By: Harper-Brown

H.B. No. 1102

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b) The Texas Department of Transportation shall:
(1) view all transportation improvements as
opportunities to improve safety, access, air quality, and mobility
for all travelers in Texas; and
(2) recognize that bicycle, pedestrian, and transit
modes are integral elements of the transportation system.

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

Sec. 201.623. COMPLETE STREETS POLICY. (a) In this
section:
(1) "Complete streets policy" means a written policy

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

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

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

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

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

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

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

(3) the National Association of City Transportation Officials;

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

(5) the Americans with Disabilities Act Accessibility Guidelines;
(6) the Public Rights-of-Way Accessibility Guidelines; and

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

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

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

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

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

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

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

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

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

(3) a sparseness of population indicates an absence of

future need.

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

(1) approved by the department or local authority, as

appropriate; and

(2) supported by publicly available documentation.

(i) The department or local authority, as appropriate,

shall certify that each transportation project complies with the

complete streets policy in all aspects of project development. No

additional certification is required unless the scope of the

transportation project changes.

SECTION 3. The Texas Transportation Commission shall

publish a best practices report not later than July 1, 2016. The

report must describe how the Texas Department of Transportation,

local authorities, and metropolitan planning organizations have

changed their procedures to implement the complete streets policy

required under Section 201.623, Transportation Code, as added by

this Act. The commission shall include a list of transportation

projects exempted under Section 201.623(g), Transportation Code,

as added by this Act, in the best practices report. The commission,
in publishing a best practices report under this section, shall

consider:

(1) procedures for identifying the needs of users of

all ages and abilities;

(2) the types and designs of facilities needed to

serve the needs of users described by Subdivision (1) of this
(3) measures of effectiveness that document the results of implementing Section 201.623, Transportation Code, as added by this Act, on transportation projects under the commission's jurisdiction; and

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

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

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