

109TH CONGRESS
1ST SESSION

S. 794

To amend title 23, United States Code, to improve the safety of nonmotorized transportation, including bicycle and pedestrian safety.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 23, United States Code, to improve the safety of nonmotorized transportation, including bicycle and pedestrian safety.

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 2005”.

6 **SEC. 2. NONMOTORIZED TRANSPORTATION SAFETY.**

7 Section 120(c) of title 23, United States Code, is
8 amended—

9 (1) in the first sentence, by striking “The Fed-
10 eral” and inserting the following:

1 “(2) FEDERAL SHARE.—The Federal”;

2 (2) in the second sentence, by striking “In this
3 subsection, the term” and inserting the following:

4 “(1) DEFINITIONS.—In this subsection:

5 “(A) BICYCLE AND PEDESTRIAN SAFE-
6 TY.—The term ‘bicycle and pedestrian safety’
7 means any improvement that—

8 “(i) promotes the safety of bicyclists
9 and pedestrians (including people with dis-
10 abilities); and

11 “(ii) is consistent with sections 134
12 and 135.

13 “(B) SAFETY REST AREA.—The term”;

14 (3) by moving paragraph (1) (as added by para-
15 graph (2)) so as to appear before paragraph (2) (as
16 added by paragraph (1)); and

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

18 “(3) STATEMENT OF POLICY BY STATE TRANS-
19 PORTATION DEPARTMENTS.—

20 “(A) IN GENERAL.—Each State transpor-
21 tation department shall adopt a statement of
22 policy ensuring that the needs and safety of all
23 road users (including the need for pedestrian
24 and bicycle safety) are fully integrated into the
25 planning, design, operation and maintenance of

1 the transportation system of the State transpor-
2 tation department.

3 “(B) BASIS.—In the case of bicycle and
4 pedestrian safety, the statement of policy shall
5 be based on the design guidance on accommo-
6 dating bicyclists and pedestrians of the Federal
7 Highway Administration adopted in February
8 2000.

9 “(C) REPORTS.—Not later 1 year after the
10 date of enactment of this paragraph, and each
11 year thereafter, the Secretary shall submit to
12 Congress a report on the statements of policy
13 adopted under this paragraph.

14 “(4) NONMOTORIZED TRANSPORTATION
15 GOAL.—

16 “(A) IN GENERAL.—The Secretary shall
17 take such actions as are necessary to, to the
18 maximum extent practicable, double the per-
19 centage of trips made by foot or bicycle while
20 simultaneously reducing crashes involving
21 bicyclists and pedestrians by 10 percent, in a
22 manner consistent with the goals of the na-
23 tional bicycling and walking study conducted
24 during 1994.

“(B) ADMINISTRATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish such baseline and completion dates as are necessary to carry out subparagraph (A).

“(5) RESEARCH FOR NONMOTORIZED USERS.—

“(A) FINDINGS.—Congress finds that—

“(i) it is in the national interest to meet the goals of the national bicycling and walking study by the completion date established under paragraph (4)(B);

“(ii) research into the safety and operation of the transportation system for nonmotorized users is inadequate, given that almost 1 in 10 trips are made by foot or bicycle and 1 in 8 traffic fatalities involves a bicyclist or pedestrian; and

“(iii) inadequate data collection, especially on exposure rates and infrastructure needs, are hampering efforts to improve bicycle and pedestrian safety and use to meet local transportation needs.

“(B) ALLOCATION OF RESEARCH FUNDS FOR NONMOTORIZED USERS.—

1 “(i) IN GENERAL.—The Secretary
2 shall submit to Congress an annual report
3 on the percentage of research funds that
4 are allocated (for the most recent fiscal
5 year for which data are available) to re-
6 search that directly benefits the planning,
7 design, operation, and maintenance of the
8 transportation system for nonmotorized
9 users—

10 “(I) by the Department of Trans-
11 portation; and

12 “(II) by State transportation de-
13 partments.

14 “(ii) NATIONAL COOPERATIVE HIGH-
15 WAY RESEARCH PROGRAM.—The Transpor-
16 tation Research Board of the National
17 Academy of Sciences shall submit to Con-
18 gress an annual report on the percentage
19 of research funds under the National Co-
20 operative Highway Research Program that
21 are allocated (for the most recent fiscal
22 year for which data are available) to re-
23 search that directly benefits the planning,
24 design, operation, and maintenance of the

1 transportation system for nonmotorized
2 users.

3 “(iii) DEPARTMENT OF TRANSPOR-
4 TATION ALLOCATION.—Effective beginning
5 with the third full fiscal year that begins
6 after the date of enactment of this para-
7 graph, the Secretary shall allocate at least
8 10 percent of the research funds that are
9 allocated by the Department of Transpor-
10 tation for each fiscal year to research that
11 directly benefits the planning, design, oper-
12 ation, and maintenance of the transpor-
13 tation system for nonmotorized users.

14 “(6) METROPOLITAN PLANNING ORGANIZA-
15 TIONS.—

16 “(A) BICYCLE/PEDESTRIAN COORDINA-
17 TORS.—A metropolitan planning organization
18 shall a designate a bicycle/pedestrian coordi-
19 nator to coordinate bicycle and pedestrian pro-
20 grams and activities carried out in the area
21 served by the organization.

22 “(B) CERTIFICATION.—A metropolitan
23 planning organization shall certify to the Sec-
24 retary, as part of the certification review,
25 that—

1 “(i) the needs of bicyclists and pedes-
 2 trians (including people who use wheel-
 3 chairs and people with vision impairment)
 4 have been adequately addressed by the
 5 long-range transportation plan of the orga-
 6 nization; and

7 “(ii) the bicycle and pedestrian
 8 projects to implement the plan in a timely
 9 manner are included in the transportation
 10 improvement program of the organization.

11 “(C) LONG-RANGE TRANSPORTATION
 12 PLANS.—

13 “(i) IN GENERAL.—Except as pro-
 14 vided in clause (ii), a metropolitan plan-
 15 ning organization shall develop and adopt
 16 a long-range transportation plan that—

17 “(I) includes the most recent
 18 data available on the percentage of
 19 trips made by foot and by bicycle in
 20 each jurisdiction;

21 “(II) includes a target level for
 22 bicycle and pedestrian trips that is
 23 commensurate with the national goal
 24 of doubling the percentage of trips

1 made by foot and bicycle established
2 under paragraph (4); and

3 “(III) identify the contribution
4 made by each project under the trans-
5 portation improvement program of the
6 organization toward meeting the goal
7 of doubling the percentage of trips
8 made by foot and bicycle.

9 “(ii) APPLICATION.—Clause (i) does
10 not apply to a metropolitan planning orga-
11 nization that adopts the design guidance
12 described in paragraph (3)(B) for all
13 transportation projects carried out by the
14 organization.

15 “(D) LOCAL JURISDICTIONS.—A metro-
16 politan planning organization shall strongly en-
17 courage local jurisdictions that are served by
18 the organization to maximize the efforts of the
19 local jurisdictions to include sidewalks,
20 bikepaths, and road intersections that maximize
21 bicycle and pedestrian safety in the local trans-
22 portation systems of the local jurisdictions.”.

1 **SEC. 3. SAFE ROUTES TO SCHOOLS PROGRAM.**

2 (a) IN GENERAL.—Subchapter I of chapter I of title
3 23, United States Code, is amended by inserting after sec-
4 tion 149 the following:

5 **“§ 150. Safe routes to schools program**

6 “(a) DEFINITIONS.—In this section:

7 “(1) IN THE VICINITY OF SCHOOLS.—The term
8 ‘in the vicinity of schools’ means, with respect to pri-
9 mary and middle schools, the area within bicycling
10 and walking distance of the primary and middle
11 schools (approximately 2 miles).

12 “(2) PRIMARY AND MIDDLE SCHOOLS.—The
13 term ‘primary and middle schools’ means schools
14 providing education from kindergarten through
15 eighth grade.

16 “(b) ESTABLISHMENT.—The Secretary shall estab-
17 lish and carry out a safe routes to schools program for
18 the benefit of children in primary and middle schools.

19 “(c) PURPOSES.—The purposes of the program are—

20 “(1) to enable and encourage children, includ-
21 ing children with disabilities, to walk and bicycle to
22 primary and middle schools;

23 “(2) to make bicycling and walking to primary
24 and middle schools a safer and more appealing
25 transportation alternative, thereby encouraging a
26 healthy and active lifestyle 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 primary and
 5 middle schools.

6 “(d) APPORTIONMENT OF FUNDS.—

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

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

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

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

18 “(3) SET-ASIDE.—Before apportioning amounts
 19 made available to carry out this section under this
 20 subsection for a fiscal year, the Secretary shall set
 21 aside not more than 2 percent of those amounts to
 22 pay the administrative expenses incurred by the Sec-
 23 retary in carrying out this section.

24 “(4) DETERMINATION OF STUDENT ENROLL-
 25 MENTS.—Determinations under this subsection con-

cerning student enrollments shall be made by the
Secretary.

“(e) ADMINISTRATION OF AMOUNTS.—Amounts ap-
portioned to a State under this section shall be adminis-
tered by the applicable State transportation department.

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

“(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

“(1) INFRASTRUCTURE-RELATED PROJECTS.—

“(A) IN GENERAL.—Amounts apportioned
to a State under this section may be used for
the planning, design, and construction of infra-
structure-related projects that will substantially
improve the ability of students to walk and bi-
cycle to primary and middle schools in the vi-
cinity of primary and middle schools, includ-
ing—

“(i) sidewalk improvements;

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

1 “(iii) pedestrian and bicycle crossing
2 improvements;

3 “(iv) on-street bicycle facilities;

4 “(v) off-street bicycle and pedestrian
5 facilities;

6 “(vi) secure bicycle parking facilities;

7 and

8 “(vii) traffic diversion improvements.

9 “(B) LOCATION OF PROJECTS.—An infra-
10 structure-related project under subparagraph
11 (A) may be carried out on any public road or
12 any bicycle or pedestrian pathway or trail in the
13 vicinity of a primary or middle school.

14 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
15 TIES.—

16 “(A) IN GENERAL.—In addition to projects
17 described in paragraph (1), amounts appor-
18 tioned to a State under this section may be
19 used for noninfrastructure-related activities to
20 encourage walking and bicycling to primary and
21 middle schools, including—

22 “(i) public awareness campaigns and
23 outreach to press and community leaders;

1 “(ii) traffic education and enforce-
2 ment in the vicinity of primary and middle
3 schools;

4 “(iii) student sessions on bicycle and
5 pedestrian safety, health, and environment;
6 and

7 “(iv) funding for training, volunteers,
8 and managers of safe routes to schools
9 programs.

10 “(B) ALLOCATION.—Not less than 10 per-
11 cent and not more than 30 percent of the
12 amount apportioned to a State under this sub-
13 section for a fiscal year shall be used for non-
14 infrastructure-related activities under this para-
15 graph.

16 “(3) SAFE ROUTES TO SCHOOL COORDI-
17 NATOR.—Each State receiving an apportionment
18 under this section for a fiscal year shall use a suffi-
19 cient amount of the apportionment to fund a full-
20 time position of coordinator of the safe routes to
21 schools program of the State.

22 “(h) CLEARINGHOUSE.—

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

1 “(A) operate a national safe routes to
2 school clearinghouse;

3 “(B) develop information and educational
4 programs on safe routes to schools; and

5 “(C) provide technical assistance and dis-
6 seminate techniques and strategies used for
7 successful safe routes to schools programs.

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

11 “(i) TASK FORCE.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a national safe routes to schools task force com-
14 posed of leaders in health, transportation, and edu-
15 cation, including representatives of appropriate Fed-
16 eral agencies, to study and develop a strategy for ad-
17 vancing safe routes to schools programs nationwide.

18 “(2) REPORT.—Not later than March 31, 2006,
19 the Secretary shall submit to Congress a report con-
20 taining—

21 “(A) the results of the study conducted,
22 and a description of the strategy developed,
23 under paragraph (1); and

24 “(B) information regarding the use of
25 funds for infrastructure-related and noninfra-

1 structure-related activities under paragraphs
2 (1) and (2) of subsection (g).

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

6 “(j) APPLICABILITY.—

7 “(1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, funds made available to
9 carry out this section shall be available for obligation
10 in the same manner as funds apportioned under this
11 chapter.

12 “(2) AVAILABILITY.—Funds made available to
13 carry out this section shall not be transferable and
14 shall remain available until expended.

15 “(3) FEDERAL SHARE.—The Federal share of
16 the cost of a project or activity under this section
17 shall be 100 percent.

18 “(4) FEDERAL-AID SYSTEM.—Notwithstanding
19 any other provision of law, a project assisted under
20 this section shall be treated as a project on a Fed-
21 eral-aid system under this chapter.”.

22 (b) AUTHORIZATIONS OF APPROPRIATIONS.—There
23 are authorized to be appropriated from the Highway Trust
24 Fund (other than the Mass Transit Account) for the safe

1 routes to schools programs under section 150 of title 23,
 2 United States Code (as added by subsection (a))—

3 (1) \$175,000,000 for fiscal year 2005;

4 (2) \$200,000,000 for fiscal year 2006;

5 (3) \$200,000,000 for fiscal year 2007;

6 (4) \$200,000,000 for fiscal year 2008; and

7 (5) \$225,000,000 for fiscal year 2009.

8 (c) CONFORMING AMENDMENTS.—The analysis for
 9 subchapter I of chapter 1 of title 23, United States Code
 10 is amended by inserting after the item relating to section
 11 149 the following:

“150. Safe routes to schools program.”.

12 **SEC. 4. NONMOTORIZED TRANSPORTATION PILOT PRO-**
 13 **GRAM.**

14 (a) ESTABLISHMENT.—The Secretary of Transpor-
 15 tation shall establish and carry out a nonmotorized trans-
 16 portation pilot program to construct, in 4 communities se-
 17 lected by the Secretary, a network of nonmotorized trans-
 18 portation infrastructure facilities (including sidewalks, bi-
 19 cycle lanes, and pedestrian and bicycle trails) that connect
 20 directly with transit stations, schools, residences, busi-
 21 nesses, recreation areas, and other community activity
 22 centers.

23 (b) PURPOSE.—The purpose of the program shall be
 24 to demonstrate the extent to which bicycling and walking
 25 can ease the burden on transportation systems, and rep-

1 resent a major portion of the transportation needs that
 2 are met, within selected communities.

3 (c) GRANTS.—

4 (1) IN GENERAL.—In carrying out the program,
 5 the Secretary may make grants to State, local, and
 6 regional agencies that the Secretary determines are
 7 suitably equipped and organized to carry out the ob-
 8 jectives and requirements of this subsection.

9 (2) SUBALLOCATION.—An agency that receives
 10 a grant under this section may suballocate grant
 11 funds to a nonprofit organization to carry out the
 12 program under this section.

13 (d) APPLICABILITY OF TITLE 23.—

14 (1) IN GENERAL.—Except as otherwise pro-
 15 vided in this subsection, funds made available to
 16 carry out this section shall be available for obligation
 17 in the same manner as if the funds were apportioned
 18 under chapter 1 of title 23, United States Code.

19 (2) AVAILABILITY.—Funds made available to
 20 carry out this section shall not be transferable and
 21 shall remain available until expended.

22 (3) FEDERAL SHARE.—The Federal share of
 23 the cost of a project carried out under this section
 24 shall be 80 percent.

1 (e) STATISTICAL INFORMATION.—In carrying out the
 2 program, the Secretary shall—

3 (1) develop statistical information on changes in
 4 motor vehicle, nonmotorized transportation, and
 5 public transportation usage in communities partici-
 6 pating in the program; and

7 (2) assess how the changes—

8 (A) decrease congestion and energy usage;

9 (B) increase the frequency of biking and
 10 walking; and

11 (C) promote better health and a cleaner
 12 environment.

13 (f) REPORTS.—The Secretary shall submit to Con-
 14 gress an interim report not later than September 30,
 15 2007, and a final report not later than September 30,
 16 2010, on the results of the program.

17 (g) AUTHORIZATIONS OF APPROPRIATIONS.—There
 18 is authorized to be appropriated from the Highway Trust
 19 Fund (other than the Mass Transit Account) to carry out
 20 the nonmotorized pilot program under this section
 21 \$25,000,000 for each of fiscal years 2005 through 2009.

