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

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

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”.

6 SEC. 2. DEFINITIONS.

7 In this Act:
(1) **COMPLETE STREET.**—The term “complete street” means a roadway that—

(A) safely accommodates all travelers, particularly public transit users, bicyclists, pedestrians (including individuals of all ages and individuals with mobility, sensory, neurological, or hidden disabilities), motorists, and freight vehicle operators; and

(B) enables all travelers to use the roadway safely and efficiently.

(2) **COMPLETE STREETS POLICY; COMPLETE STREETS PRINCIPLE.**—The terms “complete streets policy” and “complete streets principle” mean a transportation law, policy, or principle at the Federal, State, local, or regional level that ensures—

(A) the safe and adequate accommodation, in all phases of project planning and development, of all users of the transportation system, including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicle operators; and

(B) the consideration of the safety and convenience of all users in all phases of project planning and development.
(3) **Local Jurisdiction.**—The term “local jurisdiction” means any unit of local government.

(4) **Metropolitan Planning Organization.**—The term “metropolitan planning organization” has the meaning given the term in section 134(b) of title 23, United States Code.

(5) **Roadway.**—The term “roadway” means—

(A) the defined Federal functional classification roadway system; and

(B) each bridge structure providing a connection for that roadway system.

(6) **Secretary.**—The term “Secretary” means the Secretary of Transportation.

(7) **Senior Manager.**—The term “senior manager” means—

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

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

(C) the director of a regional, county, or city transportation agency that is primarily responsible for planning and approval of transportation projects (or a designee).

(8) **Transportation Improvement Program.**—The term “transportation improvement pro-
gram” has the meaning given the term “TIP” in section 134(b) of title 23, United States Code.

SEC. 3. COMPLETE STREETS POLICY REQUIREMENT.

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

(1) in the case of a State—

(A) a law requiring that, beginning on the effective date of the State law, all transportation projects in the State shall accommodate the safety and convenience of all users in accordance with complete streets principles; or

(B) an explicit State department of transportation policy that, beginning on the effective date of the policy, requires all transportation projects in the State to accommodate the safety and convenience of all users in accordance with complete streets principles; and

(2) in the case of a metropolitan planning organization, an explicit statement of policy that, beginning on the effective date of the policy, requires all transportation projects under the jurisdiction of the metropolitan planning organization to accommodate
the safety and convenience of all users in accordance
with complete streets principles.

(b) INCLUSIONS.—

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

(A) apply to each Federal-aid highway
project undertaken by a State department of
transportation or metropolitan planning organi-
ization;

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

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

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

(E) delineate a clear procedure by which transportation improvement projects may be exempted from complying with complete streets principles, which procedure shall require—

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

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

(F) comply with up-to-date design standards, particularly standards relating to providing access for individuals with disabilities;

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

(H) include a list of performance standards with measurable outcomes to ensure that the transportation improvement program adheres to complete streets principles; and
(I) direct staff of the State or metropolitan planning organization, as applicable, to create, in consultation with the stakeholders listed in section 7(a)(2), an implementation plan.

(2) EXCEPTION.—A law or policy described in subsection (a) shall not apply to a new road construction or modification project for which, as of the effective date of the law or policy, at least 30 percent of the design phase is completed.

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

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

(B) the cost to the exempted project in achieving compliance with the applicable complete streets policy would be excessively disproportionate (as defined in the 2001 Department of Transportation Guidance on Accommodating Bicycle and Pedestrian
Travel), as compared to the need or probable use of a particular complete street; or

(C) the existing and planned population and employment densities, traffic volumes, or level of transit service around a particular roadway is so low that the expected users of the roadway will not include pedestrians, public transportation, freight vehicles, or bicyclists; and

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

(A) a senior manager of the metropolitan planning organization that approved the transportation improvement program containing the exempted project;

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

(C) in the case of a project for which neither the metropolitan planning organization nor the State department of transportation is the agency with primary transportation planning authority, a senior manager of the regional, county, or city agency responsible for planning and approval of the project.

(d) PROMOTION.—Each State department of transportation and metropolitan planning organization shall
promote the development of safe and complete streets policies in applicable local jurisdictions.

(c) INTEGRATION.—Each State department of transportation and metropolitan planning organization implementing a complete streets policy shall incorporate complete streets principles into all aspects of the transportation project development, programming, and delivery process, including project planning and identification, scoping procedures, design approvals, design manuals, and performance measures.

(f) REPORTS.—

(1) IN GENERAL.—Each State department of transportation shall submit to the Secretary a report describing the implementation by the State of measures to achieve compliance with the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

(2) DETERMINATION BY SECRETARY.—On receipt of a report under paragraph (1), the Secretary shall determine whether the applicable State has achieved compliance with the requirements of this section.
SEC. 4. USER ACCESS AND CONSIDERATION.

(a) STANDARDS.—Section 109(a)(1) of title 23, United States Code, is amended by inserting “and is consistent with complete streets policies and principles” before the semicolon.

(b) DESIGN CRITERIA FOR NATIONAL HIGHWAY SYSTEM.—Section 109(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

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

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

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

(D) by adding at the end the following:

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

and

(2) in paragraph (2)—

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

(B) in subparagraph (C), by striking “and” at the end;
(C) by redesignating subparagraph (D) as subparagraph (E); and

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

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

(e) Protection of Nonmotorized Transportation Traffic.—Section 109(m) of title 23, United States Code, is amended by inserting “to provide a safe and continuous route for all nonmotorized and light motorcycle traffic” before the period at the end.

(d) Definition.—Section 109 of title 23, United States Code is amended by adding at the end the following:

“(r) Definition of Complete Streets Policy; Complete Streets Principle.—In this section, the terms ‘complete streets policy’ and ‘complete streets principle’ mean a transportation law, policy, or principle at the Federal, State, local, or regional level that ensures—

“(1) the safe and adequate accommodation, in all phases of project planning and development, of all users of the transportation system, including pedestrians, bicyclists, public transit users, children,
older individuals, individuals with disabilities, motorists, and freight vehicle operators; and

“(2) the consideration of the safety and convenience of all users in all phases of project planning and development.”.

(e) Guidance on Complete Streets Principles.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of comprehensive street design policies and principles under section 109(a) of title 23, United States Code.

SEC. 5. CERTIFICATION.

(a) In General.—Not later than 1 year after the date of enactment of the Surface Transportation Extension Act of 2011 (Public Law 112–5; 125 Stat. 14), the Secretary shall establish a method of ensuring compliance by State departments of transportation and metropolitan planning organizations with the requirements of this Act, including a requirement that each State department of transportation and metropolitan planning organization shall submit to the Secretary a report describing—

(1) each complete streets policy adopted by the State department of transportation or metropolitan planning organization;
(2) the means of implementation by the State
department of transportation or metropolitan plan-
ing organization of the complete streets policy; and

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

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

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

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

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

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

(c) PROJECT CERTIFICATION.—
(1) IN GENERAL.—Except as provided in paragraph (2), each State shall require that each agency with primary design, construction, or financial responsibility for a federally funded project located within the jurisdiction of a transportation improvement program of the State shall—

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

(B) not later than 1 year after the date on which the project is opened for public use, submit to the State a certification that the project achieves compliance with each applicable complete streets policy.

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

SEC. 6. ACCESSIBILITY STANDARDS.

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

(b) Temporary Standards.—During the period beginning on the date of enactment of this Act and ending on the date on which the Architectural and Transportation Barriers Compliance Board promulgates final standards under subsection (a), a State or metropolitan planning organization shall apply to public rights-of-way—

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

(2) if the standards referred to in paragraph (1) do not address, or are inapplicable to, an affected public right-of-way, the revised draft guidelines for accessible public rights-of-way of the Architectural and Transportation Barriers Compliance Board dated November 23, 2005.

SEC. 7. RESEARCH, TECHNICAL GUIDANCE, AND IMPLEMENTATION ASSISTANCE.

(a) Research.—

(1) In General.—The Secretary shall conduct research regarding complete streets to assist States, metropolitan planning organizations, and local jurisdictions in developing, adopting, and implementing
plans, projects, procedures, policies, and training programs that comply with complete streets principles and documenting the safety benefits of complete streets implementation.

(2) PARTICIPATION.—The Secretary shall solicit participation in the research program under paragraph (1) from—

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

(B) the Institute of Transportation Engineers;

(C) the American Public Transportation Association;

(D) the American Planning Association;

(E) the National Association of Regional Councils;

(F) the Association of Metropolitan Planning Organizations;

(G) the Insurance Institute for Highway Safety;

(H) the American Society of Landscape Architects;

(I) representatives of transportation safety, disability, motoring, bicycling, walking, transit user, aging, and air quality organizations; and
(J) other affected communities.

(3) REQUIREMENTS.—The research under paragraph (1) shall—

(A) be based on the applicable statement of complete streets research needs of the Transportation Research Board, as described in TR Circular E110; and

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

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary $2,000,000 for each applicable fiscal year to carry out this subsection.

(b) BENCHMARKS AND GUIDANCE.—

(1) IN GENERAL.—The research conducted under subsection (a) shall be designed to result in the establishment of benchmarks and the provision of practical guidance on methods of effectively implementing complete streets policies and complete streets principles that will accommodate all users along a facility or corridor, including vehicles, pedestrians, bicyclists, and transit users.

(2) FOCUS.—The benchmarks and guidance under paragraph (1) shall—
(A) focus on modifying scoping, design, and construction procedures to more effectively combine particular methods of use into integrated facilities that meet the needs of each method in an appropriate balance; and

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

(e) DATA COLLECTION.—In addition to preparing the report under subsection (d), the Secretary shall collaborate with the Bureau of Transportation Statistics, the Federal Transit Administration, and appropriate committees of the Transportation Research Board—

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

(2) to develop a survey tool for use by State departments of transportation in identifying the multimodal capacity of State and local roadways.

(d) TECHNICAL GUIDANCE.—

(1) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall prepare and make available to all States, metropolitan planning organizations, and local jurisdic-
tions a report that describes the best practices by
which transportation agencies throughout the United
States have implemented complete streets principles
in accordance with, or in anticipation of, the require-
ments of this Act.

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

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

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

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

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

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

(F) Procedures for identifying the costs as-
associated with the implementation of complete
streets principles.
(G) Procedures for maximizing local cooperation in the introduction and implementation of complete streets principles.

(H) Procedures for assessing and modifying the facilities and operational characteristics of existing roadways to improve consistency with complete streets principles.