

1-1 By: Ellis, et al. S.B. No. 513
1-2 (In the Senate - Filed February 3, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; May 16, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 4; May 16, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 513 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the accommodation of pedestrians, bicyclists, persons
1-11 with disabilities, children, senior citizens, users of public
1-12 transportation, movers of commercial goods, and motorists on
1-13 streets and highways.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. (a) The Texas Department of Transportation
1-16 shall consider the needs of motorists, public transportation
1-17 vehicles, users of public transportation, bicyclists, and
1-18 pedestrians of all ages and abilities in all transportation
1-19 planning, design, construction, reconstruction, retrofitting,
1-20 operations, and maintenance.

1-21 (b) The Texas Department of Transportation shall:

1-22 (1) view all transportation improvements as
1-23 opportunities to improve safety, access, air quality, and mobility
1-24 for all travelers in Texas; and

1-25 (2) recognize that bicycle, pedestrian, and transit
1-26 modes are integral elements of the transportation system.

1-27 SECTION 2. Subchapter H, Chapter 201, Transportation Code,
1-28 is amended by adding Section 201.622 to read as follows:

1-29 Sec. 201.622. COMPLETE STREETS POLICY. (a) In this
1-30 section:

1-31 (1) "Complete streets policy" means a written policy
1-32 that:

1-33 (A) provides guidelines for addressing the
1-34 safety, accessibility, and mobility of users of streets and
1-35 highways, including pedestrians, bicyclists, persons with
1-36 disabilities, children, senior citizens, users of public
1-37 transportation, movers of commercial goods, and motorists, in the
1-38 planning, design, construction, and maintenance of streets and
1-39 highways; and

1-40 (B) recognizes that the needs of users of streets
1-41 and highways vary according to the urban, rural, or suburban
1-42 context.

1-43 (2) "Local authority" means a county, municipality, or
1-44 other local entity authorized to plan, design, construct, and
1-45 maintain streets and highways.

1-46 (b) The commission shall adopt a complete streets policy.

1-47 (c) The commission, in adopting a complete streets policy
1-48 under Subsection (b), shall consider best practices and guidance
1-49 from:

1-50 (1) the United States Department of Transportation
1-51 Federal Highway Administration;

1-52 (2) the American Association of State Highway and
1-53 Transportation Officials;

1-54 (3) the National Association of City Transportation
1-55 Officials;

1-56 (4) the Texas Manual on Uniform Traffic Control
1-57 Devices;

1-58 (5) the Americans with Disabilities Act Accessibility
1-59 Guidelines;

1-60 (6) the Public Rights-of-Way Accessibility
1-61 Guidelines; and

1-62 (7) the recommended practice titled "Designing
1-63 Walkable Urban Thoroughfares: A Context Sensitive Approach,"

2-1 issued by the Institute of Transportation Engineers.

2-2 (d) The commission shall ensure that the following comply
2-3 with the complete streets policy:

2-4 (1) transportation planning, design, construction,
2-5 and reconstruction; and

2-6 (2) improvements to streets, highways, and other
2-7 projects that fall under the commission's jurisdiction.

2-8 (e) A local authority shall ensure that all transportation
2-9 planning, design, construction, and reconstruction, street or
2-10 highway improvements, and access roads, bicycle paths, and
2-11 sidewalks to public transportation comply with the complete streets
2-12 policy if federal or state funds are used.

2-13 (f) To the extent consistent with federal law, a
2-14 metropolitan planning organization shall ensure that any
2-15 transportation improvement plan complies with the complete streets
2-16 policy.

2-17 (g) This section does not apply to a transportation project
2-18 if:

2-19 (1) use of a particular street or highway by
2-20 bicyclists or pedestrians is prohibited by law, including within
2-21 interstate highway corridors;

2-22 (2) the cost to comply with the complete streets
2-23 policy would be excessively disproportionate to the present or
2-24 future need or probable use of the particular street or highway; or

2-25 (3) a sparseness of population indicates an absence of
2-26 future need.

2-27 (h) An exemption under Subsection (g) must be:

2-28 (1) approved by the department or local authority, as
2-29 appropriate; and

2-30 (2) supported by publicly available documentation.

2-31 (i) The department or local authority, as appropriate,
2-32 shall certify that each transportation project complies with the
2-33 complete streets policy in all aspects of project development. No
2-34 additional certification is required unless the scope of the
2-35 transportation project changes.

2-36 SECTION 3. The Texas Transportation Commission shall
2-37 publish a best practices report not later than July 1, 2014. The
2-38 report must describe how the Texas Department of Transportation,
2-39 local authorities, and metropolitan planning organizations have
2-40 changed their procedures to implement the complete streets policy
2-41 required under Section 201.622, Transportation Code, as added by
2-42 this Act. The commission shall include a list of transportation
2-43 projects exempted under Subsection (g), Section 201.622,
2-44 Transportation Code, as added by this Act, in the best practices
2-45 report. The commission, in publishing a best practices report
2-46 under this section, shall consider:

2-47 (1) procedures for identifying the needs of users of
2-48 all ages and abilities;

2-49 (2) the types and designs of facilities needed to
2-50 serve the needs of users described by Subdivision (1) of this
2-51 section;

2-52 (3) measures of effectiveness that document the
2-53 results of implementing Section 201.622, Transportation Code, as
2-54 added by this Act, on transportation projects under the
2-55 commission's jurisdiction; and

2-56 (4) procedures for identifying and overcoming
2-57 barriers to implementing the complete streets policy required under
2-58 Section 201.622, Transportation Code, as added by this Act.

2-59 SECTION 4. Section 201.622, Transportation Code, as added
2-60 by this Act, does not apply to a roadway project if a draft
2-61 environmental impact statement, environmental assessment, or
2-62 environmental reevaluation for the roadway project is submitted to
2-63 the regulatory agency in accordance with the National Environmental
2-64 Policy Act before September 1, 2011.

2-65 SECTION 5. This Act takes effect September 1, 2011.

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