

CHAPTER 399

TRANSPORTATION

HOUSE BILL 04-1309

BY REPRESENTATIVE(S) Brophy, Briggs, Merrifield, Borodkin, Boyd, Carroll, Coleman, Frangas, Garcia, Hodge, Larson, Madden, Marshall, May M., McFadyen, McGihon, Paccione, Romanoff, Salazar, Spradley, Stafford, Tochtrop, Vigil, Weddig, Weissmann, and Williams S.;

also SENATOR(S) Tupa, Chlouber, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Isgar, Keller, Nichol, Phillips, Sandoval, Veiga, and Windels.

AN ACT

CONCERNING THE CREATION OF A SAFE ROUTES TO SCHOOL PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 16
SAFE ROUTES TO SCHOOL

43-1-1601. Safe routes to school program. (1) THE COMMISSION SHALL ESTABLISH AND THE DEPARTMENT SHALL ADMINISTER A SAFE ROUTES TO SCHOOL PROGRAM TO DISTRIBUTE FEDERAL FUNDS RECEIVED BY THE STATE TO POLITICAL SUBDIVISIONS OF THE STATE FOR PROJECTS TO IMPROVE SAFETY FOR PEDESTRIANS AND BICYCLISTS IN SCHOOL AREAS.

(2) PROJECTS FUNDED BY GRANTS UNDER THE SAFE ROUTES TO SCHOOL PROGRAM MAY INCLUDE:

- (a) CONSTRUCTION OF PAVED SHOULDERS TO BE USED AS BIKE ROUTES;
- (b) CONSTRUCTION OF MULTIPLE-USE BICYCLE AND PEDESTRIAN TRAILS AND PATHWAYS;
- (c) CONSTRUCTION, REPLACEMENT, AND IMPROVEMENT OF SIDEWALKS;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

- (d) INSTALLATION AND IMPROVEMENT OF PEDESTRIAN AND BICYCLE CROSSINGS;
 - (e) CONSTRUCTION AND IMPROVEMENT OF ON-STREET BICYCLE FACILITIES, INCLUDING BIKE LANES;
 - (f) INSTALLATION OF SAFETY SIGNS, INCLUDING, BUT NOT LIMITED TO, TRAFFIC SIGNALS;
 - (g) EDUCATIONAL PROGRAMS;
 - (h) IMPLEMENTATION OF TRAFFIC-CALMING PROGRAMS IN NEIGHBORHOODS NEAR SCHOOLS;
 - (i) TRAFFIC DIVERSION IMPROVEMENTS;
 - (j) CONSTRUCTION OR IMPROVEMENT OF BICYCLE PARKING FACILITIES; AND
 - (k) OTHER PROJECTS AUTHORIZED BY APPLICABLE FEDERAL LAWS OR REGULATIONS.
- (3) GRANTS SHALL BE AWARDED UNDER THE SAFE ROUTES TO SCHOOL PROGRAM BASED ON:
- (a) THE DEMONSTRATED NEED OF THE APPLICANT;
 - (b) THE POTENTIAL OF THE PROPOSED PROJECT TO REDUCE INJURIES AND FATALITIES AMONG CHILDREN;
 - (c) THE POTENTIAL OF THE PROPOSED PROJECT TO ENCOURAGE WALKING AND BICYCLING AMONG STUDENTS;
 - (d) THE EXTENT TO WHICH THE APPLICATION IDENTIFIES EXISTING SAFETY HAZARDS;
 - (e) THE EXTENT TO WHICH THE APPLICATION IDENTIFIES EXISTING AND POTENTIAL WALKING AND BICYCLING ROUTES AND THE EXTENT TO WHICH THE PROPOSED PROJECT WOULD IMPROVE OR CONNECT THEM;
 - (f) SUPPORT FOR THE PROPOSED PROJECT FROM LOCAL SCHOOL-BASED ASSOCIATIONS, TRAFFIC ENGINEERS, ELECTED OFFICIALS, LAW ENFORCEMENT AGENCIES, AND SCHOOL OFFICIALS;
 - (g) THE GOAL OF FUNDING PROJECTS THROUGHOUT THE STATE IN PROPORTION TO THE GEOGRAPHIC DISTRIBUTION OF THE STUDENT POPULATION; AND
 - (h) OTHER CRITERIA ALLOWED OR REQUIRED BY APPLICABLE FEDERAL LAWS OR REGULATIONS.
- (4) THE EXECUTIVE DIRECTOR SHALL APPOINT AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE COMMISSION, WHICH SHALL AWARD GRANTS UNDER THE

SAFE ROUTES TO SCHOOL PROGRAM. THE COMMITTEE SHALL HAVE NO MORE THAN NINE MEMBERS, WHO SHALL RECEIVE NO COMPENSATION FOR SERVICE ON THE COMMITTEE. THE COMMITTEE SHALL INCLUDE AT LEAST ONE PERSON FROM A STATEWIDE ORGANIZATION REPRESENTING EACH OF THE FOLLOWING GROUPS:

- (a) EDUCATORS;
- (b) PARENTS;
- (c) BICYCLISTS;
- (d) PEDESTRIANS; AND
- (e) LAW ENFORCEMENT PERSONNEL.

43-1-1602. Federal funds. (1) THE DEPARTMENT MAY ALLOCATE FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER THE HAZARD ELIMINATION PROGRAM, 23 U.S.C. SEC. 152, AS AMENDED, OR ITS SUCCESSOR PROGRAM, TO PROJECTS FUNDED UNDER THE SAFE ROUTES TO SCHOOL PROGRAM.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT ALLOCATE TO THE SAFE ROUTES TO SCHOOL PROGRAM ANY FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT UNDER ANY FEDERAL SAFE ROUTES TO SCHOOL PROGRAM OR OTHER NEW FEDERAL PROGRAM THAT DESIGNATES FUNDS FOR ANY OF THE FOLLOWING PURPOSES:

- (a) TO ENABLE AND ENCOURAGE CHILDREN TO WALK AND BICYCLE TO SCHOOL;
- (b) TO MAKE BICYCLING AND WALKING TO SCHOOL A SAFER AND MORE APPEALING TRANSPORTATION ALTERNATIVE; OR
- (c) TO FACILITATE PLANNING, DEVELOPMENT, AND IMPLEMENTATION OF PROJECTS AND ACTIVITIES THAT WILL IMPROVE SAFETY AND REDUCE TRAFFIC, FUEL CONSUMPTION, AND AIR POLLUTION IN THE VICINITY OF SCHOOLS.

43-1-1603. Use of funds. A POLITICAL SUBDIVISION OF THE STATE THAT RECEIVES MONEYS UNDER THIS PART 16 MAY NOT USE SUCH MONEYS AS A SUBSTITUTE FOR FUNDS CURRENTLY BEING USED TO SUPPORT SIMILAR ACTIVITIES.

43-1-1604. Rules. THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THIS PART 16.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2004, the sum of one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, for the provision of legal services to the department of transportation related to the implementation of this act. This amount shall be from cash funds exempt received from the department of transportation.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became Law: June 5, 2004