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

IN THE SENATE OF THE UNITED STATES

March 3, 2008

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Complete Streets Act of 2008”.

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SEC. 2. SAFE AND COMPLETE STREETS.

Section 133 of title 23, United States Code, is amended by adding at the end the following:

“(g) Complete Streets Policy.—

“(1) In general.—Beginning with the fiscal year that begins 2 years after the date of enactment of this subsection, States and Metropolitan Planning Organizations shall—

“(A) adopt an explicit statement of policy (that meets the requirements of subsection (b)) that the safety and convenience of all users of the transportation system shall be accommodated;

“(B) apply such policy to the projects contained in the Transportation Improvement Program; and

“(C) incorporate the principles in this policy into all aspects of the transportation project development process, including project identification, scoping procedures and design approvals, as well as design manuals and performance measures.

“(2) Purpose.—The purpose of the policy statement required under paragraph (1)(A) is to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as
well as children, older individuals, and individuals
with disabilities, are able to travel safely and conven-
iently on streets and highways within the public
right of way.

“(h) POLICY STATEMENT REQUIREMENTS.—A policy
statement under subsection (g)(1)(A) shall include the fol-
lowing:

“(1) An assurance that all users of the trans-
portation system will include pedestrians (including
individuals of all ages, and individuals with disabil-
ities (including mobility, sensory, neurological or hid-
den disabilities)), bicyclists, transit vehicles and
users, and motorists.

“(2) An assurance that the statement will apply
to both new construction and reconstruction (includ-
ing resurfacing, restoring, and rehabilitation (3R)
projects) improvement projects. Simple improve-
ments, such as re-striping for bicycle and pedestrian
accommodation, may be encouraged in pavement re-
surfacing projects when they fall within the overall
scope of the original roadwork.

“(3) A clear procedure that requires approval
by a senior manager of any specified exceptions from
implementing the policy statement, including docu-
mentation with supporting data that indicates the
basis for the exemption.

“(4) A statement directing the use of the cur-
current design standards, including those standards ap-
plying to access for individuals with disabilities.

“(5) A statement requiring that complete
streets solutions be developed to fit in with the con-
text of the community and that those solutions be
flexible.

“(6) A description of the performance stand-
ards with measurable outcomes that will be devel-
oped.

“(7) A statement that accommodation shall be
made for all users in all construction and improve-
ment projects unless one or more of the following
apply:

“(A) The project involved a roadway on
which non-motorized users are prohibited by
law from using. In such case, a greater effort
shall be made to accommodate bicyclists and
pedestrians elsewhere.

“(B) The cost of establishing complete fa-
cilities would be excessively disproportionate to
the need or probable use.
“(C) With respect to a project area with a low population, other documented factors indicate an absence of need now and in the future.

“(D) A Metropolitan Planning Organization or State department of transportation that is adopting complete streets policies may consult existing Federal guidance, including the 2000 USDOT Guidance document, ‘Accommodating Bicycle and Pedestrian Travel’.

“(E) The policy statement may be achieved through a State or local law or ordinance, or through an agency policy directive.

“(i) CERTIFICATIONS.—The Metropolitan Planning Organization and State department of transportation shall certify that each road project included in such plan has been reviewed for its compliance with any applicable policy statement under this section and that each project under such plan enhances the safety, convenience, and accessibility of the transportation system for all users to the extent that it is reasonably possible and that the project applicant addressed these concerns in the material prepared for public input with respect to such plan. A Metropolitan Planning Organization’s implementation of its complete streets policy shall be a factor included in the review for
the Metropolitan Planning Organization certification as
provided for in section 134(5).

“(j) Accessibility Standards.—Not later than 12
months after the date of enactment of this subsection, the
United States Access Board shall issue final standards for
accessibility of new construction and alterations of pedes-
trian facilities in the public right-of-way. Until such time
as the Access Board completes a final Public Right of Way
Accessibility rule, Department of Transportation Stan-
ards for Accessible Transportation Facilities (49 C.F.R.
37.9, as amended on 10/30/2006 (71 FR 63263)) shall
serve as the minimum standard. If the Department Of
Transportation standards are silent or inapplicable with
respect to any issue, the 2005 draft Public Right Of Way
Accessibility Guidelines provisions shall be consulted.

“(k) Inclusion of All Users.—Metropolitan plan-
ing organizations and State departments of transpor-
tation shall strongly encourage local jurisdictions that are
served by such organizations to maximize their efforts to
include all users in their transportation planning.

“(l) Additional Provisions.—

“(1) Research.—

“(A) In general.—The Secretary of
Transportation shall require the Federal High-
way Administration to conduct complete streets
research to assist States and Metropolitan Planning Organizations in developing, adopting, and implementing plans, projects, procedures, policies, and training that comply with the applicable statement of policy under subsection (g)(1)(A).

“(B) PARTICIPATION.—Research under subparagraph (A) shall be conducted with the participation of the American Association of State Highway Transportation Officials, the Institute of Transportation Engineers, the American Public Transit Association, the American Planning Association, the National Association of Regional Councils, the Association of Metropolitan Planning Organizations, and representatives of the disability, motoring, bicycling, walking, transit user, aging, and other affected communities.

“(C) EXISTING NEEDS.—Research under subparagraph (A) shall be based on the existing statement of complete streets research needs as outlined by the Transportation Research Board in TR Circular E110, and shall also develop new areas of inquiry.
“(2) BENCHMARKS AND GUIDANCE.—The re-
search project conducted under paragraph (1) shall
be designed to result in the establishment of bench-
marks and the provision of practical guidance on
how to effectively implement street procedures and
designs that will accommodate all types of users
along the same facility or corridor including, vehi-
cles, pedestrians, bicycles, and transit use. Such
benchmarks and guidance shall focus on changing
scoping, design, and construction procedures to more
effectively fit the individual modes together into inte-
grated facilities that meet the needs of each in an
appropriate balance. Such benchmarks and guidance
shall indicate the expected operational and safety
performance of alternative approaches to facility de-
sign.

“(3) BEST PRACTICES REPORT.—Not later than
2 years after the date of enactment of this sub-
section, the Federal Highway Administration shall
publish a best practices report showing how trans-
portation agencies have changed their procedures to
routinely design safe, effective multi-modal facilities.
In establishing such best practices, consideration
shall be given to the following areas:
“(A) Procedures for identifying the needs of the mix of users, including primary and secondary users that need to be served on various highway functional classes.

“(B) The identification of the types and designs of facilities needed to serve each of those types of users.

“(C) The identification of barriers to implementation as well as identification of costs associated with implementing complete streets policies.

“(4) DATA COLLECTION.—In addition to preparing the report under paragraph (3), the Federal Highway Administration shall work with the Bureau of Transportation Statistics and the Federal Transit Association and appropriate Transportation Research Board committees on data collection, including a baseline non-motorized and transit use survey that will be integrated into the National Highway Traffic Safety Administration and the development of a survey tool for use by State transportation departments in identifying the multi-modal capacity of State and local road networks.”.