

By: Ellis, Deuell

S.B. No. 565

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the accommodation of pedestrians, bicyclists, persons  
3 with disabilities, children, senior citizens, users of public  
4 transportation, movers of commercial goods, and motorists on  
5 streets and highways.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. (a) The Texas Department of Transportation  
8 shall consider the needs of motorists, public transportation  
9 vehicles, users of public transportation, bicyclists, and  
10 pedestrians of all ages and abilities in all transportation  
11 planning, design, construction, reconstruction, retrofitting,  
12 operations, and maintenance.

13 (b) The Texas Department of Transportation shall:

14 (1) view all transportation improvements as  
15 opportunities to improve safety, access, air quality, and mobility  
16 for all travelers in Texas; and

17 (2) recognize that bicycle, pedestrian, and transit  
18 modes are integral elements of the transportation system.

19 SECTION 2. Subchapter H, Chapter 201, Transportation Code,  
20 is amended by adding Section 201.623 to read as follows:

21 Sec. 201.623. COMPLETE STREETS POLICY. (a) In this  
22 section:

23 (1) "Complete streets policy" means a written policy  
24 that:

1           (A) provides guidelines for addressing the  
2 safety, accessibility, and mobility of users of streets and  
3 highways, including pedestrians, bicyclists, persons with  
4 disabilities, children, senior citizens, users of public  
5 transportation, movers of commercial goods, and motorists, in the  
6 planning, design, construction, and maintenance of streets and  
7 highways; and

8           (B) recognizes that the needs of users of streets  
9 and highways vary according to the urban, rural, or suburban  
10 context.

11           (2) "Local authority" means a county, municipality, or  
12 other local entity authorized to plan, design, construct, and  
13 maintain streets and highways.

14           (b) The commission shall adopt a complete streets policy.

15           (c) The commission, in adopting a complete streets policy  
16 under Subsection (b), shall consider best practices and guidance  
17 from:

18           (1) the United States Department of Transportation  
19 Federal Highway Administration;

20           (2) the American Association of State Highway and  
21 Transportation Officials;

22           (3) the National Association of City Transportation  
23 Officials;

24           (4) the Texas Manual on Uniform Traffic Control  
25 Devices;

26           (5) the Americans with Disabilities Act Accessibility  
27 Guidelines;

1           (6) the Public Rights-of-Way Accessibility  
2 Guidelines; and

3           (7) the recommended practice titled "Designing  
4 Walkable Urban Thoroughfares: A Context Sensitive Approach,"  
5 issued by the Institute of Transportation Engineers.

6           (d) The commission shall ensure that the following comply  
7 with the complete streets policy:

8           (1) transportation planning, design, construction,  
9 and reconstruction; and

10           (2) improvements to streets, highways, and other  
11 projects that fall under the commission's jurisdiction.

12           (e) A local authority shall ensure that all transportation  
13 planning, design, construction, and reconstruction, street or  
14 highway improvements, and access roads, bicycle paths, and  
15 sidewalks to public transportation comply with the complete streets  
16 policy if federal or state funds are used.

17           (f) To the extent consistent with federal law, a  
18 metropolitan planning organization shall ensure that any  
19 transportation improvement plan complies with the complete streets  
20 policy.

21           (g) This section does not apply to a transportation project  
22 if:

23           (1) use of a particular street or highway by  
24 bicyclists or pedestrians is prohibited by law, including within  
25 interstate highway corridors;

26           (2) the cost to comply with the complete streets  
27 policy would be excessively disproportionate to the present or

1 future need or probable use of the particular street or highway; or

2 (3) a sparseness of population indicates an absence of  
3 future need.

4 (h) An exemption under Subsection (g) must be:

5 (1) approved by the department or local authority, as  
6 appropriate; and

7 (2) supported by publicly available documentation.

8 (i) The department or local authority, as appropriate,  
9 shall certify that each transportation project complies with the  
10 complete streets policy in all aspects of project development. No  
11 additional certification is required unless the scope of the  
12 transportation project changes.

13 SECTION 3. The Texas Transportation Commission shall  
14 publish a best practices report not later than July 1, 2016. The  
15 report must describe how the Texas Department of Transportation,  
16 local authorities, and metropolitan planning organizations have  
17 changed their procedures to implement the complete streets policy  
18 required under Section 201.623, Transportation Code, as added by  
19 this Act. The commission shall include a list of transportation  
20 projects exempted under Section 201.623(g), Transportation Code,  
21 as added by this Act, in the best practices report. The commission,  
22 in publishing a best practices report under this section, shall  
23 consider:

24 (1) procedures for identifying the needs of users of  
25 all ages and abilities;

26 (2) the types and designs of facilities needed to  
27 serve the needs of users described by Subdivision (1) of this

1 section;

2           (3) measures of effectiveness that document the  
3 results of implementing Section 201.623, Transportation Code, as  
4 added by this Act, on transportation projects under the  
5 commission's jurisdiction; and

6           (4) procedures for identifying and overcoming  
7 barriers to implementing the complete streets policy required under  
8 Section 201.623, Transportation Code, as added by this Act.

9           SECTION 4. Section 201.623, Transportation Code, as added  
10 by this Act, does not apply to a roadway project if a draft  
11 Environmental Impact Statement, Environmental Assessment, or  
12 Environmental Reevaluation for the roadway project is submitted to  
13 the regulatory agency in accordance with the National Environmental  
14 Policy Act before September 1, 2013.

15           SECTION 5. This Act takes effect September 1, 2013.