

110TH CONGRESS
2D SESSION

H. R. 5951

To implement a safe and complete streets program.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2008

Ms. MATSUI introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To implement a safe and complete streets program.

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 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) While the Federal highway program has
9 helped achieve its original goal of providing for fast
10 and convenient automobile travel, the national trans-
11 portation system needs to provide better service to

1 those who take public transit, ride bicycles, or travel
2 on foot or with mobility aids.

3 (2) Initiatives to promote sustainable and mod-
4 ern transportation choices like public transit, bicy-
5 cling, and walking have had limited success because
6 many State and local transportation agencies have
7 treated these modes as optional amenities, instead of
8 as integral parts of the national highway programs.

9 (3) Many new and improved streets across the
10 United States, particularly in developing areas, do
11 not provide to all users the safe and equitable access
12 to public rights-of-way.

13 (4) The official design guidance from the Fed-
14 eral Highway Administration titled “Accommodating
15 Bicycle and Pedestrian Travel: A Recommended Ap-
16 proach” states that, “the resulting highway environ-
17 ment discourages bicycling and walking and has
18 made the two modes more dangerous. Further, the
19 ability of pedestrians with disabilities to travel inde-
20 pendently and safely has been compromised.”.

21 (5) One-third of the population is either unable
22 to or chooses not to drive due to age, medical condi-
23 tion, ability, lifestyle, legal status, or other factors.

24 (6) More than 1 in 5 Americans over age 65 do
25 not drive, more than 50 million Americans have a

1 disability of some kind, and in different times of his
2 or her life virtually every American will suffer from
3 a mobility impairment of some kind.

4 (7) The full integration of all modes in the de-
5 sign of streets and highways will increase the capaci-
6 ty and efficiency of the road network, reduce traffic
7 congestion by improving mobility options, clean the
8 air, limit greenhouse gas emissions, and improve the
9 general quality of life.

10 (8) Requiring accommodation of the needs of
11 nonmotorized users will eliminate hazards and im-
12 prove safety for pedestrians and cyclists, who now
13 make up more than 12 percent of all traffic fatali-
14 ties.

15 (9) Improving the road network will allow more
16 disabled people to gain a higher level of independ-
17 ence through the use of standard transit services,
18 easing the economic burden on transit systems which
19 must provide paratransit options at great cost.

20 (10) Public health officials across the country
21 have called for the construction of more bicycle and
22 pedestrian facilities as an important tool in fighting
23 the obesity epidemic.

1 (11) The Energy Independence and Security
2 Act of 2007 explicitly supports the implementation
3 of a complete streets policy.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) The term “Secretary” means the Secretary
7 of Transportation.

8 (2) The term “complete streets” means road-
9 ways that accommodate all travelers, particularly
10 users of public transit, bicyclists, pedestrians (in-
11 cluding individuals of all ages as well as individuals
12 with mobility, sensory, neurological, or hidden dis-
13 abilities), and motorists to enable all users to use
14 the roadway safely and efficiently.

15 (3) The terms “complete streets policy” and
16 “complete streets principles” refer to transportation
17 laws, policies, or principles at the local, State, re-
18 gional, or Federal level which ensure—

19 (A) all users of the transportation system,
20 including pedestrians, bicyclists, and transit
21 users as well as children, older people, motor-
22 ists, and those with disabilities, are adequately
23 accommodated in all phases of project planning
24 and development; and

1 (B) that the safety and convenience of all
2 users are considered in all phases of project
3 planning and development.

4 (4) The term “transportation improvement pro-
5 gram” has the same meaning such term has in sec-
6 tion 134 of title 23, United States Code.

7 (5) The term “metropolitan planning organiza-
8 tion” has the same meaning such term has in sec-
9 tion 134(b) of such title.

10 (6) The term “senior manager” means—

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

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

15 (C) the director of a regional or county
16 transportation agency if such agency is pri-
17 marily responsible for planning and approval of
18 transportation projects, or a designee.

19 **SEC. 4. COMPLETE STREETS POLICY REQUIREMENT.**

20 (a) **LAW OR POLICY.**—Beginning with the fiscal year
21 that begins 2 years after the date of enactment of this
22 Act, each State and metropolitan planning organization
23 shall have in effect—

24 (1) in the case of a State, a law requiring that
25 all transportation projects shall, from the date of en-

1 actment of the State law, accommodate the safety
2 and convenience of all users in accordance with com-
3 plete streets principles; or

4 (2) an explicit statement of policy of the State
5 department of transportation or metropolitan plan-
6 ning organization that all transportation projects
7 shall, from the date of enactment of the State de-
8 partment of transportation or metropolitan planning
9 organization policy, accommodate the safety and
10 convenience of all users in accordance with complete
11 streets principles.

12 (b) PROVISIONS INCLUDED.—The law or policy de-
13 scribed in subsection (a) shall—

14 (1) apply to each federally funded project of
15 each transportation improvement program;

16 (2) include a statement that every project of the
17 transportation improvement program makes roads
18 accessible to users of all ages and abilities of right-
19 of-way pedestrians, which may include bicyclists,
20 transit vehicles and users, and motorists;

21 (3) apply to new road construction and road
22 improvement projects, including design, planning,
23 construction, reconstruction, rehabilitation, mainte-
24 nance, or operations, for the entire right-of-way;

1 (4) indicate that new accommodation should be
2 made in pavement resurfacing projects where bicy-
3 cling and walking areas can be added within the
4 scope of the original roadwork;

5 (5) delineate a clear procedure by which trans-
6 portation projects may be exempted from complying
7 with complete streets principles, which shall require
8 approval by a senior manager and documentation,
9 with supporting data, that indicates the basis for ex-
10 emption;

11 (6) comply with up-to-date design standards,
12 particularly as they relate to providing access for
13 persons with disabilities;

14 (7) require that complete streets principles be
15 applied so that projects undertaken in accordance
16 with these principles fit within the context of the
17 community for which the transportation improve-
18 ment program is intended; and

19 (8) include a list of performance standards with
20 measurable outcomes to ensure that the transpor-
21 tation improvement program adheres to complete
22 streets principles.

23 (c) EXEMPTION REQUIREMENTS AND PROCE-
24 DURES.—The law or policy described in this section shall
25 allow for exemptions from complete streets policy only if—

1 (1)(A) affected roadways prohibit by law speci-
2 fied users from using them, in which case a greater
3 effort shall be made to accommodate these specified
4 users elsewhere;

5 (B) the cost for a particular project in com-
6 plying with complete streets principles would be ex-
7 cessively disproportionate to the need or probable
8 use of that particular complete street; or

9 (C) the existing and planned population and
10 employment densities or level of transit service
11 around a particular roadway is low enough that
12 there is a documented absence of a need to imple-
13 ment certain complete streets principles; and

14 (2) all project-specific exemptions are approved
15 by either—

16 (A) a senior manager of the metropolitan
17 planning organization which approved the
18 transportation improvement program containing
19 the exempted project;

20 (B) a senior manager of the State depart-
21 ment of transportation; or

22 (C) in the case of a project for which nei-
23 ther the metropolitan planning organization nor
24 the State department of transportation is the
25 agency with primary transportation planning

1 authority, a senior manager of the regional or
2 county agency responsible for planning and ap-
3 proval of the proposed project to be exempted.

4 (d) INTEGRATION.—Each State department of trans-
5 portation or metropolitan planning organization imple-
6 menting a complete streets policy shall incorporate com-
7 plete streets principles into all aspects of the transpor-
8 tation project development process, including project iden-
9 tification, scoping procedures, design approvals, design
10 manuals, and performance measures.

11 **SEC. 5. CERTIFICATION.**

12 (a) PROJECT CERTIFICATION.—Each State shall re-
13 quire every agency that has primary design, construction,
14 or financial responsibility for a project located within the
15 approved transportation improvement program to review
16 and certify that each such project incorporates complete
17 streets principles set forth in section 4.

18 (b) SUBSEQUENT CERTIFICATIONS.—After the initial
19 certification under subsection (a), the responsible agency
20 described in such subsection shall recertify annually until
21 final construction is completed that federally funded
22 projects remain in compliance with the requirements of
23 section 4.

1 **SEC. 6. ACCESSIBILITY STANDARDS.**

2 (a) ISSUANCE OF STANDARDS.—Not later than 12
3 months after the date of enactment of this Act, the United
4 States Access Board (originally established by section 502
5 of the Rehabilitation Act (29 U.S.C. 792)) shall issue final
6 standards for accessibility of new construction and alter-
7 ations of pedestrian facilities for public rights-of-way.

8 (b) TEMPORARY STANDARDS.—Until the United
9 States Access Board issues final public right-of-way acces-
10 sibility standards as required by this section, a State or
11 metropolitan planning organization shall apply the exist-
12 ing Department of Transportation Standards for Acces-
13 sible Transportation Facilities in section 37.9 of title 49,
14 Code of Federal Regulations, but to the extent that such
15 standards do not address or are inapplicable to public
16 rights-of-way, the 2005 Revised Draft Guidelines for Ac-
17 cessible Public Rights-of-Way issued by the United States
18 Access Board shall apply.

19 **SEC. 7. TECHNICAL GUIDANCE.**

20 (a) REPORT REQUIRED.—Not later than 2 years
21 after the date of enactment of this Act, the Secretary shall
22 make available to all State and local transportation agen-
23 cies a report of best practices describing how transpor-
24 tation agencies across the country have implemented com-
25 plete streets principles in accordance with the require-
26 ments of this Act.

1 (b) REPORT CONTENTS.—In preparing the report
2 under subsection (a), the Secretary shall place particular
3 emphasis on the following topics:

4 (1) Procedures for identifying the needs of
5 users of all ages and abilities for a given roadway.

6 (2) Procedures for identifying the types and de-
7 signs of facilities needed to serve each of these class-
8 es of users.

9 (3) Benefits provided by complete streets prin-
10 ciples implementation.

11 (4) Common barriers to implementation of com-
12 plete streets principles.

13 (5) Procedures for overcoming these most com-
14 mon barriers to implementing complete streets prin-
15 ciples.

16 (6) Procedures for identifying costs associated
17 with implementing complete streets principles.

18 (7) Procedures for maximizing local cooperation
19 in the implementation and introduction of complete
20 streets principles.

21 (8) Procedures for assessing and modifying the
22 facilities and operational characteristics of existing
23 roadways to improve their consistency with complete
24 streets principles.

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