

BILL ANALYSIS

Senate Research Center
82R23185 NAJ-D

C.S.S.B. 513
By: Ellis et al.
Transportation & Homeland Security
5/13/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 513 provides a highly cost-effective solution to major transportation and health problems in Texas.

According to the 2009 National Household Travel Survey, 28 percent of all trips are one mile or less, and 50 percent of all trips are three miles or less. Of the one mile or less trips, 60 percent are made by motor vehicle. Of the three mile or less trips, 72 percent are made by motor vehicle.

If more of these trips can be covered by walking or bicycling, there are tremendous economic benefits to communities and individuals in terms of freed roadway capacity and less roadway wear, reduced individual motor vehicle costs, quality-of-life attractiveness of Texas communities to businesses, and societal and individual health care cost reduction through more physical activity.

Like most of the nation, Texas has significantly underinvested in walking and bicycling infrastructure to complement motor-vehicle infrastructure. The cost of installing walking and bicycling infrastructure is very low when implemented within the economy of scale of major roadway construction or expansion projects.

This incremental cost investment will produce a high return. The Federal Highway Administration, using the U.S. Interstate Highway System as an example, reports data that show a declining return on investment as transportation systems mature to completion.

"Complete Streets," as outlined in C.S.S.B. 513, will increase requirements for consideration of walking and bicycling infrastructure as part of roadway construction projects using federal or state funding. The bill contains provisions to exclude walking and bicycling facilities under certain conditions. There are reasonable reporting requirements that authorities must complete if, after consideration, walking and bicycling infrastructure is not included in roadway construction projects.

C.S.S.B. 513 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Requires the Texas Department of Transportation (TxDOT) to provide for 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) Requires TxDOT to view all transportation improvements as opportunities to improve safety, access, air quality, and mobility for all travelers in Texas, and recognize

that bicycle, pedestrian, and transit modes are integral elements of the transportation system.

SECTION 2. Amends Subchapter H, Chapter 201, Transportation Code, by adding Section 201.622, as follows:

Sec. 201.622. COMPLETE STREETS POLICY. (a) Defines "complete streets policy" and "local authority."

(b) Requires the Texas Transportation Commission (TTC) to adopt a complete streets policy.

(c) Requires TTC, in adopting a complete streets policy under Subsection (b), to consider best practices and guidance from the United States Department of Transportation Federal Highway Administration, the American Association of State Highway and Transportation Officials, the National Association of City Transportation Officials, the Texas Manual on Uniform Traffic Control Devices, the Americans with Disabilities Act Accessibility Guidelines, the Public Rights-of-Way Accessibility Guidelines, and the recommended practice titled "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach," issued by the Institute of Transportation Engineers.

(d) Requires TTC to ensure that transportation planning, design, construction, and reconstruction; and improvements to streets, highways, and other projects that fall under TTC's jurisdiction comply with the complete streets policy.

(e) Requires a local authority to 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) Requires a metropolitan planning organization, to the extent consistent with federal law, to ensure that any transportation improvement plan complies with the complete streets policy.

(g) Provides that this section does not apply to a transportation project if use of a particular street or highway by bicyclists or pedestrians is prohibited by law, including within interstate highway corridors; 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 a sparseness of population indicates an absence of future need.

(h) Requires that an exemption under Subsection (g) be approved by TxDOT or local authority, as appropriate, and supported by publicly available documentation.

(i) Requires TxDOT or the local authority, as appropriate, to certify that each transportation project complies with the complete streets policy in all aspects of project development. Provides that no additional certification is required unless the plans for the transportation project change.

SECTION 3. Requires TTC to publish a best practices report not later than September 1, 2013. Requires that the report describe how TxDOT, local authorities, and metropolitan planning organizations have changed their procedures to implement the complete streets policy required under Section 201.622, Transportation Code, as added by this Act. Requires TTC to include a list of transportation projects exempted under Section 201.622(g), Transportation Code, as added by this Act, in the best practices report. Requires TTC, in publishing a best practices report under this section to 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 section;

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

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

SECTION 4. Provides that Section 201.622, 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, 2011.

SECTION 5. Effective date: September 1, 2011.