) engage local media and organize peri-  
5 odic events about issues related to physical ac-  
6 tivity.

7           “(c) ELIGIBLE APPLICANTS.—

8           “(1) APPLICATIONS.—A State, local, or regional  
9 agency, including a nonprofit organization, shall be  
10 eligible for a grant under this section if the agency  
11 submits to the Secretary an application in such form  
12 and containing such information as the Secretary  
13 may require.

14           “(2) ABILITY OF APPLICANT.—The Secretary  
15 shall require each applicant to demonstrate the abil-  
16 ity to address, as part of ongoing local planning, de-  
17 velopment, and transportation efforts, the needs of  
18 diverse populations for physical activity.

19           “(3) PREFERENCE.—The Secretary shall give  
20 preference to applicants that demonstrate inter-  
21 disciplinary alliances, engage governmental entities,  
22 and propose innovative policies, programs, and com-  
23 munications strategies that have the potential to in-  
24 crease access and remove barriers to physical activ-  
25 ity.

1 “(d) USE OF FUNDS.—

2 “(1) ELIGIBLE USES.—Amounts from grants  
3 under this section may be used for salaries, data col-  
4 lection and analysis, meetings, supplies, and other  
5 direct project expenses, including a limited amount  
6 of essential equipment.

7 “(2) PROHIBITED USES.—Amounts from grants  
8 under this section may not be used to construct, re-  
9 construct, or renovate facilities or as a substitute for  
10 funds currently being used to support similar activi-  
11 ties.

12 “(e) DISTRIBUTION OF FUNDS.—To ensure a broad  
13 geographical distribution of funds, the total amount  
14 awarded in grants under this section to applicants in any  
15 State may not exceed \$1,000,000 for a fiscal year.

16 “(f) FEDERAL SHARE.—The Federal share of the  
17 cost of a project funded under this section shall be 100  
18 percent.

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated out of the Highway Trust  
21 Fund (other than the Mass Transit Account) to carry out  
22 this section \$25,000,000 for each of the fiscal years 2004  
23 through 2009.

1 “(h) PERIOD OF AVAILABILITY.—Notwithstanding  
2 section 118(b)(2), amounts allocated under this section  
3 shall remain available until expended.”.

4 (b) CONFORMING AMENDMENT.—The analysis for  
5 chapter 1 of title 23, United States Code, is amended by  
6 inserting after the item relating to section 164 the fol-  
7 lowing:

“165. Transportation and active living program.”.

8 **SEC. 3. SAFE ROUTES TO SCHOOL PROGRAM.**

9 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
10 23, United States Code, is further amended by adding at  
11 the end the following:

12 **“§ 166. Safe routes to school program**

13 “(a) ESTABLISHMENT.—Subject to the requirements  
14 of this section, the Secretary shall establish and carry out  
15 a safe routes to school program for the benefit of children  
16 in primary and middle schools.

17 “(b) PURPOSES.—The purposes of the program shall  
18 be—

19 “(1) to enable and encourage children to walk  
20 and bicycle to school;

21 “(2) to make bicycling and walking to school a  
22 safer and more appealing transportation alternative,  
23 thereby encouraging a healthy and active lifestyle  
24 from an early age; and

1           “(3) to facilitate the planning, development,  
2           and implementation of projects and activities that  
3           will improve safety and reduce traffic, fuel consump-  
4           tion, and air pollution in the vicinity of schools.

5           “(c) APPORTIONMENT OF FUNDS.—

6           “(1) IN GENERAL.—Subject to paragraphs (2)  
7           and (3), amounts made available to carry out this  
8           section for a fiscal year shall be apportioned among  
9           the States in the ratio that—

10                   “(A) the total student enrollment in pri-  
11                   mary and middle schools in each State; bears to

12                           “(B) the total student enrollment in pri-  
13                   mary and middle schools in all the States.

14           “(2) MINIMUM APPORTIONMENT.—No State  
15           shall receive an apportionment under this section for  
16           a fiscal year of less than \$2,000,000.

17           “(3) SET-ASIDE.—Before apportioning amounts  
18           under this subsection for a fiscal year, the Secretary  
19           shall set aside such sums as may be necessary for  
20           the administrative expenses of the Secretary in car-  
21           rying out this section.

22           “(4) DETERMINATION OF STUDENT ENROLL-  
23           MENTS.—Determinations under this subsection con-  
24           cerning student enrollments shall be made by the  
25           Secretary.

1       “(d) ADMINISTRATION OF AMOUNTS.—Amounts ap-  
2       portioned to a State under this section shall be adminis-  
3       tered by the State’s department of transportation.

4       “(e) ELIGIBLE RECIPIENTS.—Amounts apportioned  
5       to a State under this section shall be used by the State  
6       to provide financial assistance to State, local, and regional  
7       agencies, including nonprofit organizations, that dem-  
8       onstrate an ability to meet the requirements of this sec-  
9       tion.

10       “(f) ELIGIBLE PROJECTS AND ACTIVITIES.—

11               “(1) INFRASTRUCTURE-RELATED PROJECTS.—

12                       “(A) IN GENERAL.—Amounts apportioned  
13                       to a State under this section and section  
14                       104(b)(3) may be used for the planning, design,  
15                       and construction of infrastructure-related  
16                       projects to encourage walking and bicycling to  
17                       school, including—

18                               “(i) sidewalk improvements;

19                               “(ii) traffic calming and speed reduc-  
20                               tion improvements;

21                               “(iii) pedestrian and bicycle crossing  
22                               improvements;

23                               “(iv) on-street bicycle facilities;

24                               “(v) off-street bicycle and pedestrian  
25                               facilities;

1 “(vi) secure bicycle parking facilities;

2 and

3 “(vii) traffic diversion improvements

4 in the vicinity of schools.

5 “(B) LOCATION OF PROJECTS.—Infra-

6 structure-related projects under paragraph (1)

7 may be carried out on any public road or any

8 bicycle or pedestrian pathway or trail in the vi-

9 cinity of schools.

10 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-

11 TIES.—

12 “(A) IN GENERAL.—In addition to projects

13 described in paragraph (1), amounts appor-

14 tioned to a State under this section may be

15 used for noninfrastructure-related activities to

16 encourage walking and bicycling to school, in-

17 cluding—

18 “(i) public awareness campaigns and

19 outreach to press and community leaders;

20 “(ii) traffic education and enforce-

21 ment in the vicinity of schools;

22 “(iii) student sessions on bicycle and

23 pedestrian safety, health, and environment;

24 and

1           “(iv) funding for training, volunteers,  
2           and coordinators of safe routes to school  
3           programs.

4           “(B) ALLOCATION.—Not less than 10 per-  
5           cent of the amounts apportioned to a State  
6           under this section for a fiscal year shall be used  
7           for noninfrastructure-related activities under  
8           this paragraph.

9           “(3) SAFE ROUTES TO SCHOOL COORDI-  
10          NATOR.—Each State receiving an apportionment  
11          under this section for a fiscal year shall use a suffi-  
12          cient amount of the apportionment to fund a full-  
13          time position of coordinator of the State’s safe  
14          routes to school program.

15          “(g) CLEARINGHOUSE.—

16                 “(1) IN GENERAL.—The Secretary shall make  
17                 grants to a national nonprofit organization engaged  
18                 in promoting safe routes to schools to—

19                         “(A) operate a national safe routes to  
20                         school clearinghouse;

21                         “(B) develop information and educational  
22                         programs on safe routes to school; and

23                         “(C) provide technical assistance and dis-  
24                         seminate techniques and strategies used for  
25                         successful safe routes to school programs.

1           “(2) FUNDING.—The Secretary shall carry out  
2 this subsection using amounts set aside for adminis-  
3 trative expenses under subsection (c)(3).

4           “(h) TASK FORCE.—

5           “(1) IN GENERAL.—The Secretary shall estab-  
6 lish a national safe routes to school task force com-  
7 posed of leaders in health, transportation, and edu-  
8 cation, including representatives of appropriate Fed-  
9 eral agencies, to study and develop a strategy for ad-  
10 vancing safe routes to school programs nationwide.

11           “(2) REPORT.—Not later than March 30, 2005,  
12 the Secretary shall transmit to Congress a report  
13 containing the results of the study conducted, and a  
14 description of the strategy developed, under para-  
15 graph (1).

16           “(3) FUNDING.—The Secretary shall carry out  
17 this subsection using amounts set aside for adminis-  
18 trative expenses under subsection (c)(3).

19           “(i) FEDERAL SHARE.—The Federal share of the  
20 cost of a project or activity funded under this section shall  
21 be 100 percent.

22           “(j) DEFINITIONS.—

23           “(1) IN THE VICINITY OF SCHOOLS.—The term  
24 ‘in the vicinity of schools’ means, with respect to a

1 school, the area within bicycling and walking dis-  
2 tance of the school (approximately 2 miles).

3 “(2) PRIMARY AND MIDDLE SCHOOLS.—The  
4 term ‘primary and middle schools’ means schools  
5 providing education from kindergarten through  
6 eighth grade.

7 “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
8 is authorized to be appropriated out of the Highway Trust  
9 Fund (other than the Mass Transit Account) to carry out  
10 this section \$250,000,000 for each of the fiscal years 2004  
11 through 2009.

12 “(l) PERIOD OF AVAILABILITY.—Notwithstanding  
13 section 118(b)(2), amounts apportioned under this section  
14 shall remain available until expended.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) CHAPTER ANALYSIS.—The analysis for  
17 chapter 1 of title 23, United States Code, is amend-  
18 ed by inserting after the item relating to section 165  
19 the following:

“166. Safe routes to school program.”.

20 (2) SURFACE TRANSPORTATION PROGRAM.—  
21 Section 133(b) of title 23, United States Code, is  
22 amended by adding at the end the following:

23 “(15) Infrastructure-related projects to encour-  
24 age walking and bicycling to school in accordance  
25 with section 166.”.

1 **SEC. 4. NONMOTORIZED TRANSPORTATION PILOT PRO-**  
2 **GRAM.**

3 (a) ESTABLISHMENT OF PROGRAM.—Subchapter I of  
4 chapter 1 of title 23, United States Code, is further  
5 amended by adding at the end the following:

6 **“§ 167. Nonmotorized transportation pilot program**

7 “(a) ESTABLISHMENT.—The Secretary shall estab-  
8 lish and carry out a nonmotorized transportation pilot pro-  
9 gram to construct, in 3 communities selected by the Sec-  
10 retary, a network of nonmotorized transportation infra-  
11 structure facilities, including sidewalks, bicycle lanes, and  
12 pathways, that connect directly with transit stations,  
13 schools, residences, businesses, and other community ac-  
14 tivity centers.

15 “(b) PURPOSE.—The purpose of the program shall  
16 be to demonstrate the extent to which bicycling and walk-  
17 ing can carry a significant part of the transportation load,  
18 and represent a major portion of the transportation solu-  
19 tion, within selected communities.

20 “(c) GRANTS.—In carrying out the program, the Sec-  
21 retary may make grants to State, local, and regional agen-  
22 cies, including nonprofit organizations, that the Secretary  
23 determines are suitably equipped and organized to carry  
24 out the requirements of this section.

25 “(d) STATISTICAL INFORMATION.—In carrying out  
26 the program, the Secretary shall develop statistical infor-

1 mation on changes in motorized, nonmotorized, and tran-  
2 sit use in communities participating in the program and  
3 assess how such changes support and promote livable com-  
4 munity concepts, decreased traffic and energy usage, a  
5 cleaner environment, and healthier lifestyles.

6 “(e) FEDERAL SHARE.—The Federal share of the  
7 cost of a project or activity funded under this section shall  
8 be 80 percent.

9 “(f) REPORTS.—The Secretary shall transmit to Con-  
10 gress an interim report not later than September 30,  
11 2007, and a final report not later than September 30,  
12 2010, on the results of the program.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) HIGHWAY TRUST FUND.—There is author-  
15 ized to be appropriated out of the Highway Trust  
16 Fund (other than the Mass Transit Account) to  
17 carry out this section \$20,000,000 for each of the  
18 fiscal years 2004 through 2006 and \$40,000,000 for  
19 each of the fiscal years 2007 through 2009.

20 “(2) MASS TRANSIT ACCOUNT OF HIGHWAY  
21 TRUST FUND.—There is authorized to be appro-  
22 priated out of the Mass Transit Account of the  
23 Highway Trust Fund to carry out this section  
24 \$5,000,000 for each of the fiscal years 2004 through

1       2006 and \$10,000,000 for each of the fiscal years  
2       2007 through 2009.

3       “(h) PERIOD OF AVAILABILITY.—Notwithstanding  
4 any other provision of law, funds allocated under this sec-  
5 tion shall remain available until expended.”.

6       (b) CONFORMING AMENDMENT.—The analysis for  
7 chapter 1 of title 23, United States Code, is amended by  
8 inserting after the item relating to section 166 the fol-  
9 lowing:

“167. Nonmotorized transportation pilot program.”.

