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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To provide for consideration of all modes of transportation and all road users in certain highway and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MOULTON introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for consideration of all modes of transportation and all road users in certain highway and transit programs, 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 “Building Safer Streets
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Highway Administration.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Transportation.

6 **SEC. 3. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.**

7 (a) IN GENERAL.—Section 109(d)(2) of title 23,
8 United States Code, is amended—

9 (1) by striking “Not later than” and inserting
10 the following:

11 “(A) IN GENERAL.—Not later than”; and

12 (2) by adding at the end the following:

13 “(B) PUBLIC ACCOUNTABILITY.—

14 “(i) IN GENERAL.—For the most re-
15 cent published edition of the Manual on
16 Uniform Traffic Control Devices (as of the
17 date of enactment of the Building Safer
18 Streets Act), and not later than 1 year
19 after the date of publication of each subse-
20 quent update of the Manual on Uniform
21 Traffic Control Devices, the Secretary shall
22 publish documentation explaining all spe-
23 cific prohibitions against devices or de-
24 signs, including—

1 “(I) any considerations to allow
2 local flexibility;

3 “(II) research in support of the
4 prohibitions, including the need to ac-
5 tively prohibit a design or practice;
6 and

7 “(III) proof of compliance with
8 Federal law (including regulations).

9 “(ii) NATIONAL COMMITTEE ON UNI-
10 FORM TRAFFIC CONTROL DEVICES.—With
11 respect to updates to the Manual on Uni-
12 form Traffic Control Devices after the
13 most recent published edition described in
14 clause (i), the Secretary shall request that
15 the National Committee on Uniform Traf-
16 fic Control Devices provide documentation
17 of the decisions made during the update
18 process with respect to recommendations
19 provided to the Secretary by the National
20 Committee.”.

21 (b) UPDATES TO MANUAL ON UNIFORM TRAFFIC
22 CONTROL DEVICES.—Section 11135 of the Infrastructure
23 Investment and Jobs Act (23 U.S.C. 109 note; Public Law
24 117–58) is amended—

1 (1) in paragraph (3), by adding “and” at the
2 end;

3 (2) in paragraph (4), by striking “; and” and
4 inserting a period; and

5 (3) by striking paragraph (5).

6 (c) GAO STUDY.—

7 (1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct a study on the use
9 of the Manual on Uniform Traffic Control Devices
10 (referred to in this subsection as the “Manual”) by
11 State and local government traffic engineers, plan-
12 ners, and consultants—

13 (A) to provide an estimate of the extent to
14 which practitioners, based on a representative
15 sample—

16 (i) exercise engineering discretion as
17 permitted by the Manual for street designs
18 intended to increase safety and improve
19 multimodal access; and

20 (ii) feel constrained or otherwise dis-
21 couraged from implementing alternative
22 street designs that improve safety out-
23 comes by the guidelines in the Manual;

24 (B) to estimate the average increases in
25 costs and time needed to complete a project

1 caused by the need to request or otherwise de-
2 termine an exception to the Manual, including
3 requirements for engineering studies; and

4 (C) to identify the types of facilities,
5 projects, and contexts for which discretion to
6 deviate from the Manual are most frequently
7 sought.

8 (2) REPORT.—Not later than 2 years after the
9 date of enactment of this Act, the Comptroller Gen-
10 eral of the United States shall—

11 (A) submit to Congress a report that de-
12 scribes the findings and conclusions of the
13 study conducted under paragraph (1); and

14 (B) make the report under subparagraph
15 (A) publicly available online.

16 **SEC. 4. FEDERAL DESIGN STANDARDS AND GUIDELINES.**

17 (a) STATUTORY DESIGN GUIDELINES.—Section
18 217(g)(1) of title 23, United States Code, is amended—

19 (1) in the first sentence, by striking “given due
20 consideration” and inserting “accounted for, where
21 not incompatible,”; and

22 (2) in the second sentence, by striking “consid-
23 ered, where appropriate, in conjunction” and insert-
24 ing “evaluated and, where appropriate, incor-
25 porated”.

1 (b) REGULATORY UPDATES.—

2 (1) IN GENERAL.—Not later than 2 years after
3 the date of enactment of this Act, the Administrator
4 shall update the regulations implementing sections
5 109, 134, and 135 of title 23, United States Code,
6 to clarify the definition of “consideration of all
7 modes”.

8 (2) INCLUSIONS.—The updates under para-
9 graph (1) shall—

10 (A) outline accepted methods for formal
11 evaluation on all modes of transportation, in-
12 cluding pedestrians and cyclists, that will count
13 as adequate consideration of all modes;

14 (B) differentiate between urban and subur-
15 ban, rural, and natural area design guidelines
16 for pedestrian and cycling infrastructure, con-
17 sistent with the Bikeway Selection Guide pub-
18 lished by the Federal Highway Administration
19 and dated February 2019 (or a successor docu-
20 ment);

21 (C) take into consideration the land use
22 context surrounding the road or highway; and

23 (D) affirm the necessity of complete
24 multimodal networks.

25 (c) CATEGORICAL EXCEPTIONS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 shall develop a list of categorical design exceptions
4 from standards developed under section 109(c) of
5 title 23, United States Code, for categories of
6 multimodal projects and features on Federal-aid
7 highways.

8 (2) INCLUSIONS.—The list developed under
9 paragraph (1) shall include categories of multimodal
10 projects and features that—

11 (A) are recommended by the Federal High-
12 way Administration, including Proven Safety
13 Countermeasures;

14 (B) improve safety for vulnerable road
15 users; and

16 (C) are currently subject to the design ex-
17 ception process.

18 (3) UPDATE.—Not less frequently than every 5
19 years, the Administrator shall update the list under
20 paragraph (1).

21 (d) MULTIMODAL REVIEW.—

22 (1) IN GENERAL.—For each program described
23 in paragraph (3), the Secretary shall include as part
24 of the funding application for projects in urbanized
25 areas a process for indicating that the applicant has

1 considered multimodal infrastructure and concluded
2 that the final design will not include facilities for
3 nonmotorized forms of transportation.

4 (2) INCLUSIONS.—The process referred to in
5 paragraph (1) shall include clear criteria, includ-
6 ing—

7 (A) the availability of rights-of-way;

8 (B) the presence or absence of facilities on
9 nearby parallel routes, or the possibility of pro-
10 viding facilities that meet the standards estab-
11 lished in regulations implementing sections 109,
12 134, and 135 of title 23, United States Code;

13 (C) latent demand or potential for active
14 transportation trips, including consideration of
15 future land use; and

16 (D) other criteria, as determined by the
17 Administrator.

18 (3) PROGRAMS DESCRIBED.—A program re-
19 ferred to in paragraph (1) is any of the following:

20 (A) The Strengthening Mobility and Revo-
21 lutionizing Transportation Grant Program es-
22 tablished under section 25005(b) of the Infra-
23 structure Investment and Jobs Act (23 U.S.C.
24 502 note; Public Law 117–58).

1 (B) Competitive awards under the Pro-
2 moting Resilient Operations for Transformative,
3 Efficient, and Cost-saving Transportation
4 (PROTECT) program under section 176(d) of
5 title 23, United States Code.

6 (C) The advanced transportation tech-
7 nologies and innovative mobility deployment
8 grant program under section 503(c)(4) of title
9 23, United States Code (commonly known as
10 the “ATTAIN program”).

11 (e) CONNECTED NETWORKS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Administrator
14 shall publish guidance on connected networks that
15 accommodate all modes and users, including—

16 (A) design guidance for multimodal streets
17 that include transit and freight networks;

18 (B) context-sensitive design considerations
19 that account for the distinct needs of urban,
20 rural, and suburban roads; and

21 (C) methods to address conflicts between
22 modes when there is not sufficient right-of-way
23 to accommodate separate facilities for all users
24 in a single street, including reductions in design

1 speed, designs to improve vulnerable road user
2 visibility, and other features.

3 (2) PRIORITIZATION.—Guidance published
4 under paragraph (1) shall prioritize designs that en-
5 sure that all users have access to safe, comfortable,
6 reliable, and healthy transportation options.

7 (f) TRANSIT FACILITIES.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Administrator
10 and the Administrator of the Federal Transit Ad-
11 ministration shall jointly issue guidelines relating to
12 placement of bus stops and associated roadway de-
13 sign.

14 (2) INCLUSIONS.—The guidelines issued under
15 paragraph (1) shall—

16 (A) include provisions for locating and de-
17 signing bus stops in various operating environ-
18 ments that consider convenience, safety, pedes-
19 trian accessibility, accessibility for individuals
20 with disabilities, proximity to key destinations,
21 density, and transit operations;

22 (B) include considerations of roadside fac-
23 tors, bus stop zone design types, roadway and
24 intersection design, placement, and location;

1 (C) provide for a variety of local contexts,
2 including urban, suburban, and rural road con-
3 ditions;

4 (D) outline best practices for coordination
5 between street departments, public transpor-
6 tation authorities, planning departments, and
7 other relevant authorities on design issues;

8 (E) consider resources published during
9 the preceding 10 years that provide guidelines
10 for the location, design, user need, and context
11 for transit facilities on streets, including the
12 American Association of State Highway and
13 Transportation Officials guide entitled “Guide
14 for Geometric Design of Transit Facilities on
15 Highways and Streets” and published July
16 2014, and the guide of the National Association
17 of City Transportation Officials entitled “Tran-
18 sit Street Design Guide” and published April
19 2016; and

20 (F) prioritize pedestrian and bicycle access
21 to transit and proximity to key destinations.

22 (3) GRANT RECIPIENTS.—Beginning not later
23 than 2 years after the date of enactment of this Act,
24 the Administrator of the Federal Transit Adminis-
25 tration shall ensure that a recipient of funds under

1 section 5309 of title 49, United States Code, shall
2 be provided the guidelines issued under paragraph
3 (1).

4 (4) REPORT.—Not later than 1 year after the
5 date of enactment of this Act, the Administrator
6 shall submit to Congress a report that—

7 (A) describes the guidelines adopted by the
8 Administrator supporting on-road transit vehi-
9 cle accommodation, including guidance on
10 issues such as turning radii, lane widths, bus
11 lanes, bus stop placement, and transit signal
12 priorities; and

13 (B) notes whether the Administrator has
14 adopted the guide of the American Association
15 of State Highway and Transportation Officials
16 entitled “Guide for Geometric Design of Tran-
17 sit Facilities on Highways and Streets” and
18 published July 2014, the guide of the National
19 Association of City Transportation Officials en-
20 titled “Transit Street Design Guide” and pub-
21 lished April 2016, or another transit facility
22 guide, and if not, the reasons why not.

23 (g) VALUE OF TIME GUIDANCE.—Section 6702(d) of
24 title 49, United States Code, is amended—

1 (1) by redesignating paragraphs (5) through
2 (7) as paragraphs (6) through (8), respectively; and
3 (2) by inserting after paragraph (4) the fol-
4 lowing:

5 “(5) VALUE OF TIME.—In selecting projects to
6 receive grants under the program and analyzing the
7 benefits and costs of proposed projects, the Sec-
8 retary shall not consider higher speed limits for mo-
9 torized vehicles to be a contributor to value of travel
10 time benefits for roads that are not freeways or on
11 the Interstate System.”.

12 (h) STUDY; REPORT.—Not later than 2 years after
13 the date of enactment of this Act, the Administrator
14 shall—

15 (1) carry out a study on the design factors that
16 contributed to fatal crashes on a representative sam-
17 ple of Federal-aid highways, including crashes in-
18 volving pedestrians and cyclists; and

19 (2) submit to the Committee on Environment
20 and Public Works of the Senate and the Committee
21 on Transportation and Infrastructure of the House
22 of Representatives a report that includes the results
23 of the study under paragraph (1).

1 **SEC. 5. STATE GUIDANCE.**

2 (a) **TIMELY UPDATES TO STATE GUIDANCE AND**
3 **STANDARDS.**—Not later than 2 years after the date of en-
4 actment of this Act, as a condition of the receipt of funds
5 under title 23, United States Code, each State shall notify
6 the Secretary whether the State has updated the highway
7 design manuals of the State to reflect guidance of the Ad-
8 ministrator relating to controlling criteria for design of
9 lower speed non-freeway roadways.

10 (b) **SAFETY OF VULNERABLE ROAD USERS.**—Section
11 150(d) of title 23, United States Code, is amended—

12 (1) in paragraph (1), by striking “Not later
13 than” and inserting “Subject to paragraph (3), not
14 later than”; and

15 (2) by adding at the end the following:

16 “(3) **HIGHWAY SAFETY IMPROVEMENT PRO-**
17 **GRAM.**—In establishing performance targets that re-
18 flect the measures identified in subsection (c)(4), the
19 target for vulnerable road user fatalities shall not
20 exceed the total number of vulnerable road user fa-
21 talities for the previous target period in that State.”.

22 **SEC. 6. SAFE STREETS FOR ALL COMMUNITIES.**

23 Section 24112 of the Infrastructure Investment and
24 Jobs Act (23 U.S.C. 402 note; Public Law 117–58) is
25 amended—

1 (1) in subsection (a), by adding at the end the
2 following:

3 “(5) SMALL COMMUNITY.—The term ‘small
4 community’ has the meaning given the term ‘small
5 and rural community’ in section 28(a) of the Steven-
6 son-Wydler Technology Innovation Act of 1980 (15
7 U.S.C. 3722a(a)).”;

8 (2) in subsection (c), by adding at the end the
9 following:

10 “(3) SMALL COMMUNITIES.—

11 “(A) IN GENERAL.—Of the total amount
12 made available to carry out the program for
13 each fiscal year, not less than 10 percent shall
14 be set aside for projects carried out by, or for
15 the benefit of, a small community that each
16 have—

17 “(i) a total estimated cost of less than
18 \$1,000,000; and

19 “(ii) an estimated completion date of
20 not more than 5 years.

21 “(B) APPLICATION.—The Secretary may
22 develop a modified application process for
23 projects described in subparagraph (A) that re-
24 flects small community capacity and project
25 needs.

1 “(C) CONSIDERATIONS.—In selecting
2 projects under subparagraph (A), the Secretary
3 shall give priority to projects that can dem-
4 onstrate ineligibility or inability to obtain State
5 funding due to the size of the project.”;

6 (3) in subsection (e)—

7 (A) by striking “The Federal share” and
8 inserting the following:

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), the Federal share”; and

11 (B) by adding at the end the following:

12 “(2) SMALL COMMUNITIES.—In the case of a
13 grant for a project described in subsection (c)(3)(A)
14 for which the applicant can demonstrate a funding
15 commitment from a State or local entity, the Sec-
16 retary may increase the Federal share of the cost of
17 the project up to 90 percent.”; and

18 (4) in subsection (g), by adding at the end the
19 following:

20 “(3) ASSISTANCE.—The Secretary shall provide
21 assistance to eligible entities that receive a grant
22 under the program in collecting and meaningfully
23 using data relating to nonmotorized travelers for
24 planning and decisionmaking with respect to a

- 1 project carried out with funds from the grant, par-
- 2 ticularly nonmotorized traveler volume data.”.