

113TH CONGRESS  
1ST SESSION

# H. R. 2468

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2013

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

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## 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 Streets Act of  
5 2013”.

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; and

8                   (B) each bridge structure providing a con-  
9                   nection for such a roadway system.

10          (6) SECRETARY.—The term “Secretary” means  
11          the Secretary of Transportation.

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

14                   (A) the director of a State department of  
15                   transportation (or a designee);

16                   (B) the director of a metropolitan planning  
17                   organization (or a designee); and

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

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

1 **SEC. 3. COMPLETE STREETS POLICY.**

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

6 (1) in the case of a State—

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

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

18 (2) in the case of a metropolitan planning orga-  
19 nization, an explicit statement of policy that, begin-  
20 ning on the effective date of the policy, all transpor-  
21 tation projects under the jurisdiction of the metro-  
22 politan planning organization shall accommodate the  
23 safety and convenience of all users in accordance  
24 with complete streets principles.

25 (b) INCLUSIONS.—

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

3           (A) apply to each federally funded project  
4 of each State department of transportation or  
5 metropolitan planning organization transpor-  
6 tation improvement program;

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

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

20          (D) indicate that improvements for the  
21 safe and convenient travel by pedestrians or  
22 bicyclists of all ages and abilities on or across  
23 streets shall be fully assessed, considered, and  
24 documented as a routine element of pavement  
25 resurfacing projects;

1 (E) delineate a clear procedure by which  
2 transportation improvement projects may be ex-  
3 empted from complying with complete streets  
4 principles, which shall require—

5 (i) approval by the appropriate senior  
6 manager, in accordance with subsection  
7 (d)(2); and

8 (ii) documentation, with supporting  
9 data, that indicates the basis for such an  
10 exemption;

11 (F) comply with up-to-date design stand-  
12 ards, particularly standards relating to pro-  
13 viding access for individuals with disabilities;

14 (G) require that complete streets principles  
15 be applied in due consideration of the urban,  
16 suburban, or rural context in which a project is  
17 located;

18 (H) include a list of performance stand-  
19 ards with measurable outcomes to ensure that  
20 the transportation improvement program ad-  
21 heres to complete streets principles; and

22 (I) directs agency staff to create an imple-  
23 mentation plan.

24 (2) EXCEPTION.—A law or policy described in  
25 subsection (a) shall not apply to a new road con-

1 construction or modification project for which, as of the  
2 effective date of the law or policy, at least 30 per-  
3 cent of the design phase is completed.

4 (c) EXEMPTION REQUIREMENTS AND PROCE-  
5 DURES.—A law or policy described in subsection (a) shall  
6 allow for a project-specific exemption from an applicable  
7 complete streets policy if—

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

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

21 (C) the existing and planned population, em-  
22 ployment densities, traffic volumes, or level of tran-  
23 sit service around a particular roadway is so low,  
24 that the expected users of the roadway will not in-

1 include pedestrians, public transportation, freight vehi-  
2 cles, or bicyclists; and

3 (2) the project-specific exemption is approved  
4 by—

5 (A) a senior manager of the metropolitan  
6 planning organization that approved the trans-  
7 portation improvement program containing the  
8 exempted project;

9 (B) a senior manager of the relevant State  
10 department of transportation; or

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

18 (d) INTEGRATION.—Each State department of trans-  
19 portation and metropolitan planning organization imple-  
20 menting a complete streets policy shall incorporate com-  
21 plete streets principles into all aspects of the transpor-  
22 tation project development, programming, and delivery  
23 process, including project planning and identification,  
24 scoping procedures, design approvals, design manuals, and  
25 performance measures.

1 (e) REPORTS.—

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

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

14 **SEC. 4. CERTIFICATION.**

15 (a) IN GENERAL.—Not later than 1 year after the  
16 enactment of this Act, the Secretary shall establish a  
17 method of evaluating compliance by State departments of  
18 transportation and metropolitan planning organizations  
19 with the requirements of this Act, including a requirement  
20 that each State department of transportation and metro-  
21 politan planning organization shall submit to the Sec-  
22 retary a report describing—

23 (1) each complete streets policy adopted by the  
24 State department of transportation or metropolitan  
25 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,  
5       from the requirements of the complete streets policy  
6       of the State department of transportation or metro-  
7       politan 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.

1 **SEC. 5. ACCESSIBILITY STANDARDS.**

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

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

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

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

1 **SEC. 6. RESEARCH, TECHNICAL GUIDANCE, AND IMPLE-**  
2 **MENTATION ASSISTANCE.**

3 (a) RESEARCH.—

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

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

14 (A) the American Association of State  
15 Highway and Transportation Officials;

16 (B) the Institute of Transportation Engi-  
17 neers;

18 (C) the American Public Transportation  
19 Association;

20 (D) the American Planning Association;

21 (E) the National Association of Regional  
22 Councils;

23 (F) the Association of Metropolitan Plan-  
24 ning Organizations;

25 (G) the Insurance Institute for Highway  
26 Safety;

1 (H) the American Society of Landscape  
2 Architects;

3 (I) representatives of transportation safety,  
4 disability, motoring, bicycling, walking, transit  
5 user, aging, and air quality organizations; and

6 (J) other affected communities.

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

9 (A) be based on the applicable statement  
10 of complete streets research needs of the Trans-  
11 portation Research Board, as described in TR  
12 Circular E110; and

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

15 (b) BENCHMARKS AND GUIDANCE.—

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

24 (2) FOCUS.—The benchmarks and guidance  
25 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.—The Secretary shall collabo-  
10 rate with the Bureau of Transportation Statistics, the  
11 Federal Transit Administration, and appropriate commit-  
12 tees of the Transportation Research Board—

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

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

19 (d) TECHNICAL GUIDANCE.—

20 (1) REPORT.—Not later than 15 months after  
21 the date of enactment of this Act, the Secretary  
22 shall prepare and make available to all States, met-  
23 ropolitan planning organizations, and local jurisdic-  
24 tions a report that describes the best practices by  
25 which transportation agencies throughout the United

1 States have implemented complete streets principles  
2 in accordance with, or in anticipation of, the require-  
3 ments of this Act.

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

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

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

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

16 (D) Common barriers to the implementa-  
17 tion of complete streets principles.

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

21 (F) Procedures for identifying the costs as-  
22 sociated with the implementation of complete  
23 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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