

By: Harper-Brown

H.B. No. 1105

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the adoption and implementation of a policy by the Texas
3 Transportation Commission providing for the accommodation of
4 pedestrians, bicyclists, persons with disabilities, children,
5 senior citizens, users of public transportation, movers of
6 commercial goods, and motorists on streets and highways.

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

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

14 (b) The Texas Department of Transportation shall:

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

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

20 SECTION 2. Subchapter H, Chapter 201, Transportation Code,
21 is amended by adding Section 201.622 to read as follows:

22 Sec. 201.622. COMPLETE STREETS POLICY. (a) In this
23 section:

24 (1) "Complete streets policy" means a written policy

1 that:

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

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

12 (2) "Excessively disproportionate" means an amount
13 that is more than 20 percent of the total project cost.

14 (3) "Local authority" means a county, municipality, or
15 other local entity authorized to plan, design, construct, and
16 maintain streets and highways.

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

18 (c) The commission, in adopting a complete streets policy
19 under Subsection (b), shall consider best practices and guidance
20 from:

21 (1) the United States Department of Transportation
22 Federal Highway Administration;

23 (2) the American Association of State Highway and
24 Transportation Officials;

25 (3) the National Association of City Transportation
26 Officials;

27 (4) the Texas Manual on Uniform Traffic Control

1 Devices;

2 (5) the Americans with Disabilities Act Accessibility
3 Guidelines;

4 (6) the Public Rights-of-Way Accessibility
5 Guidelines; and

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

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

11 (1) all transportation planning, design,
12 construction, and reconstruction; and

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

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

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

24 (g) This section does not apply to a transportation project
25 if:

26 (1) use of a particular street or highway by
27 bicyclists or pedestrians is prohibited by law, including within

1 interstate highway corridors;

2 (2) the cost to comply with the complete streets
3 policy would be excessively disproportionate to the present or
4 future need or probable use of the particular street or highway; or

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

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

8 (1) approved by the commission or local authority, as
9 appropriate; and

10 (2) supported by publicly available documentation.

11 (i) The commission or local authority, as appropriate,
12 shall certify that each transportation project complies with the
13 complete streets policy in all aspects of project development. No
14 additional certification is required unless the plans for the
15 transportation project change.

16 SECTION 3. The Texas Transportation Commission shall
17 publish a best practices report not later than September 1, 2013.
18 The report must describe how the Texas Department of
19 Transportation, local authorities, and metropolitan planning
20 organizations have changed their procedures to implement the
21 complete streets policy required under Section 201.622,
22 Transportation Code, as added by this Act. The commission shall
23 include a list of transportation projects exempted under Section
24 201.622(g), Transportation Code, as added by this Act, in the best
25 practices report. The commission, in publishing a best practices
26 report under this section, shall consider:

27 (1) procedures for identifying the needs of users of

1 all ages and abilities;

2 (2) the types and designs of facilities needed to
3 serve the needs of users described by Subdivision (1) of this
4 section;

5 (3) measures of effectiveness that document the
6 results of implementing Section 201.622, Transportation Code, as
7 added by this Act, on transportation projects under the
8 commission's jurisdiction; and

9 (4) procedures for identifying and overcoming
10 barriers to implementing the complete streets policy required under
11 Section 201.622, Transportation Code, as added by this Act.

12 SECTION 4. This Act takes effect September 1, 2011.