

111TH CONGRESS
1ST SESSION

H. R. 4287

To establish an Office of Livability in the Office of the Secretary of
Transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2009

Mr. COHEN introduced the following bill; which was referred to the Committee
on Transportation and Infrastructure

A BILL

To establish an Office of Livability in the Office of the
Secretary of Transportation, and for other purposes.

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 “Enhancing Livability
5 for All Americans Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Since the creation of the Interstate System,
9 United States surface transportation has been de-
10 fined by the use of personal motor vehicles.

1 (2) The focus on automobiles has afforded the
2 people of the United States increased mobility and
3 interconnectivity, but has also resulted in increased
4 congestion, higher greenhouse gas emissions, and a
5 reduced focus on other modes of surface transportation.
6 tation.

7 (3) Between 1955 and 2005, vehicle miles traveled
8 in the United States increased fivefold, bringing
9 with it an escalation in traffic congestion.

10 (4) Each year, Americans spend 4,200,000,000
11 hours in traffic congestion, burning 2,900,000,000
12 gallons of fuel.

13 (5) Wasted time and fuel result in a
14 \$78,000,000,000 annual congestion tax, creating a
15 financial drain on individuals and the economy as a
16 whole.

17 (6) The transportation sector accounts for 22
18 percent of the greenhouse gases emitted annually in
19 the United States, with 60 percent of the emissions
20 coming from personal motor vehicle use.

21 (7) Transportation costs account for approximately
22 18 percent of an average household's expenditures.
23 itures.

1 (8) Over reliance on automobiles can have ad-
2 verse impacts on public health, both through less-
3 ened physical activity and from increased pollutants.

4 (9) In order to reduce the financial, environ-
5 mental, and quality of life impacts of traffic conges-
6 tion and to create modal choice for all users, the
7 United States transportation system must include
8 alternate modes of transportation to complement
9 personal motor vehicle travel, including public tran-
10 sit, walking, and bicycling.

11 (10) Public transit, walking, and bicycling are
12 sustainable modes of transportation that result in
13 5,600,000,000 gallons of fuel savings and reduce
14 carbon dioxide emissions by 49,000,000 metric tons
15 each year.

16 (11) Sustainable modes of transportation can
17 provide affordable transportation choices and have
18 the ability to reduce the transportation cost burden.

19 (12) Bicyclists and pedestrians are intended
20 users of the surface transportation system, except
21 where prohibited by law, and it is the policy of the
22 Federal Government to encourage maximum accessi-
23 bility and safety with respect to the surface trans-
24 portation system for bicyclists and pedestrians as in-

1 tended users when designing and constructing sur-
2 face transportation facilities.

3 (13) In order to provide access to sustainable
4 modes of transportation, land use and planning deci-
5 sions must include consideration of transportation
6 options.

7 (14) A modally balanced surface transportation
8 system will benefit all users through improved acces-
9 sibility, mobility, and quality of life.

10 (15) Increasing the availability and use of sus-
11 tainable modes of transportation and the develop-
12 ment of livable communities are priorities of the
13 United States.

14 **SEC. 3. OFFICE OF LIVABILITY.**

15 (a) IN GENERAL.—Chapter 3 of title 23, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 330. Office of Livability**

19 “(a) ESTABLISHMENT.—The Secretary shall estab-
20 lish within the Office of the Secretary an office to be
21 known as the ‘Office of Livability’ (in this section referred
22 to as the ‘Office’) to—

23 “(1) provide funding, leadership, and support
24 for transportation projects, planning, and policies at
25 all levels of government that enhance livability; and

1 “(2) work to create and maintain a safe, reli-
2 able, integrated, and accessible transportation net-
3 work that improves the economic and social well-
4 being of the people of the United States by enhanc-
5 ing choices for transportation users that—

6 “(A) provide easy access to employment
7 opportunities and other destinations; and

8 “(B) promote positive effects on the sur-
9 rounding community and environment.

10 “(b) DIRECTOR.—

11 “(1) IN GENERAL.—The Office shall be headed
12 by a director who shall be known as the “Director
13 of the Office of Livability” (in this section referred
14 to as the ‘Director’) and who shall be appointed by
15 the Secretary.

16 “(2) DUTIES.—The duties of the Director shall
17 be to—

18 “(A) manage the programs of the Office;

19 “(B) provide leadership within the Depart-
20 ment of Transportation and throughout the
21 United States with respect to Federal livability
22 transportation policies; and

23 “(C) work collaboratively to ensure the ex-
24 peditious and successful implementation of the
25 projects and programs of other offices within

1 the Department of Transportation relating to
2 livability.

3 “(c) GRANT PROGRAMS.—The Director shall estab-
4 lish and carry out the grant programs established under
5 this section by—

6 “(1) developing applications and criteria for the
7 programs;

8 “(2) issuing regulations with respect to the pro-
9 grams;

10 “(3) selecting the recipients of grants under the
11 programs;

12 “(4) creating performance measures for recipi-
13 ents of grants under the programs;

14 “(5) monitoring and evaluating the performance
15 of recipients of grants under the programs;

16 “(6) developing technical assistance and other
17 guidance to assist potential applicants, applicants,
18 and recipients of grants under the programs; and

19 “(7) carrying out other activities with respect to
20 the programs determined necessary by the Director.

21 “(d) GRANT PROGRAM FOR PROJECTS.—

22 “(1) ESTABLISHMENT.—The Director shall es-
23 tablish and carry out a grant program (in this sub-
24 section referred to as the ‘program’) to award grants
25 on a competitive basis to eligible entities specified in

1 paragraph (2) to assist capital investments in sur-
2 face transportation projects that have a significant
3 impact on a region, metropolitan area, community,
4 or neighborhood.

5 “(2) ELIGIBLE ENTITIES.—For purposes of
6 paragraph (1), the following are eligible entities:

7 “(A) A State government.

8 “(B) A local government.

9 “(C) The government of a territory of the
10 United States.

11 “(D) The government of an Indian tribe.

12 “(E) A transit agency.

13 “(F) A port authority.

14 “(G) A metropolitan planning organiza-
15 tion.

16 “(H) Any other political subdivision of a
17 State or local government.

18 “(I) A multimodal or multi-State entity
19 composed of entities specified in subparagraphs
20 (A) through (H).

21 “(3) ELIGIBILITY AND PRIORITY OF
22 PROJECTS.—

23 “(A) ELIGIBILITY.—A grant under the
24 program shall be used for a transportation
25 project that enhances livability. To be eligible

1 for a grant under the program, an applicant
2 must demonstrate the following:

3 “(i) The proposed project of the appli-
4 cant will take place in a community with a
5 transportation system characterized by, in
6 the determination of the Director, a major-
7 ity of the following:

8 “(I) Poor accessibility with re-
9 spect to job centers, schools, and
10 other urban areas in the region.

11 “(II) Limited transportation op-
12 tions for residents, particularly for in-
13 dividuals living in high-poverty areas,
14 the elderly, and individuals with a dis-
15 ability.

16 “(III) Limited access and safety
17 with respect to all transportation
18 modes, including bicycling and walk-
19 ing, and an overall record of poor
20 transportation safety.

21 “(IV) Limited connectivity
22 among existing transportation modes.

23 “(V) Significant congestion.

1 “(VI) Significant urban sprawl
2 characterized by low population den-
3 sity.

4 “(VII) Poor air and water qual-
5 ity.

6 “(VIII) Limited green space and
7 greenways.

8 “(IX) An excessive average vehi-
9 cle miles traveled per resident.

10 “(ii) The applicant has established
11 performance measures to evaluate the ef-
12 fectiveness of the proposed project.

13 “(iii) The applicant will utilize context
14 sensitive solutions and public involvement
15 in project development to ensure that the
16 project reflects community and environ-
17 mental values.

18 “(iv) There is a commitment to imple-
19 mentation of the proposed project on the
20 part of key local political leadership and
21 stakeholder groups, including metropolitan
22 planning organizations.

23 “(v) The proposed project is able to
24 begin implementation not later than one

1 year after the date on which grant
2 amounts are received.

3 “(B) PRIORITIES.—The Director shall give
4 priority in awarding grants under the program
5 to transportation projects that include at least
6 two or more of the following:

7 “(i) Provision of an increased number
8 of transportation options, including bicy-
9 cling and walking, to improve access to
10 housing, jobs, businesses, services, and so-
11 cial activities, particularly for low-income
12 individuals and populations without access
13 to a motor vehicle.

14 “(ii) Design of streets and transit and
15 rail stations to enable safe and equitable
16 access for all users.

17 “(iii) Improvement of the safety of a
18 transportation system, facility, or network.

19 “(iv) Reduction of greenhouse gas and
20 criteria pollutant emissions, enhancement
21 of wildlife habitat, or an increase in green
22 spaces.

23 “(v) Reduction of exposure to criteria
24 pollutants and other public health risks,

1 particularly for low-income and at-risk
2 communities.

3 “(vi) Use of innovative land use strat-
4 egies to better coordinate transportation,
5 housing, and development.

6 “(vii) Strong collaboration among a
7 broad range of participants or the integra-
8 tion of transportation projects with other
9 public service efforts.

10 “(viii) Revitalization of main streets
11 and downtowns by making transportation
12 improvements that encourage greater use
13 of such areas.

14 “(ix) Support for community in-fill,
15 transit-oriented development, or neighbor-
16 hood revitalization activities.

17 “(x) Support for goals or projects in-
18 cluded in a long range transportation plan.

19 “(4) SIZE DIVERSITY.—In awarding grants
20 under the program, the Director shall award—

21 “(A) at least 25 percent of the amount
22 available for grants under the program to
23 projects located in communities with a popu-
24 lation of not more than 200,000 individuals

1 (which may include amounts awarded pursuant
2 to subparagraph (B)); and

3 “(B) at least 10 percent of the amount
4 available for grants under the program to
5 projects located in communities with a popu-
6 lation of not more than 50,000 individuals.

7 “(5) AVAILABILITY OF AMOUNTS.—Amounts
8 made available to a recipient of a grant under the
9 program shall remain available for the 3 fiscal years
10 beginning after the fiscal year in which amounts are
11 provided. Amounts unobligated by the recipient at
12 the end of such period shall be redistributed by the
13 Director to other eligible entities under the program.

14 “(6) ANNUAL REPORT.—As a condition of re-
15 ceiving a grant under the program, the recipient of
16 the grant shall submit to the Director, each fiscal
17 year in which the grant amounts are received, a re-
18 port that, at a minimum—

19 “(A) lists and describes the projects and
20 activities carried out by the recipient during the
21 fiscal year; and

22 “(B) describes and analyzes the impact of
23 the projects and activities with respect to the
24 objectives of programs and activities under this
25 section.

1 “(e) GRANT PROGRAM FOR INNOVATIVE PLAN-
2 NING.—

3 “(1) ESTABLISHMENT.—The Director shall es-
4 tablish and carry out a grant program (in this sub-
5 section referred to as the ‘program’) to award grants
6 on a competitive basis to eligible entities specified in
7 paragraph (2) to assist communities in developing
8 strategic growth plans that provide a vision and
9 goals for development with respect to at least a 20-
10 year period and that integrate long-term transpor-
11 tation and land use planning.

12 “(2) ELIGIBLE ENTITIES.—For purposes of
13 paragraph (1), the following are eligible entities:

14 “(A) A State government.

15 “(B) A regional planning organization.

16 “(C) A metropolitan planning organization.

17 “(D) A local government.

18 “(3) PRIORITY FOR GRANTS.—The Director
19 shall give priority in awarding grants under the pro-
20 gram to applicants that demonstrate the following:

21 “(A) The proposed strategic growth plan
22 of the applicant is for a community with a
23 transportation system characterized by, in the
24 determination of the Director, a majority of the
25 following:

1 “(i) Poor accessibility with respect to
2 job centers, schools, and other urban areas
3 in the region.

4 “(ii) Limited transportation options
5 for residents, particularly for individuals
6 living in high-poverty areas, the elderly,
7 and individuals with a disability.

8 “(iii) Limited access and safety with
9 respect to all transportation modes, includ-
10 ing bicycling and walking, and an overall
11 record of poor transportation safety.

12 “(iv) Limited connectivity among ex-
13 isting transportation modes.

14 “(v) Significant congestion.

15 “(vi) Significant urban sprawl charac-
16 terized by low population density.

17 “(vii) Poor air and water quality.

18 “(viii) Limited green space and green-
19 ways.

20 “(ix) An excessive average vehicle
21 miles traveled per resident.

22 “(B) Multijurisdictional partnerships and
23 engagement with local jurisdictions, transit
24 agencies and service providers, and housing and
25 land use entities.

1 “(C) The ability to complete a strategic
2 growth plan in an effective and timely manner.

3 “(D) The ability to incorporate the stra-
4 tegic growth plan into a long range transpor-
5 tation plan.

6 “(4) REQUIREMENTS ON STRATEGIC GROWTH
7 PLANS.—A strategic growth plan for which a grant
8 is awarded under the program shall develop a vision
9 and goals for enhancing livability. The recipient of
10 a grant under the program shall coordinate with
11 local jurisdictions, transit agencies and service pro-
12 viders, and housing and land use entities and shall
13 develop a strategic growth plan that—

14 “(A) furthers the creation of livable com-
15 munities;

16 “(B) incorporates the development of fea-
17 sible steps for implementing the plan, including
18 interjurisdictional agreements that provide for
19 cooperative and coordinated approaches to
20 achieving plan goals;

21 “(C) assesses projected regional population
22 growth or loss and other demographic changes,
23 including by creating 2 to 4 alternative growth
24 scenarios;

1 “(D) assesses how regional population
2 growth or loss and other demographic changes
3 may impact the need for housing, community
4 development, and transportation, including pub-
5 lic transportation, in the region;

6 “(E) assesses existing transportation cor-
7 ridors and includes strategies for maintaining
8 the corridors and for enhancing development
9 along the corridors;

10 “(F) assesses the accessibility of job cen-
11 ters in the region with respect to public trans-
12 portation facilities and housing, including af-
13 fordable and public housing;

14 “(G) assesses transportation options in the
15 region, including—

16 “(i) public transportation options, in-
17 cluding intercity and high-speed rail;

18 “(ii) options for individuals with low
19 incomes, individuals living in high-poverty
20 areas, the elderly, and individuals with a
21 disability; and

22 “(iii) any obstacles to providing access
23 to locations that offer employment oppor-
24 tunities, including those in other urban
25 areas in the region;

1 “(H) assesses the daily vehicle miles trav-
2 eled in the region and the opportunities for re-
3 ducing growth in daily vehicle miles traveled
4 and traffic congestion in the region;

5 “(I) assesses the environmental and public
6 health needs of the region and incorporates
7 strategies for reducing greenhouse gas emis-
8 sions, improving air and water quality, and re-
9 mediating brownfield sites;

10 “(J) includes strategies for adding new ca-
11 pacity for public transportation and increasing
12 ridership on public transportation;

13 “(K) includes strategies for supporting the
14 development of location-efficient and transit-ori-
15 ented development;

16 “(L) includes strategies for revitalizing
17 communities, neighborhoods, and commercial
18 centers by supporting existing infrastructure;

19 “(M) includes strategies for coordinating
20 the provision of transportation services to indi-
21 viduals with low incomes, the elderly, and indi-
22 viduals with a disability;

23 “(N) includes strategies for reducing the
24 costs of housing and transportation, particu-
25 larly for low-income households; and

1 “(O) assesses public lands and waters and
2 includes strategies for maintaining or enhancing
3 the amount of public lands and waters.

4 “(5) SIZE DIVERSITY.—In awarding grants
5 under the program, the Director shall award—

6 “(A) at least 25 percent of the amount
7 available for grants under the program to plans
8 for communities with a population of not more
9 than 200,000 individuals (which may include
10 amounts awarded pursuant to subparagraph
11 (B)); and

12 “(B) at least 10 percent of the amount
13 available for grants under the program to plans
14 for communities with a population of not more
15 than 50,000 individuals.

16 “(6) AVAILABILITY OF AMOUNTS.—Amounts
17 made available to a recipient of a grant under the
18 program shall remain available for the 3 fiscal years
19 beginning after the fiscal year in which amounts are
20 provided. Amounts unobligated by the recipient at
21 the end of such period shall be redistributed by the
22 Director to other eligible entities under the program.

23 “(7) MAXIMUM GRANT AMOUNTS.—The Direc-
24 tor shall establish the maximum amount of a grant
25 under the program for each of the following:

1 “(A) Recipients developing a strategic
2 growth plan for a community with a population
3 of not more than 50,000 individuals.

4 “(B) Recipients developing a strategic
5 growth plan for a community with a population
6 of more than 50,000 individuals and not more
7 than 200,000 individuals.

8 “(C) Recipients developing a strategic
9 growth plan for a community with a population
10 of more than 200,000 individuals and not more
11 than 1,000,000 individuals.

12 “(D) Recipients developing a strategic
13 growth plan for a community with a population
14 of more than 1,000,000 individuals and not
15 more than 3,000,000 individuals.

16 “(E) Recipients developing a strategic
17 growth plan for a community with a population
18 of more than 3,000,000 individuals.

19 “(8) ANNUAL REPORT.—As a condition of re-
20 ceiving a grant under the program, the recipient of
21 the grant shall submit to the Director, each fiscal
22 year in which the grant amounts are received, a re-
23 port that, at a minimum—

1 “(A) lists and describes the projects and
2 activities carried out by the recipient during the
3 fiscal year;

4 “(B) describes and analyzes the impact of
5 the projects and activities with respect to the
6 objectives of programs and activities under this
7 section;

8 “(C) includes a set of performance meas-
9 ures to evaluate the strategic growth plan of
10 the recipient, including measures with respect
11 to the evaluation of economic development,
12 quality of life, transportation costs, public
13 health and safety, equitable access to transpor-
14 tation options, energy efficiency, greenhouse gas
15 emission reductions and other environmental
16 impacts, and transportation system conditions
17 and connectivity; and

18 “(D) describes innovative planning and
19 public participation methods developed and im-
20 plemented, including for engaging regional em-
21 ployers, public health and housing providers,
22 and transportation users, including individuals
23 with low incomes, the elderly, and individuals
24 with a disability;

1 “(f) DEVELOPMENT OF STATISTICAL AND ANALYT-
2 ICAL CAPABILITIES.—The Director shall develop statis-
3 tical and analytical capabilities, in conjunction, when ap-
4 propriate, with other entities in the executive branch (in-
5 cluding the Environmental Protection Agency and the De-
6 partment of Housing and Urban Development) and with
7 other entities within the Department of Transportation
8 (including other offices within the Federal Highway Ad-
9 ministration, the Federal Transit Administration, the
10 Federal Railroad Administration, the National Highway
11 Traffic Safety Administration, and the Bureau of Trans-
12 portation Statistics) to ascertain, and shall determine, the
13 following using the best available research methodologies:

14 “(1) The percentage of trips taken throughout
15 the United States each year using each of the fol-
16 lowing modes of transportation:

17 “(A) Motor vehicle travel.

18 “(B) Public transit, including ferries.

19 “(C) Walking.

20 “(D) Bicycling.

21 “(E) Intercity rail and bus travel.

22 “(2) The economic, public health, and environ-
23 mental benefits derived due to the percentage of
24 trips taken annually using sustainable modes of
25 transportation.

1 “(3) Benefits that may be achieved with an in-
2 crease in the percentage of trips taken annually
3 using sustainable modes of transportation.

4 “(4) An affordability index that illustrates the
5 transportation and housing costs associated with liv-
6 ing in specific locations.

7 “(5) Any other information relating to the sta-
8 tus and expansion of sustainable modes of transpor-
9 tation and livable communities that the Director de-
10 termines is necessary.

11 “(g) EXECUTIVE BRANCH COORDINATION.—The Di-
12 rector shall work collaboratively with other executive
13 branch agencies, including the Department of Housing
14 and Urban Development, the Environmental Protection
15 Agency, the Department of the Interior, and the Depart-
16 ment of Health and Human Services, to exchange infor-
17 mation, carry out joint planning and research, and con-
18 duct other activities that promote the development of liv-
19 able communities, increase transportation choices, and im-
20 prove the environment, public health, and quality of life.

21 “(h) COLLABORATION.—

22 “(1) IN GENERAL.—The Director shall work
23 collaboratively to ensure the expeditious and success-
24 ful implementation of projects and programs that
25 pertain to livability in offices of the Federal High-

1 way Administration, Federal Transit Administration,
2 Federal Railroad Administration, and all other oper-
3 ating administrations within the Department of
4 Transportation. Projects and programs that pertain
5 to livability include the following:

6 “(A) The nonmotorized transportation
7 pilot program under section 1807 of
8 SAFETEA-LU (23 U.S.C. 217 note; 119 Stat.
9 1460).

10 “(B) Transportation enhancements under
11 section 133.

12 “(C) The recreational trails program under
13 section 206.

14 “(D) The national scenic byways program
15 under section 162.

16 “(E) Other programs of the Department of
17 Transportation identified by the Secretary as
18 contributing significantly to improved livability.

19 “(2) EFFECT ON LOCATION OF PROGRAMS.—
20 Programs specified under paragraph (1) shall re-
21 main in the modal location in effect before the date
22 of enactment of this section. A program relating to
23 livability established after the date of enactment of
24 this section may be situated in any modal location
25 in the Department of Transportation, at the discre-

1 tion of the Secretary, unless otherwise mandated by
2 Act of Congress.

3 “(i) DEVELOPMENT AND DISSEMINATION OF BEST
4 PRACTICES.—

5 “(1) IN GENERAL.—The Office shall act as a
6 leadership resource to develop and disseminate infor-
7 mation on best practices and provide technical as-
8 sistance or other training to States, regional and
9 local governmental entities, and Indian tribes relat-
10 ing to, at a minimum, the following:

11 “(A) Promotion of the integration of land
12 use planning and transit-oriented development
13 to support the creation of livable communities.

14 “(B) Fostering multimodal transportation
15 systems and effective multimodal connections.

16 “(C) The expeditious delivery of non-
17 motorized transportation projects.

18 “(D) Innovative design of nonmotorized
19 transportation facilities.

20 “(E) Adoption and implementation of com-
21 prehensive street design policies and principles
22 and practical design standards.

23 “(F) Reduction of greenhouse gas emis-
24 sions and other criteria pollutants.

1 “(G) Projects, programs, and activities
2 that support the achievement of the national
3 mode share targets developed under paragraph
4 (2).

5 “(2) MODE SHARE TARGETS.—The Director
6 shall develop quantifiable national mode share tar-
7 gets for sustainable modes of transportation, develop
8 a timeline for achievement of the targets, and sup-
9 port projects, programs, and activities within the
10 Department of Transportation and throughout the
11 United States in support of the targets.

12 “(j) COMPREHENSIVE STREET DESIGN POLICIES
13 AND PRINCIPLES AND PRACTICAL DESIGN STANDARDS.—
14 The Director shall encourage the adoption and implemen-
15 tation by States, regional and local governmental entities,
16 and Indian tribes of comprehensive street design policies
17 and principles and practical design standards through—

18 “(1) the development and dissemination of in-
19 formation on best practices under subsection (i);

20 “(2) the provision of technical assistance or
21 other training under subsection (i); and

22 “(3) the creation or compilation of model com-
23 prehensive street design policies and principles and
24 practical design standards and the dissemination of
25 information relating to such models to States, met-

1 ropolitan planning organizations, and other appro-
 2 priate governmental entities.

3 “(k) LIVABILITY, SUSTAINABILITY, AND PLAN-
 4 NING.—The Director shall compile information and pro-
 5 vide technical assistance, training, and information con-
 6 cerning best practices to States and metropolitan planning
 7 organizations to assist such entities in achieving compli-
 8 ance with livability and sustainability requirements and
 9 performance targets.

10 “(l) FUNDING.—

11 “(1) IN GENERAL.—There is authorized to be
 12 appropriated out of the Highway Trust Fund (other
 13 than the Mass Transit Account) to carry out this
 14 section \$750,000,000 for each of fiscal years 2011
 15 through 2015.

16 “(2) CONTRACT AUTHORITY.—Funds made
 17 available to carry out this section shall be available
 18 for obligation and administered in the same manner
 19 as if the funds were apportioned under chapter 1.”.

20 (b) CLERICAL AMENDMENT.—The analysis for such
 21 chapter is amended by adding at the end the following:

“330. Office of Livability.”.

○