

110TH CONGRESS  
2D SESSION

# S. 2686

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.

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## 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

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## 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.

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 “Complete Streets Act  
5 of 2008”.

1 **SEC. 2. SAFE AND COMPLETE STREETS.**

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

4 “(g) COMPLETE STREETS POLICY.—

5 “(1) IN GENERAL.—Beginning with the fiscal  
6 year that begins 2 years after the date of enactment  
7 of this subsection, States and Metropolitan Planning  
8 Organizations shall—

9 “(A) adopt an explicit statement of policy  
10 (that meets the requirements of subsection (b))  
11 that the safety and convenience of all users of  
12 the transportation system shall be accommo-  
13 dated;

14 “(B) apply such policy to the projects con-  
15 tained in the Transportation Improvement Pro-  
16 gram; and

17 “(C) incorporate the principles in this pol-  
18 icy into all aspects of the transportation project  
19 development process, including project identi-  
20 fication, scoping procedures and design approv-  
21 als, as well as design manuals and performance  
22 measures.

23 “(2) PURPOSE.—The purpose of the policy  
24 statement required under paragraph (1)(A) is to en-  
25 sure that all users of the transportation system, in-  
26 cluding pedestrians, bicyclists, and transit users as

1 well as children, older individuals, and individuals  
2 with disabilities, are able to travel safely and conven-  
3 iently on streets and highways within the public  
4 right of way.

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

8 “(1) An assurance that all users of the trans-  
9 portation system will include pedestrians (including  
10 individuals of all ages, and individuals with disabili-  
11 ties (including mobility, sensory, neurological or hid-  
12 den disabilities)), bicyclists, transit vehicles and  
13 users, and motorists.

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

22 “(3) A clear procedure that requires approval  
23 by a senior manager of any specified exceptions from  
24 implementing the policy statement, including docu-

1       mentation with supporting data that indicates the  
2       basis for the exemption.

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

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

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

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

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

22                      “(B) The cost of establishing complete fa-  
23       cilities would be excessively disproportionate to  
24       the need or probable use.

1           “(C) With respect to a project area with a  
2           low population, other documented factors indi-  
3           cate an absence of need now and in the future.

4           “(D) A Metropolitan Planning Organiza-  
5           tion or State department of transportation that  
6           is adopting complete streets policies may con-  
7           sult existing Federal guidance, including the  
8           2000 USDOT Guidance document, ‘Accommo-  
9           dating Bicycle and Pedestrian Travel’.

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

13           “(i) CERTIFICATIONS.—The Metropolitan Planning  
14           Organization and State department of transportation shall  
15           certify that each road project included in such plan has  
16           been reviewed for its compliance with any applicable policy  
17           statement under this section and that each project under  
18           such plan enhances the safety, convenience, and accessi-  
19           bility of the transportation system for all users to the ex-  
20           tent that it is reasonably possible and that the project ap-  
21           plicant addressed these concerns in the material prepared  
22           for public input with respect to such plan. A Metropolitan  
23           Planning Organization’s implementation of its complete  
24           streets policy shall be a factor included in the review for

1 the Metropolitan Planning Organization certification as  
2 provided for in section 134(5).

3 “(j) ACCESSIBILITY STANDARDS.—Not later than 12  
4 months after the date of enactment of this subsection, the  
5 United States Access Board shall issue final standards for  
6 accessibility of new construction and alterations of pedes-  
7 trian facilities in the public right-of-way. Until such time  
8 as the Access Board completes a final Public Right of Way  
9 Accessibility rule, Department of Transportation Stand-  
10 ards for Accessible Transportation Facilities (49 C.F.R.  
11 37.9, as amended on 10/30/2006 (71 FR 63263)) shall  
12 serve as the minimum standard. If the Department Of  
13 Transportation standards are silent or inapplicable with  
14 respect to any issue, the 2005 draft Public Right Of Way  
15 Accessibility Guidelines provisions shall be consulted.

16 “(k) INCLUSION OF ALL USERS.—Metropolitan plan-  
17 ning organizations and State departments of transpor-  
18 tation shall strongly encourage local jurisdictions that are  
19 served by such organizations to maximize their efforts to  
20 include all users in their transportation planning.

21 “(l) ADDITIONAL PROVISIONS.—

22 “(1) RESEARCH.—

23 “(A) IN GENERAL.—The Secretary of  
24 Transportation shall require the Federal High-  
25 way Administration to conduct complete streets

1 research to assist States and Metropolitan  
2 Planning Organizations in developing, adopting,  
3 and implementing plans, projects, procedures,  
4 policies, and training that comply with the ap-  
5 plicable statement of policy under subsection  
6 (g)(1)(A).

7 “(B) PARTICIPATION.—Research under  
8 subparagraph (A) shall be conducted with the  
9 participation of the American Association of  
10 State Highway Transportation Officials, the In-  
11 stitute of Transportation Engineers, the Amer-  
12 ican Public Transit Association, the American  
13 Planning Association, the National Association  
14 of Regional Councils, the Association of Metro-  
15 politan Planning Organizations, and representa-  
16 tives of the disability, motoring, bicycling, walk-  
17 ing, transit user, aging, and other affected com-  
18 munities.

19 “(C) EXISTING NEEDS.—Research under  
20 subparagraph (A) shall be based on the existing  
21 statement of complete streets research needs as  
22 outlined by the Transportation Research Board  
23 in TR Circular E110, and shall also develop  
24 new areas of inquiry.

1           “(2) BENCHMARKS AND GUIDANCE.—The re-  
2           search project conducted under paragraph (1) shall  
3           be designed to result in the establishment of bench-  
4           marks and the provision of practical guidance on  
5           how to effectively implement street procedures and  
6           designs that will accommodate all types of users  
7           along the same facility or corridor including, vehi-  
8           cles, pedestrians, bicycles, and transit use. Such  
9           benchmarks and guidance shall focus on changing  
10          scoping, design, and construction procedures to more  
11          effectively fit the individual modes together into inte-  
12          grated facilities that meet the needs of each in an  
13          appropriate balance. Such benchmarks and guidance  
14          shall indicate the expected operational and safety  
15          performance of alternative approaches to facility de-  
16          sign.

17          “(3) BEST PRACTICES REPORT.—Not later than  
18          2 years after the date of enactment of this sub-  
19          section, the Federal Highway Administration shall  
20          publish a best practices report showing how trans-  
21          portation agencies have changed their procedures to  
22          routinely design safe, effective multi-modal facilities.  
23          In establishing such best practices, consideration  
24          shall be given to the following areas:

1           “(A) Procedures for identifying the needs  
2           of the mix of users, including primary and sec-  
3           ondary users that need to be served on various  
4           highway functional classes.

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

8           “(C) The identification of barriers to im-  
9           plementation as well as identification of costs  
10          associated with implementing complete streets  
11          policies.

12          “(4) DATA COLLECTION.—In addition to pre-  
13          paring the report under paragraph (3), the Federal  
14          Highway Administration shall work with the Bureau  
15          of Transportation Statistics and the Federal Transit  
16          Association and appropriate Transportation Re-  
17          search Board committees on data collection, includ-  
18          ing a baseline non-motorized and transit use survey  
19          that will be integrated into the National Highway  
20          Traffic Safety Administration and the development  
21          of a survey tool for use by State transportation de-  
22          partments in identifying the multi-modal capacity of  
23          State and local road networks.”.

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