

116TH CONGRESS  
1ST SESSION

# S. 2077

To establish the complete streets program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2019

Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish the complete streets program, and for other purposes.

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 2019”.

6 **SEC. 2. COMPLETE STREETS PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMPLETE STREETS.—The term “complete  
9 street” means a public road that provides safe and  
10 accessible options for multiple travel modes for peo-

1 ple of all ages and abilities, including modes such as  
2 walking, cycling, transit, automobiles, and freight.

3 (2) COMPLETE STREETS POLICY.—The term  
4 “complete streets policy” means a policy adopted by  
5 an eligible entity under subsection (d)(1).

6 (3) COMPLETE STREETS PRINCIPLE.—The term  
7 “complete streets principle” means a principle at the  
8 local, State, or regional level that ensures—

9 (A) the safe and adequate accommodation,  
10 in all phases of project planning and develop-  
11 ment, of all users of the transportation system,  
12 including pedestrians, bicyclists, public transit  
13 users, children, older individuals, individuals  
14 with disabilities, motorists, and freight vehicles;  
15 and

16 (B) the consideration of the safety and  
17 convenience of all users of the transportation  
18 system in all phases of project planning and de-  
19 velopment.

20 (4) COMPLETE STREETS PRIORITIZATION  
21 PLAN.—The term “complete streets prioritization  
22 plan” means a plan developed by an eligible entity  
23 under subsection (e)(1) that is a comprehensive  
24 strategy and list of specific projects to design, and  
25 carry out the design of, complete streets—

1 (A) to improve safety, mobility, or accessi-  
2 bility of a street;

3 (B) that identifies—

4 (i) the streets and infrastructure to be  
5 affected by a project;

6 (ii) a cost estimate of the project; and

7 (iii) a timeline for the completion of  
8 the project; and

9 (C) that aligns with local infrastructure  
10 plans and roadway maintenance schedules.

11 (5) COMPLETE STREETS PROGRAM.—The term  
12 “complete streets program” means a program estab-  
13 lished by a State under subsection (b)(1).

14 (6) ELIGIBLE ENTITY.—The term “eligible enti-  
15 ty” means—

16 (A) a unit of local government;

17 (B) a regional planning organization;

18 (C) a metropolitan planning organization;

19 (D) a transit agency;

20 (E) a natural resource or public land agen-  
21 cy;

22 (F) a Tribal government;

23 (G) a nonprofit entity responsible for the  
24 administration of local transportation safety  
25 programs; or

1 (H) any other local or regional govern-  
2 mental entity, other than a State agency, with  
3 responsibility for or oversight of transportation  
4 or recreational trails that the State in which the  
5 project will occur determines to be eligible, con-  
6 sistent with the goals of this section.

7 (7) METROPOLITAN PLANNING ORGANIZA-  
8 TION.—The term “metropolitan planning organiza-  
9 tion” means a metropolitan planning organization  
10 designated under—

11 (A) section 134 of title 23, United States  
12 Code; or

13 (B) section 5303 of title 49, United States  
14 Code.

15 (8) SECRETARY.—The term “Secretary” means  
16 the Secretary of Transportation.

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—Not later than October 1 of  
19 the first fiscal year that begins not less than 2 years  
20 after the date of enactment of this Act, each State  
21 shall establish a program for a competitive process  
22 for an eligible entity to seek—

23 (A) technical assistance for a project to de-  
24 sign and construct a project included in the

1 complete streets prioritization plan of the eligi-  
2 ble entity under subsection (f)(4); and

3 (B) grants for the design and construction  
4 of complete streets under subsection (g).

5 (2) FUNDING.—Not later than October 1 of the  
6 first fiscal year that begins not less than 3 years  
7 after the date of enactment of this Act, each State  
8 shall begin to provide grants for the design and con-  
9 struction of complete streets under subsection  
10 (g)(1).

11 (3) GOALS.—The goals of a complete streets  
12 program are—

13 (A) to provide technical assistance and in-  
14 centives for the adoption of complete streets  
15 policies;

16 (B) to encourage eligible entities to adopt  
17 a strategic and comprehensive approach for the  
18 development of complete streets;

19 (C) to facilitate better pedestrian, bicycle,  
20 and public transit travel for users of all ages  
21 and abilities by addressing critical gaps in pe-  
22 destrian, bicycle, and public transit infrastruc-  
23 ture;

24 (D) to distribute funding to reward eligible  
25 entities that have committed to adopting com-

1           plete streets best practices developed by the  
2           Secretary under subsection (c); and

3                   (E) to ensure that underserved municipali-  
4           ties are served equitably by the complete streets  
5           program.

6           (c) COMPLETE STREETS BENCHMARKS AND GUID-  
7   ANCE.—

8                   (1) IN GENERAL.—Not later than 450 days  
9           after the date of enactment of this Act, the Sec-  
10          retary shall prepare and make available to States  
11          and eligible entities benchmarks and guidance by  
12          which—

13                   (A) States can carry out complete streets  
14          programs;

15                   (B) eligible entities can carry out complete  
16          streets policies and complete streets principles;  
17          and

18                   (C) eligible entities can evaluate the effec-  
19          tiveness of complete streets projects.

20                   (2) FOCUS.—The benchmarks and guidance  
21          prepared and made available under paragraph (1)  
22          shall—

23                   (A) be designed to result in the establish-  
24          ment of methods of effectively carrying out a  
25          complete streets policy, a complete streets pro-

1           gram, and complete streets principles, as appli-  
2           cable;

3           (B) focus on modifying scoping, design,  
4           and construction procedures to more effectively  
5           combine modes of transportation into integrated  
6           facilities that meet the needs of each of those  
7           modes of transportation in an appropriate bal-  
8           ance; and

9           (C) indicate the expected operational and  
10          safety performance of alternative approaches to  
11          facility design.

12          (3) TOPICS OF EMPHASIS.—In preparing the  
13          benchmarks and guidance under paragraph (1), the  
14          Secretary shall emphasize—

15                (A) procedures for identifying the needs of  
16                users of all ages and abilities of a particular  
17                roadway;

18                (B) procedures for identifying the types  
19                and designs of facilities needed to serve each  
20                class of users;

21                (C) safety and other benefits provided by  
22                carrying out complete streets principles;

23                (D) common barriers to carrying out com-  
24                plete streets principles;

1 (E) procedures for overcoming the most  
2 common barriers to carrying out complete  
3 streets principles;

4 (F) procedures for identifying the costs as-  
5 sociated with carrying out complete streets  
6 principles;

7 (G) procedures for maximizing local co-  
8 operation in the introduction of complete streets  
9 principles and carrying out those principles; and

10 (H) procedures for assessing and modi-  
11 fying the facilities and operational characteris-  
12 tics of existing roadways to improve consistency  
13 with complete streets principles.

14 (4) PUBLIC REVIEW AND COMMENT.—The com-  
15 plete streets benchmarks and guidance prepared and  
16 made available under paragraph (1) shall be subject  
17 to a period of public review and comment.

18 (d) COMPLETE STREETS POLICIES.—

19 (1) IN GENERAL.—An eligible entity seeking  
20 technical assistance or funds from a complete streets  
21 program shall adopt a complete streets policy using  
22 complete streets principles and approved by—

23 (A) the State of the eligible entity; or

1 (B) a metropolitan planning organization  
2 that serves an area under the jurisdiction of the  
3 eligible entity.

4 (2) REQUIREMENTS.—A complete streets policy  
5 of an eligible entity shall—

6 (A) include a description of—

7 (i) how the eligible entity intends to  
8 develop complete streets infrastructure;

9 (ii) how, after the development of  
10 complete streets infrastructure, the trans-  
11 portation system will serve users of all  
12 ages and abilities, including pedestrians,  
13 bicyclists, and public transit passengers, as  
14 well as trucks, buses, and automobiles;

15 (iii) how the complete streets policy  
16 will apply to all projects and phases of  
17 projects that affect the streets under the  
18 complete streets policy, including recon-  
19 struction, new construction, planning, de-  
20 sign, maintenance, and operations, for the  
21 entire street;

22 (iv) any exceptions to the complete  
23 streets policy, including a clear procedure  
24 for the approval of those exceptions, as de-  
25 scribed in paragraph (3);

1 (v) the jurisdiction in which the com-  
2 plete streets policy applies; and

3 (vi) the steps necessary for implemen-  
4 tation of the complete streets policy;

5 (B) encourage a comprehensive, integrated,  
6 and connected network for all modes of trans-  
7 portation;

8 (C) benefit users of all abilities;

9 (D) emphasize the need to coordinate with  
10 other jurisdictions with respect to the streets  
11 under the jurisdiction of the complete streets  
12 policy;

13 (E) require the use of the latest and best  
14 design criteria and guidelines, particularly  
15 standards relating to providing access to indi-  
16 viduals with disabilities, in projects under the  
17 complete streets policy;

18 (F) recognize the need for flexibility in bal-  
19 ancing user needs;

20 (G) be context sensitive and complement  
21 the community, including consideration of the  
22 urban, suburban, or rural location in which a  
23 project is located;

24 (H) establish performance standards with  
25 measurable outcomes to ensure that the com-

1 complete streets infrastructure complies with com-  
2 plete streets principles;

3 (I) meet the minimum standards estab-  
4 lished by the Secretary under subsection  
5 (e)(2)(A); and

6 (J) except as provided in paragraph (3),  
7 require the complete streets policy to apply to  
8 new road construction and road modification  
9 projects, including design, planning, construc-  
10 tion, reconstruction, rehabilitation, mainte-  
11 nance, and operations, for the entire right-of-  
12 way under the jurisdiction of the complete  
13 streets policy.

14 (3) EXEMPTION REQUIREMENTS AND PROCE-  
15 DURES.—A complete streets policy shall allow for a  
16 project-specific exemption from the complete streets  
17 policy if—

18 (A) the roadway affected by the project  
19 may not, under applicable law, be used by cer-  
20 tain types of users, in which case the eligible  
21 entity shall make a greater effort to accommo-  
22 date the types of users elsewhere, including on  
23 roadways that cross or otherwise intersect with  
24 the affected roadway;

1 (B) the cost of the project to comply with  
2 the complete streets policy would be excessively  
3 disproportionate (as defined in the document of  
4 the Department of Transportation entitled “De-  
5 sign Guidance Accommodating Bicycle and Pe-  
6 destrian Travel: A Recommended Approach”  
7 and required under section 1202(b) of the  
8 Transportation Equity Act for the 21st Century  
9 (23 U.S.C. 217 note; Public Law 105–178))  
10 compared to the need or particular use of the  
11 affected roadway; or

12 (C) the existing and expected population,  
13 employment density, traffic volume, or level of  
14 transit service on and around the affected road-  
15 way is so low that the expected users of the af-  
16 fected roadway will not include pedestrians,  
17 public transportation, freight vehicles, or  
18 bicyclists.

19 (4) GUIDANCE.—The Secretary shall establish  
20 guidance for a State or metropolitan planning orga-  
21 nization to evaluate and approve a complete streets  
22 policy of an eligible entity.

23 (5) REPORTS.—

24 (A) IN GENERAL.—Each State department  
25 of transportation shall submit to the Secretary

1 a report describing the implementation by the  
2 State of measures to achieve complete streets  
3 principles within complete streets policies of eli-  
4 gible entities within the State at such time, in  
5 such manner, and containing such information  
6 as the Secretary may require.

7 (B) DETERMINATION BY SECRETARY.—On  
8 receipt of a report under subparagraph (A), the  
9 Secretary shall determine whether the complete  
10 streets program of the State has incorporated  
11 complete streets principles into all aspects of  
12 the transportation project development, pro-  
13 gramming, and delivery process, including  
14 project planning, project identification, project  
15 scoping procedures, design approval, design  
16 manuals, and performance measures.

17 (e) CERTIFICATION.—

18 (1) CERTIFICATION OF STATE PROGRAMS.—Not  
19 later than October 1 of the first fiscal year that be-  
20 gins not less than 3 years after the date of enact-  
21 ment of this Act, the Secretary shall establish a  
22 method of evaluating and certifying compliance by  
23 States with the requirements of this Act, including  
24 a requirement that each State department of trans-

1 portation submit a report to the Secretary that de-  
2 scribes—

3 (A) the complete streets program of the  
4 State;

5 (B) the plan to carry out the complete  
6 streets program of the State; and

7 (C) the degree of involvement of eligible  
8 entities within the State in developing and car-  
9 rying out the complete streets program of the  
10 State.

11 (2) MINIMUM STANDARDS FOR COMPLETE  
12 STREETS POLICIES.—Not later than October 1 of  
13 the first fiscal year that begins not less than 1 year  
14 after the date of enactment of this Act, the Sec-  
15 retary shall establish minimum requirements for the  
16 certification of an eligible entity by a State or metro-  
17 politan planning organization that describes—

18 (A) the minimum standards for a complete  
19 streets policy that allows an eligible entity to re-  
20 ceive a grant under subsection (g)(1); and

21 (B) a method for metropolitan planning or-  
22 ganizations to certify that the complete streets  
23 policy of an eligible entity meets the minimum  
24 requirements required by the Secretary under  
25 subparagraph (A).

1           (3) REPORT.—Not later than October 1 of the  
2 first fiscal year that begins not less than 4 years  
3 after the date of enactment of this Act, the Sec-  
4 retary shall submit to Congress a report that de-  
5 scribes—

6                   (A) the evaluation and certification method  
7 established under paragraph (1);

8                   (B) the status of activities for adopting  
9 and carrying out complete streets programs by  
10 States;

11                   (C) the tools and resources provided by the  
12 Secretary to States to assist with adopting and  
13 carrying out complete streets programs by  
14 States; and

15                   (D) other measures carried out by the Sec-  
16 retary to encourage the adoption of complete  
17 streets policies by eligible entities described in  
18 subsection (d)(1).

19 (f) COMPLETE STREETS PRIORITIZATION PLAN.—

20           (1) IN GENERAL.—To receive a grant under  
21 subsection (g)(1), an eligible entity shall develop,  
22 and the State of the eligible entity shall approve of,  
23 a complete streets prioritization plan.

24           (2) REQUIREMENTS.—In developing a complete  
25 streets prioritization plan, an eligible entity shall

1 prioritize projects based on the extent to which  
2 projects intended to be included in the complete  
3 streets prioritization plan improve—

4 (A) safety;

5 (B) pedestrian mobility;

6 (C) bicycle mobility;

7 (D) public transit operations and access;

8 (E) vehicular operations;

9 (F) freight operations;

10 (G) air quality; and

11 (H) any other factor the Secretary deter-

12 mines to be necessary.

13 (3) APPROVAL.—A State shall approve of a  
14 complete streets prioritization plan if the State de-  
15 termines that the complete streets prioritization  
16 plan—

17 (A) meets the requirements of this section;

18 and

19 (B) meets the goals described in subsection

20 (b)(3).

21 (4) TECHNICAL ASSISTANCE FUNDING.—A

22 State may provide not more than \$50,000 in each  
23 fiscal year to an eligible entity with a complete  
24 streets policy approved by the applicable State or  
25 metropolitan planning organization to conduct stud-

1 ies or analyses to support the completion of a com-  
2 plete streets prioritization plan.

3 (g) GRANTS FOR COMPLETE STREETS INFRASTRUC-  
4 TURE.—

5 (1) IN GENERAL.—A State may provide a grant  
6 for the design and construction of one or more  
7 projects included in the complete streets prioritiza-  
8 tion plan of an eligible entity.

9 (2) LIMITATION.—A grant provided to an eligi-  
10 ble entity under paragraph (1) may be in an amount  
11 that is not more than \$500,000 for each fiscal year.

12 (h) ACCESSIBILITY STANDARDS.—

13 (1) FINAL STANDARDS.—Not later than 1 year  
14 after the date of enactment of this Act, the Architec-  
15 tural and Transportation Barriers Compliance  
16 Board established under section 502(a)(1) of the Re-  
17 habilitation Act of 1973 (29 U.S.C. 792(a)(1)) shall  
18 promulgate final standards for accessibility of new  
19 construction and alteration of pedestrian facilities  
20 for public rights-of-way.

21 (2) TEMPORARY STANDARDS.—During the pe-  
22 riod beginning on the date of enactment of this Act  
23 and ending on the date on which the Architectural  
24 and Transportation Barriers Compliance Board pro-  
25 mulgates final standards under paragraph (1), a

1 State or metropolitan planning organization shall  
2 apply to public rights-of-way—

3 (A) the standards for accessible transpor-  
4 tation facilities in section 37.9 of title 49, Code  
5 of Federal Regulations (as in effect on the date  
6 of enactment of this Act); or

7 (B) if the standards referred to in sub-  
8 paragraph (A) do not address, or are inappli-  
9 cable to, an affected public right-of-way, the  
10 guidelines described in the notice of availability  
11 of draft guidelines of the Architectural and  
12 Transportation Barriers Compliance Board en-  
13 titled “Americans With Disabilities Act (ADA)  
14 Accessibility Guidelines for Buildings and Fa-  
15 cilities; Architectural Barriers Act (ABA) Ac-  
16 cessibility Guidelines; Public Rights-of-Way”  
17 (70 Fed. Reg. 70734 (November 23, 2005)).

18 (i) FUNDING.—A State shall obligate 5 percent of the  
19 funds apportioned to the State under section 104(b) of  
20 title 23, United States Code, to carry out the complete  
21 streets program of the State.

22 **SEC. 3. SAFETY FOR USERS.**

23 Section 1442 of the FAST Act (23 U.S.C. 109 note;  
24 Public Law 114–94) is amended by striking subsection (a)  
25 and inserting the following:

1       “(a) IN GENERAL.—The Secretary shall require each  
2 State and metropolitan planning organization to adopt  
3 and implement standards for the design of Federal surface  
4 transportation projects that provide for the safe and ade-  
5 quate accommodation of all users of the surface transpor-  
6 tation network, including motorized and nonmotorized  
7 users, in all phases of project planning, development, and  
8 operation.”.

○