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S. 1056

To ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2011

Mr. HARKIN (for himself, Mr. CARPER, Mr. LAUTENBERG, Mr. BEGICH, Mr. LEAHY, Mr. LEVIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. FRANKEN, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently 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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMPLETE STREET.—The term “complete
4 street” means a roadway that—

5 (A) safely accommodates all travelers, par-
6 ticularly public transit users, bicyclists, pedes-
7 trians (including individuals of all ages and in-
8 dividuals with mobility, sensory, neurological, or
9 hidden disabilities), motorists, and freight vehi-
10 cle operators; and

11 (B) enables all travelers to use the road-
12 way safely and efficiently.

13 (2) COMPLETE STREETS POLICY; COMPLETE
14 STREETS PRINCIPLE.—The terms “complete streets
15 policy” and “complete streets principle” mean a
16 transportation law, policy, or principle at the Fed-
17 eral, State, local, or regional level that ensures—

18 (A) the safe and adequate accommodation,
19 in all phases of project planning and develop-
20 ment, of all users of the transportation system,
21 including pedestrians, bicyclists, public transit
22 users, children, older individuals, individuals
23 with disabilities, motorists, and freight vehicle
24 operators; and

1 (B) the consideration of the safety and
2 convenience of all users in all phases of project
3 planning and development.

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

6 (4) METROPOLITAN PLANNING ORGANIZA-
7 TION.—The term “metropolitan planning organiza-
8 tion” has the meaning given the term in section
9 134(b) of title 23, United States Code.

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

11 (A) the defined Federal functional classi-
12 fication roadway system; and

13 (B) each bridge structure providing a con-
14 nection for that roadway system.

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Transportation.

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

19 (A) the director of a State department of
20 transportation (or a designee);

21 (B) the director of a metropolitan planning
22 organization (or a designee); and

23 (C) the director of a regional, county, or
24 city transportation agency that is primarily re-

1 sponsible for planning and approval of trans-
2 portation projects (or a designee).

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

7 **SEC. 3. COMPLETE STREETS POLICY REQUIREMENT.**

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

12 (1) in the case of a State—

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

18 (B) an explicit State department of trans-
19 portation policy that, beginning on the effective
20 date of the policy, requires all transportation
21 projects in the State to accommodate the safety
22 and convenience of all users in accordance with
23 complete streets principles; and

24 (2) in the case of a metropolitan planning orga-
25 nization, an explicit statement of policy that, begin-

1 ning on the effective date of the policy, requires all
2 transportation projects under the jurisdiction of the
3 metropolitan planning organization to accommodate
4 the safety and convenience of all users in accordance
5 with complete streets principles.

6 (b) INCLUSIONS.—

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

9 (A) apply to each Federal-aid highway
10 project undertaken by a State department of
11 transportation or metropolitan planning organi-
12 zation;

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

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

1 (D) indicate that improvements for the
2 safe and convenient travel by pedestrians or
3 bicyclists of all ages and abilities on or across
4 streets shall be fully assessed, considered, and
5 documented as a routine element of pavement
6 resurfacing projects;

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

11 (i) approval by the appropriate senior
12 manager, in accordance with subsection
13 (c)(2); and

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

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

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

24 (H) include a list of performance stand-
25 ards with measurable outcomes to ensure that

1 the transportation improvement program ad-
 2 heres to complete streets principles; and

3 (I) direct staff of the State or metropolitan
 4 planning organization, as applicable, to create,
 5 in consultation with the stakeholders listed in
 6 section 7(a)(2), an implementation plan.

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

12 (c) EXEMPTION REQUIREMENTS AND PROCE-
 13 DURES.—A law or policy described in subsection (a) shall
 14 allow for a project-specific exemption from an applicable
 15 complete streets policy only if—

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

22 (B) the cost to the exempted project in achiev-
 23 ing compliance with the applicable complete streets
 24 policy would be excessively disproportionate (as de-
 25 fined in the 2001 Department of Transportation

1 Guidance on Accommodating Bicycle and Pedestrian
2 Travel), as compared to the need or probable use of
3 a particular complete street; or

4 (C) the existing and planned population and
5 employment densities, traffic volumes, or level of
6 transit service around a particular roadway is so low
7 that the expected users of the roadway will not in-
8 clude pedestrians, public transportation, freight vehi-
9 cles, or bicyclists; and

10 (2) the project-specific exemption is approved
11 by—

12 (A) a senior manager of the metropolitan
13 planning organization that approved the trans-
14 portation improvement program containing the
15 exempted project;

16 (B) a senior manager of the relevant State
17 department of transportation; or

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

1 (d) PROMOTION.—Each State department of trans-
2 portation and metropolitan planning organization shall
3 promote the development of safe and complete streets poli-
4 cies in applicable local jurisdictions.

5 (e) INTEGRATION.—Each State department of trans-
6 portation and metropolitan planning organization imple-
7 menting a complete streets policy shall incorporate com-
8 plete streets principles into all aspects of the transpor-
9 tation project development, programming, and delivery
10 process, including project planning and identification,
11 scoping procedures, design approvals, design manuals, and
12 performance measures.

13 (f) REPORTS.—

14 (1) IN GENERAL.—Each State department of
15 transportation shall submit to the Secretary a report
16 describing the implementation by the State of meas-
17 ures to achieve compliance with the requirements of
18 this section, at such time, in such manner, and con-
19 taining such information as the Secretary may re-
20 quire.

21 (2) DETERMINATION BY SECRETARY.—On re-
22 ceipt of a report under paragraph (1), the Secretary
23 shall determine whether the applicable State has
24 achieved compliance with the requirements of this
25 section.

1 **SEC. 4. USER ACCESS AND CONSIDERATION.**

2 (a) STANDARDS.—Section 109(a)(1) of title 23,
3 United States Code, is amended by inserting “and is con-
4 sistent with complete streets policies and principles” be-
5 fore the semicolon.

6 (b) DESIGN CRITERIA FOR NATIONAL HIGHWAY SYS-
7 TEM.—Section 109(c) of title 23, United States Code, is
8 amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “may take into account” and
12 inserting “shall take into account”;

13 (B) in subparagraph (B), by striking
14 “and” at the end;

15 (C) in subparagraph (C), by striking the
16 period at the end and inserting “; and”; and

17 (D) by adding at the end the following:

18 “(D) the need to balance design speed,
19 right-of-way needs, and community livability.”;
20 and

21 (2) in paragraph (2)—

22 (A) in the first sentence, by striking “may
23 develop” and inserting “shall develop”;

24 (B) in subparagraph (C), by striking
25 “and” at the end;

1 (C) by redesignating subparagraph (D) as
 2 subparagraph (E); and

3 (D) by inserting after subparagraph (C)
 4 the following:

5 “(D) roadway design guidelines issued
 6 jointly by Congress for the New Urbanism and
 7 the Institute of Transportation Engineers;
 8 and”.

9 (c) PROTECTION OF NONMOTORIZED TRANSPOR-
 10 TATION TRAFFIC.—Section 109(m) of title 23, United
 11 States Code, is amended by inserting “to provide a safe
 12 and continuous route for all nonmotorized and light mo-
 13 torcycle traffic” before the period at the end.

14 (d) DEFINITION.—Section 109 of title 23, United
 15 States Code is amended by adding at the end the fol-
 16 lowing:

17 “(r) DEFINITION OF COMPLETE STREETS POLICY;
 18 COMPLETE STREETS PRINCIPLE.—In this section, the
 19 terms ‘complete streets policy’ and ‘complete streets prin-
 20 ciple’ mean a transportation law, policy, or principle at
 21 the Federal, State, local, or regional level that ensures—

22 “(1) the safe and adequate accommodation, in
 23 all phases of project planning and development, of
 24 all users of the transportation system, including pe-
 25 destrians, bicyclists, public transit users, children,

1 older individuals, individuals with disabilities, motor-
2 ists, and freight vehicle operators; and

3 “(2) the consideration of the safety and conven-
4 ience of all users in all phases of project planning
5 and development.”.

6 (e) GUIDANCE ON COMPLETE STREETS PRIN-
7 CIPLES.—Not later than 1 year after the date of enact-
8 ment of this Act, the Secretary shall issue guidance on
9 the implementation of comprehensive street design policies
10 and principles under section 109(a) of title 23, United
11 States Code.

12 **SEC. 5. CERTIFICATION.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of the Surface Transportation Exten-
15 sion Act of 2011 (Public Law 112–5; 125 Stat. 14), the
16 Secretary shall establish a method of ensuring compliance
17 by State departments of transportation and metropolitan
18 planning organizations with the requirements of this Act,
19 including a requirement that each State department of
20 transportation and metropolitan planning organization
21 shall submit to the Secretary a report describing—

22 (1) each complete streets policy adopted by the
23 State department of transportation or metropolitan
24 planning organization;

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

4 (3) the process for providing an exemption from
5 the requirements of the complete streets policy of
6 the State department of transportation or metropoli-
7 tan planning organization.

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

11 (1) the method established under subsection
12 (a);

13 (2) the status of activities for adoption and im-
14 plementation by State departments of transportation
15 and metropolitan planning organizations of complete
16 streets policies;

17 (3) the tools and resources provided by the Sec-
18 retary to State departments of transportation and
19 metropolitan planning organizations to assist with
20 that adoption and implementation; and

21 (4) other measures carried out by the Secretary
22 to encourage the adoption of complete streets poli-
23 cies by local jurisdictions.

24 (c) PROJECT CERTIFICATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), each State shall require that each agency
3 with primary design, construction, or financial re-
4 sponsibility for a federally funded project located
5 within the jurisdiction of a transportation improve-
6 ment program of the State shall—

7 (A) review the project at the final design
8 stage to ensure incorporation in the project of
9 each applicable complete streets policy described
10 in section 3; and

11 (B) not later than 1 year after the date on
12 which the project is opened for public use, sub-
13 mit to the State a certification that the project
14 achieves compliance with each applicable com-
15 plete streets policy.

16 (2) EXCEPTIONS.—A State may provide an ex-
17 ception to the requirements of paragraph (1) for a
18 project the cost of which is less than an amount to
19 be determined by the Secretary, by regulation.

20 **SEC. 6. ACCESSIBILITY STANDARDS.**

21 (a) FINAL STANDARDS.—Not later than 1 year after
22 the date of enactment of this Act, the Architectural and
23 Transportation Barriers Compliance Board established by
24 section 502(a)(1) of the Rehabilitation Act of 1973 (29
25 U.S.C. 792(a)(1)) shall promulgate final standards for ac-

1 cessibility of new construction and alteration of pedestrian
2 facilities for public rights-of-way.

3 (b) TEMPORARY STANDARDS.—During the period be-
4 ginning on the date of enactment of this Act and ending
5 on the date on which the Architectural and Transportation
6 Barriers Compliance Board promulgates final standards
7 under subsection (a), a State or metropolitan planning or-
8 ganization shall apply to public rights-of-way—

9 (1) the standards for accessible transportation
10 facilities contained in section 37.9 of title 49, Code
11 of Federal Regulations (as in effect on the date of
12 enactment of this Act); or

13 (2) if the standards referred to in paragraph
14 (1) do not address, or are inapplicable to, an af-
15 fected public right-of-way, the revised draft guide-
16 lines for accessible public rights-of-way of the Archi-
17 tectural and Transportation Barriers Compliance
18 Board dated November 23, 2005.

19 **SEC. 7. RESEARCH, TECHNICAL GUIDANCE, AND IMPLE-**
20 **MENTATION ASSISTANCE.**

21 (a) RESEARCH.—

22 (1) IN GENERAL.—The Secretary shall conduct
23 research regarding complete streets to assist States,
24 metropolitan planning organizations, and local juris-
25 dictions in developing, adopting, and implementing

1 plans, projects, procedures, policies, and training
2 programs that comply with complete streets prin-
3 ciples and documenting the safety benefits of com-
4 plete streets implementation.

5 (2) PARTICIPATION.—The Secretary shall solicit
6 participation in the research program under para-
7 graph (1) from—

8 (A) the American Association of State
9 Highway and Transportation Officials;

10 (B) the Institute of Transportation Engi-
11 neers;

12 (C) the American Public Transportation
13 Association;

14 (D) the American Planning Association;

15 (E) the National Association of Regional
16 Councils;

17 (F) the Association of Metropolitan Plan-
18 ning Organizations;

19 (G) the Insurance Institute for Highway
20 Safety;

21 (H) the American Society of Landscape
22 Architects;

23 (I) representatives of transportation safety,
24 disability, motoring, bicycling, walking, transit
25 user, aging, and air quality organizations; and

1 (J) other affected communities.

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

4 (A) be based on the applicable statement
5 of complete streets research needs of the Trans-
6 portation Research Board, as described in TR
7 Circular E110; and

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

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Sec-
12 retary \$2,000,000 for each applicable fiscal year to
13 carry out this subsection.

14 (b) BENCHMARKS AND GUIDANCE.—

15 (1) IN GENERAL.—The research conducted
16 under subsection (a) shall be designed to result in
17 the establishment of benchmarks and the provision
18 of practical guidance on methods of effectively im-
19 plementing complete streets policies and complete
20 streets principles that will accommodate all users
21 along a facility or corridor, including vehicles, pedes-
22 trians, bicyclists, and transit users.

23 (2) FOCUS.—The benchmarks and guidance
24 under paragraph (1) shall—

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

6 (B) indicate the expected operational and
7 safety performance of alternative approaches to
8 facility design.

9 (c) DATA COLLECTION.—In addition to preparing the
10 report under subsection (d), the Secretary shall collabo-
11 rate with the Bureau of Transportation Statistics, the
12 Federal Transit Administration, and appropriate commit-
13 tees of the Transportation Research Board—

14 (1) to collect data regarding a baseline non-
15 motorized and transit use survey to be integrated
16 into the National Household Transportation Survey;
17 and

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

21 (d) TECHNICAL GUIDANCE.—

22 (1) REPORT.—Not later than 15 months after
23 the date of enactment of this Act, the Secretary
24 shall prepare and make available to all States, met-
25 ropolitan planning organizations, and local jurisdic-

1 tions a report that describes the best practices by
2 which transportation agencies throughout the United
3 States have implemented complete streets principles
4 in accordance with, or in anticipation of, the require-
5 ments of this Act.

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

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

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

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

18 (D) Common barriers to the implementa-
19 tion of complete streets principles.

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

23 (F) Procedures for identifying the costs as-
24 sociated with the implementation of complete
25 streets principles.

1 (G) Procedures for maximizing local co-
2 operation in the introduction and implementa-
3 tion of complete streets principles.

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

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