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H. R. 1780

To ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Ms. MATSUI (for herself and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

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 “Safe and Complete
5 Streets Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COMPLETE STREET.—The term “complete
2 street” means a roadway that safely accommodates
3 all travelers, particularly public transit users,
4 bicyclists, pedestrians (including individuals of all
5 ages and individuals with mobility, sensory, neuro-
6 logical, or hidden disabilities), motorists and freight
7 vehicles, to enable all travelers to use the roadway
8 safely and efficiently.

9 (2) COMPLETE STREETS POLICY; COMPLETE
10 STREETS PRINCIPLE.—The terms “complete streets
11 policy” and “complete streets principle” mean a
12 transportation law, policy, or principle at the local,
13 State, regional, or Federal level that ensures—

14 (A) the safe and adequate accommodation,
15 in all phases of project planning and develop-
16 ment, of all users of the transportation system,
17 including pedestrians, bicyclists, public transit
18 users, children, older individuals, individuals
19 with disabilities, motorists, and freight vehicles;
20 and

21 (B) the consideration of the safety and
22 convenience of all users in all phases of project
23 planning and development.

24 (3) LOCAL JURISDICTION.—The term “local ju-
25 risdiction” means any unit of local government.

1 (4) METROPOLITAN PLANNING ORGANIZA-
2 TION.—The term “metropolitan planning organiza-
3 tion” has the meaning given the term in section
4 134(b) of title 23, United States Code.

5 (5) ROADWAY.—The term “roadway” means—

6 (A) the defined Federal functional classi-
7 fication roadway system;

8 (B) a roadway system for which funds are
9 provided under the equity bonus program under
10 section 105 of title 23, United States Code; and

11 (C) each bridge structure providing a con-
12 nection for such a roadway system.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Transportation.

15 (7) SENIOR MANAGER.—The term “senior man-
16 ager” means—

17 (A) the director of a State department of
18 transportation (or a designee);

19 (B) the director of a metropolitan planning
20 organization (or a designee); and

21 (C) the director of a regional, county, or
22 city transportation agency that is primarily re-
23 sponsible for planning and approval of trans-
24 portation projects (or a designee).

1 (8) TRANSPORTATION IMPROVEMENT PRO-
2 GRAM.—The term “transportation improvement pro-
3 gram” has the meaning given the term “TIP” in
4 section 134(b) of title 23, United States Code.

5 **SEC. 3. COMPLETE STREETS POLICY.**

6 (a) LAW OR POLICY.—Not later than October 1 of
7 the fiscal year that begins 2 years after the date of enact-
8 ment of this Act each State and metropolitan planning
9 organization shall have in effect—

10 (1) in the case of a State—

11 (A) a law requiring that, beginning on the
12 effective date of the State law, all transpor-
13 tation projects in the State shall accommodate
14 the safety and convenience of all users in ac-
15 cordance with complete streets principles; or

16 (B) an explicit State department of trans-
17 portation policy that, beginning on the effective
18 date of the policy, all transportation projects in
19 the State shall accommodate the safety and
20 convenience of all users in accordance with com-
21 plete streets principles; and

22 (2) in the case of a metropolitan planning orga-
23 nization, an explicit statement of policy that, begin-
24 ning on the effective date of the policy, all transpor-
25 tation projects under the jurisdiction of the metro-

1 politan planning organization shall accommodate the
2 safety and convenience of all users in accordance
3 with complete streets principles.

4 (b) INCLUSIONS.—

5 (1) IN GENERAL.—A law or policy described in
6 subsection (a) shall—

7 (A) apply to each federally funded project
8 of each State department of transportation or
9 metropolitan planning organization transpor-
10 tation improvement program;

11 (B) include a statement that each project
12 under the transportation improvement program
13 makes streets or affected rights-of-way acces-
14 sible to the expected users of that facility, of all
15 ages and abilities, including pedestrians,
16 bicyclists, transit vehicles and users, freight ve-
17 hicles, and motorists;

18 (C) except as provided in paragraph (2),
19 apply to new road construction and road modi-
20 fication projects, including design, planning,
21 construction, reconstruction, rehabilitation,
22 maintenance, and operations, for the entire
23 right-of-way;

24 (D) indicate that improvements for the
25 safe and convenient travel by pedestrians or

1 bicyclists of all ages and abilities on or across
2 streets shall be fully assessed, considered, and
3 documented as a routine element of pavement
4 resurfacing projects;

5 (E) delineate a clear procedure by which
6 transportation improvement projects may be ex-
7 empted from complying with complete streets
8 principles, which shall require—

9 (i) approval by the appropriate senior
10 manager, in accordance with subsection
11 (d)(2); and

12 (ii) documentation, with supporting
13 data, that indicates the basis for such an
14 exemption;

15 (F) comply with up-to-date design stand-
16 ards, particularly standards relating to pro-
17 viding access for individuals with disabilities;

18 (G) require that complete streets principles
19 be applied in due consideration of the urban,
20 suburban, or rural context in which a project is
21 located;

22 (H) include a list of performance stand-
23 ards with measurable outcomes to ensure that
24 the transportation improvement program ad-
25 heres to complete streets principles; and

1 (I) directs agency staff to create an imple-
2 mentation plan.

3 (2) EXCEPTION.—A law or policy described in
4 subsection (a) shall not apply to a new road con-
5 struction or modification project for which, as of the
6 effective date of the law or policy, at least 30 per-
7 cent of the design phase is completed.

8 (c) EXEMPTION REQUIREMENTS AND PROCE-
9 DURES.—A law or policy described in subsection (a) shall
10 allow for a project-specific exemption from an applicable
11 complete streets policy if—

12 (1)(A) an affected roadway prohibits, by law,
13 use of the roadway by specified users, in which case
14 a greater effort shall be made to accommodate those
15 specified users elsewhere, including on roadways that
16 cross or otherwise intersect with the affected road-
17 way;

18 (B) the cost to the exempted project in achiev-
19 ing compliance with the applicable complete streets
20 policy would be excessively disproportionate (as de-
21 fined in the 2001 Department of Transportation
22 Guidance on Accommodating Bicycle and Pedestrian
23 Travel), as compared to the need or probable use of
24 a particular complete street; or

1 (C) the existing and planned population, em-
2 ployment densities, traffic volumes, or level of tran-
3 sit service around a particular roadway is so low,
4 that the expected users of the roadway will not in-
5 clude pedestrians, public transportation, freight vehi-
6 cles, or bicyclists; and

7 (2) the project-specific exemption is approved
8 by—

9 (A) a senior manager of the metropolitan
10 planning organization that approved the trans-
11 portation improvement program containing the
12 exempted project;

13 (B) a senior manager of the relevant State
14 department of transportation; or

15 (C) in the case of a project for which nei-
16 ther the metropolitan planning organization nor
17 the State department of transportation is the
18 agency with primary transportation planning
19 authority, a senior manager of the regional,
20 county, or city agency responsible for planning
21 and approval of the project.

22 (d) INTEGRATION.—Each State department of trans-
23 portation and metropolitan planning organization imple-
24 menting a complete streets policy shall incorporate com-
25 plete streets principles into all aspects of the transpor-

1 tation project development, programming, and delivery
2 process, including project planning and identification,
3 scoping procedures, design approvals, design manuals, and
4 performance measures.

5 (e) REPORTS.—

6 (1) IN GENERAL.—Each State department of
7 transportation shall submit to the Secretary a report
8 describing the implementation by the State of meas-
9 ures to achieve compliance with the requirements of
10 this section, at such time, in such manner, and con-
11 taining such information as the Secretary may re-
12 quire.

13 (2) DETERMINATION BY SECRETARY.—On re-
14 ceipt of a report under paragraph (1), the Secretary
15 shall determine whether the applicable State has
16 achieved compliance with the requirements of this
17 section.

18 **SEC. 4. CERTIFICATION.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 enactment of this Act, the Secretary shall establish a
21 method of evaluating compliance by State departments of
22 transportation and metropolitan planning organizations
23 with the requirements of this Act, including a requirement
24 that each State department of transportation and metro-

1 politan planning organization shall submit to the Sec-
2 retary a report describing—

3 (1) each complete streets policy adopted by the
4 State department of transportation or metropolitan
5 planning organization;

6 (2) the means of implementation by the State
7 department of transportation or metropolitan plan-
8 ning organization of the complete streets policy; and

9 (3) the process for providing an exemption,
10 from the requirements of the complete streets policy
11 of the State department of transportation or metro-
12 politan planning organization.

13 (b) REPORT.—Not later than 3 years after the date
14 of enactment of this Act, the Secretary shall submit to
15 Congress a report describing—

16 (1) the method established under subsection
17 (a);

18 (2) the status of activities for adoption and im-
19 plementation by State departments of transportation
20 and metropolitan planning organizations of complete
21 streets policies;

22 (3) the tools and resources provided by the Sec-
23 retary to State departments of transportation and
24 metropolitan planning organizations to assist with
25 that adoption and implementation; and

1 (4) other measures carried out by the Secretary
2 to encourage the adoption of complete streets poli-
3 cies by local jurisdictions.

4 **SEC. 5. ACCESSIBILITY STANDARDS.**

5 (a) FINAL STANDARDS.—Not later than 1 year after
6 the date of enactment of this Act, the Architectural and
7 Transportation Barriers Compliance Board established by
8 section 502(a)(1) of the Rehabilitation Act of 1973 (29
9 U.S.C. 792(a)(1)) shall promulgate final standards for ac-
10 cessibility of new construction and alteration of pedestrian
11 facilities for public rights-of-way.

12 (b) TEMPORARY STANDARDS.—During the period be-
13 ginning on the date of enactment of this Act and ending
14 on the date on which the Architectural and Transportation
15 Barriers Compliance Board promulgates final standards
16 under subsection (a), a State or metropolitan planning or-
17 ganization shall apply to public rights-of-way—

18 (1) the standards for accessible transportation
19 facilities contained in section 37.9 of title 49, Code
20 of Federal Regulations (as in effect on the date of
21 enactment of this Act); or

22 (2) if the standards referred to in paragraph
23 (1) do not address, or are inapplicable to, an af-
24 fected public right-of-way, the revised draft guide-
25 lines for accessible public rights-of-way of the Archi-

1 tectural and Transportation Barriers Compliance
2 Board dated November 23, 2005.

3 **SEC. 6. RESEARCH, TECHNICAL GUIDANCE, AND IMPLE-**
4 **MENTATION ASSISTANCE.**

5 (a) RESEARCH.—

6 (1) IN GENERAL.—The Secretary shall conduct
7 research regarding complete streets to assist States,
8 metropolitan planning organizations, and local juris-
9 dictions in developing, adopting, and implementing
10 plans, projects, procedures, policies, and training
11 programs that comply with complete streets prin-
12 ciples.

13 (2) PARTICIPATION.—The Secretary shall solicit
14 participation in the research program under para-
15 graph (1) by—

16 (A) the American Association of State
17 Highway and Transportation Officials;

18 (B) the Institute of Transportation Engi-
19 neers;

20 (C) the American Public Transportation
21 Association;

22 (D) the American Planning Association;

23 (E) the National Association of Regional
24 Councils;

1 (F) the Association of Metropolitan Plan-
2 ning Organizations;

3 (G) the Insurance Institute for Highway
4 Safety;

5 (H) the American Society of Landscape
6 Architects;

7 (I) representatives of transportation safety,
8 disability, motoring, bicycling, walking, transit
9 user, aging, and air quality organizations; and

10 (J) other affected communities.

11 (3) REQUIREMENTS.—The research under para-
12 graph (1) shall—

13 (A) be based on the applicable statement
14 of complete streets research needs of the Trans-
15 portation Research Board, as described in TR
16 Circular E110; and

17 (B) seek to develop new areas of inquiry,
18 in addition to that statement.

19 (b) BENCHMARKS AND GUIDANCE.—

20 (1) IN GENERAL.—The research conducted
21 under subsection (a) shall be designed to result in
22 the establishment of benchmarks and the provision
23 of practical guidance on methods of effectively im-
24 plementing complete streets policies and complete
25 streets principles that will accommodate all users

1 along a facility or corridor, including vehicles, pedes-
2 trians, bicyclists, and transit users.

3 (2) FOCUS.—The benchmarks and guidance
4 under paragraph (1) shall—

5 (A) focus on modifying scoping, design,
6 and construction procedures to more effectively
7 combine particular methods of use into inte-
8 grated facilities that meet the needs of each
9 method in an appropriate balance; and

10 (B) indicate the expected operational and
11 safety performance of alternative approaches to
12 facility design.

13 (c) DATA COLLECTION.—The Secretary shall collabo-
14 rate with the Bureau of Transportation Statistics, the
15 Federal Transit Administration, and appropriate commit-
16 tees of the Transportation Research Board—

17 (1) to collect data regarding a baseline non-
18 motorized and transit use survey to be integrated
19 into the National Household Travel Survey; and

20 (2) to develop a survey tool for use by State de-
21 partments of transportation in identifying the
22 multimodal capacity of State and local roadways.

23 (d) TECHNICAL GUIDANCE.—

24 (1) REPORT.—Not later than 15 months after
25 the date of enactment of this Act, the Secretary

1 shall prepare and make available to all States, met-
2ropolitan planning organizations, and local jurisdic-
3tions a report that describes the best practices by
4which transportation agencies throughout the United
5States have implemented complete streets principles
6in accordance with, or in anticipation of, the require-
7ments of this Act.

8 (2) TOPICS FOR EMPHASIS.—In preparing the
9report under paragraph (1), the Secretary shall
10place particular emphasis on the following topics:

11 (A) Procedures for identifying the needs of
12users of all ages and abilities of a particular
13roadway.

14 (B) Procedures for identifying the types
15and designs of facilities needed to serve each
16class of users.

17 (C) Safety and other benefits provided by
18the implementation of complete streets prin-
19ciples.

20 (D) Common barriers to the implementa-
21tion of complete streets principles.

22 (E) Procedures for overcoming the most
23common barriers to the implementation of com-
24plete streets principles.

1 (F) Procedures for identifying the costs as-
2 sociated with the implementation of complete
3 streets principles.

4 (G) Procedures for maximizing local co-
5 operation in the introduction and implementa-
6 tion of complete streets principles.

7 (H) Procedures for assessing and modi-
8 fying the facilities and operational characteris-
9 tics of existing roadways to improve consistency
10 with complete streets principles.

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