

117TH CONGRESS
1ST SESSION

S. _____

To require States to establish complete streets programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require States to establish complete streets 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 “Complete Streets Act
5 of 2021”.

6 **SEC. 2. COMPLETE STREETS PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMPLETE STREET.—The term “complete
9 street” means a public road that provides safe and
10 accessible options for multiple travel modes for peo-

1 ple of all ages and abilities, including modes such as
2 walking, cycling, transit, automobiles, and freight.

3 (2) COMPLETE STREETS POLICY.—The term
4 “complete streets policy” means a complete streets
5 policy adopted by an eligible entity under subsection
6 (d)(1).

7 (3) COMPLETE STREETS PRINCIPLE.—The term
8 “complete streets principle” means a principle at the
9 local, State, or regional level that ensures—

10 (A) the safe and adequate accommodation,
11 in all phases of project planning and develop-
12 ment, of all users of the transportation system,
13 including pedestrians, bicyclists, public transit
14 users, children, older individuals, individuals
15 with disabilities, motorists, and freight vehicles;
16 and

17 (B) the consideration of the safety and
18 convenience of all users of the transportation
19 system in all phases of project planning and de-
20 velopment.

21 (4) COMPLETE STREETS PRIORITIZATION
22 PLAN.—The term “complete streets prioritization
23 plan” means a complete streets prioritization plan
24 developed by an eligible entity under subsection
25 (f)(1).

1 (5) COMPLETE STREETS PROGRAM.—The term
2 “complete streets program” means a complete
3 streets program established by a State under sub-
4 section (b)(1).

5 (6) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a unit of local government;

8 (B) a regional planning organization;

9 (C) a metropolitan planning organization;

10 (D) a transit agency;

11 (E) a natural resource or public land agen-
12 cy;

13 (F) a Tribal government;

14 (G) a nonprofit entity responsible for the
15 administration of local transportation safety
16 programs; or

17 (H) any other local or regional govern-
18 mental entity, other than a State agency, with
19 responsibility for or oversight of transportation
20 or recreational trails that the State in which the
21 project will occur determines to be eligible, con-
22 sistent with the goals of this section.

23 (7) METROPOLITAN PLANNING ORGANIZA-
24 TION.—The term “metropolitan planning organiza-

1 tion” means a metropolitan planning organization
2 designated under—

3 (A) section 134 of title 23, United States
4 Code; or

5 (B) section 5303 of title 49, United States
6 Code.

7 (8) SECRETARY.—The term “Secretary” means
8 the Secretary of Transportation.

9 (b) ESTABLISHMENT.—

10 (1) IN GENERAL.—Not later than October 1 of
11 the second full fiscal year after the date of enact-
12 ment of this Act, each State shall establish a pro-
13 gram for a competitive process for an eligible entity
14 to seek—

15 (A) technical assistance for a project to de-
16 sign and construct a project included in the
17 complete streets prioritization plan of the eligi-
18 ble entity under subsection (f)(5); and

19 (B) grants for the design and construction
20 of complete streets under subsection (g).

21 (2) FUNDING.—Not later than October 1 of the
22 third full fiscal year that begins after the date of en-
23 actment of this Act, each State shall begin to pro-
24 vide grants for the design and construction of com-
25 plete streets under subsection (g)(1).

1 (3) GOALS.—The goals of a complete streets
2 program are—

3 (A) to provide technical assistance and in-
4 centives for the adoption of complete streets
5 policies;

6 (B) to encourage eligible entities to adopt
7 a strategic and comprehensive approach for the
8 development of complete streets;

9 (C) to facilitate better pedestrian, bicycle,
10 and public transit travel for users of all ages
11 and abilities by addressing critical gaps in pe-
12 destrian, bicycle, and public transit infrastruc-
13 ture;

14 (D) to distribute funding to reward eligible
15 entities that have committed to adopting com-
16 plete streets benchmarks developed by the Sec-
17 retary under subsection (c); and

18 (E) to ensure that underserved municipali-
19 ties, neighborhoods, and people, including low-
20 income people and communities of color, are
21 served equitably by the complete streets pro-
22 gram.

23 (c) COMPLETE STREETS BENCHMARKS AND GUID-
24 ANCE.—

1 (1) IN GENERAL.—Not later than 450 days
2 after the date of enactment of this Act, the Sec-
3 retary shall develop and make available to States
4 and eligible entities benchmarks and guidance by
5 which—

6 (A) States can carry out complete streets
7 programs;

8 (B) eligible entities can carry out complete
9 streets policies and complete streets principles;
10 and

11 (C) eligible entities can evaluate the effec-
12 tiveness of complete streets projects.

13 (2) FOCUS.—The benchmarks and guidance de-
14 veloped and made available under paragraph (1)
15 shall—

16 (A) be designed to result in the establish-
17 ment of methods of effectively carrying out a
18 complete streets policy, a complete streets pro-
19 gram, and complete streets principles, as appli-
20 cable;

21 (B) focus on modifying scoping, design,
22 and construction procedures to more effectively
23 combine modes of transportation into integrated
24 facilities that meet the needs of each of those

1 modes of transportation in an appropriate bal-
2 ance; and

3 (C) indicate the expected operational and
4 safety performance of alternative approaches to
5 facility design.

6 (3) TOPICS OF EMPHASIS.—In developing the
7 benchmarks and guidance under paragraph (1), the
8 Secretary shall emphasize—

9 (A) procedures for identifying the needs of
10 users of all ages and abilities of a particular
11 roadway;

12 (B) procedures for identifying the types
13 and designs of facilities needed to serve each
14 class of users;

15 (C) safety and other benefits provided by
16 carrying out complete streets principles;

17 (D) common barriers to carrying out com-
18 plete streets principles;

19 (E) procedures for overcoming the most
20 common barriers to carrying out complete
21 streets principles;

22 (F) procedures for identifying the costs as-
23 sociated with carrying out complete streets
24 principles;

1 (G) procedures for maximizing local co-
2 operation in the introduction of complete streets
3 principles and carrying out those principles; and

4 (H) procedures for assessing and modi-
5 fying the facilities and operational characteris-
6 tics of existing roadways to improve consistency
7 with complete streets principles.

8 (4) PUBLIC REVIEW AND COMMENT.—The com-
9 plete streets benchmarks and guidance developed
10 and made available under paragraph (1) shall be
11 subject to a period of public review and comment.

12 (d) COMPLETE STREETS POLICIES.—

13 (1) IN GENERAL.—An eligible entity seeking
14 technical assistance or funds from a complete streets
15 program shall adopt a complete streets policy using
16 complete streets principles and approved by—

17 (A) the State of the eligible entity; or

18 (B) a metropolitan planning organization
19 that serves an area under the jurisdiction of the
20 eligible entity, subject to the condition that the
21 metropolitan planning organization and the
22 State execute an agreement—

23 (i) under which the State agrees—

1 (I) to delegate policy approval
2 authority to the metropolitan planning
3 organization; and

4 (II) to provide funding to the
5 metropolitan planning organization
6 for all reasonable costs related to re-
7 view of a complete streets policy; and

8 (ii) that establishes guidelines for ap-
9 proval of a complete streets policy as re-
10 quired under subsection (e)(2).

11 (2) GUIDANCE.—Not later than October 1 of
12 the first full fiscal year that begins after the date of
13 enactment of this Act, the Secretary shall provide
14 guidance to States and metropolitan planning orga-
15 nizations for review of complete streets policies
16 under this Act.

17 (3) REQUIREMENTS.—A complete streets policy
18 of an eligible entity shall—

19 (A) include a description of—

20 (i) how the eligible entity intends to
21 develop complete streets infrastructure, in-
22 cluding through an assessment of proce-
23 dures, design manuals, performance meas-
24 ures, and training for planners and engi-
25 neers;

1 (ii) how, after the development of
2 complete streets infrastructure, the trans-
3 portation system will serve users of all
4 ages and abilities, including pedestrians,
5 bicyclists, and public transit passengers, as
6 well as trucks, buses, and automobiles;

7 (iii) how the complete streets policy
8 will apply to all projects and phases of
9 projects that affect the streets under the
10 complete streets policy, including recon-
11 struction, new construction, planning, de-
12 sign, maintenance, and operations, for the
13 entire street;

14 (iv) any exceptions to the complete
15 streets policy, including a clear procedure
16 for the approval of those exceptions, as de-
17 scribed in paragraph (4);

18 (v) the jurisdiction in which the com-
19 plete streets policy applies; and

20 (vi) the steps necessary for implemen-
21 tation of the complete streets policy;

22 (B) encourage a comprehensive, integrated,
23 and connected network for all modes of trans-
24 portation;

25 (C) benefit users of all abilities;

1 (D) emphasize the need to coordinate with
2 other jurisdictions with respect to the streets
3 under the jurisdiction of the complete streets
4 policy;

5 (E) require the use of the latest and best
6 design criteria and guidelines, particularly
7 standards relating to providing access to indi-
8 viduals with disabilities, in projects under the
9 complete streets policy;

10 (F) recognize the need for flexibility in bal-
11 ancing user needs;

12 (G) be context sensitive and complement
13 the community, including consideration of—

14 (i) the urban, suburban, or rural loca-
15 tion in which a project is located; and

16 (ii) planned investments on or near
17 the corridor, such as public transportation;

18 (H) establish performance standards with
19 measurable outcomes to ensure that the com-
20 plete streets infrastructure complies with com-
21 plete streets principles;

22 (I) meet the minimum standards estab-
23 lished by the Secretary under subsection
24 (e)(2)(A)(i); and

1 (J) except as provided in paragraph (4),
2 require the complete streets policy to apply to
3 new road construction and road modification
4 projects, including design, planning, construc-
5 tion, reconstruction, rehabilitation, mainte-
6 nance, and operations, for the entire right-of-
7 way under the jurisdiction of the complete
8 streets policy.

9 (4) EXEMPTION REQUIREMENTS AND PROCE-
10 DURES.—A complete streets policy shall allow for a
11 project-specific exemption from the complete streets
12 policy if—

13 (A) the roadway affected by the project
14 may not, under applicable law, be used by cer-
15 tain types of users, in which case the eligible
16 entity shall make a greater effort to accommo-
17 date the types of users elsewhere, including on
18 roadways that cross or otherwise intersect with
19 the affected roadway;

20 (B) the cost of the project to comply with
21 the complete streets policy would be excessively
22 disproportionate (as defined in the document of
23 the Department of Transportation entitled “De-
24 sign Guidance Accommodating Bicycle and Pe-
25 destrian Travel: A Recommended Approach”

1 and required under section 1202(b) of the
2 Transportation Equity Act for the 21st Century
3 (23 U.S.C. 217 note; Public Law 105–178))
4 compared to the need or particular use of the
5 affected roadway; or

6 (C) the existing and expected population,
7 employment density, traffic volume, or level of
8 transit service on and around the affected road-
9 way is so low that the expected users of the af-
10 fected roadway will not include pedestrians,
11 public transportation, freight vehicles, or
12 bicyclists.

13 (5) GUIDANCE.—The Secretary shall establish
14 guidance for a State or metropolitan planning orga-
15 nization to evaluate and approve a complete streets
16 policy of an eligible entity.

17 (6) REPORTS.—

18 (A) IN GENERAL.—Each State department
19 of transportation shall submit to the Secretary
20 a report describing the implementation by the
21 State of measures to achieve complete streets
22 principles within complete streets policies of eli-
23 gible entities within the State at such time, in
24 such manner, and containing such information
25 as the Secretary may require.

1 (B) DETERMINATION BY SECRETARY.—On
2 receipt of a report under subparagraph (A), the
3 Secretary shall determine whether the complete
4 streets program of the State has incorporated
5 complete streets principles into all aspects of
6 the transportation project development, pro-
7 gramming, and delivery process, including
8 project planning, project identification, project
9 scoping procedures, design approval, design
10 manuals, and performance measures.

11 (e) CERTIFICATION.—

12 (1) CERTIFICATION OF STATE PROGRAMS.—Not
13 later than October 1 of the third full fiscal year that
14 begins after the date of enactment of this Act, the
15 Secretary shall establish a method of evaluating and
16 certifying compliance by States with the require-
17 ments of this Act, including a requirement that each
18 State department of transportation submit a report
19 to the Secretary that describes—

20 (A) the complete streets program of the
21 State;

22 (B) the plan to carry out the complete
23 streets program of the State; and

24 (C) the degree of involvement of eligible
25 entities within the State in developing and car-

1 rying out the complete streets program of the
2 State.

3 (2) MINIMUM STANDARDS FOR COMPLETE
4 STREETS POLICIES.—

5 (A) ESTABLISHMENT.—Not later than Oc-
6 tober 1 of the first full fiscal year that begins
7 after the date of enactment of this Act, the Sec-
8 retary shall establish minimum requirements
9 for the certification of an eligible entity by a
10 State or metropolitan planning organization
11 that describes—

12 (i) the minimum standards for a com-
13 plete streets policy that allows an eligible
14 entity to receive a grant under subsection
15 (g)(1); and

16 (ii) a method for a State or metropoli-
17 tan planning organization to certify that
18 the complete streets policy of an eligible
19 entity meets the minimum requirements
20 required by the Secretary under clause (i).

21 (B) LACK OF CERTIFICATION BY STATE OR
22 MPO.—If the State or metropolitan planning or-
23 ganization does not certify the complete streets
24 policy of an eligible entity, the eligible entity—

1 (i) may not participate in the grant
2 program under subsection (g)(1); but

3 (ii) may use the complete streets pol-
4 icy for local purposes.

5 (3) REPORT.—Not later than October 1 of the
6 fourth fiscal year that begins after the date of enact-
7 ment of this Act, the Secretary shall submit to Con-
8 gress a report that describes—

9 (A) the evaluation and certification method
10 established under paragraph (1);

11 (B) the status of activities for adopting
12 and carrying out complete streets programs by
13 States;

14 (C) the tools and resources provided by the
15 Secretary to States to assist with adopting and
16 carrying out complete streets programs by
17 States; and

18 (D) other measures carried out by the Sec-
19 retary to encourage the adoption of complete
20 streets policies by eligible entities.

21 (f) COMPLETE STREETS PRIORITIZATION PLAN.—

22 (1) IN GENERAL.—To receive a grant under
23 subsection (g)(1), an eligible entity shall develop,
24 and the State of the eligible entity shall approve, a
25 complete streets prioritization plan that consists of

1 a comprehensive strategy and list of specific projects
2 to design, and carry out the design of, complete
3 streets—

4 (A) to improve safety, mobility, or accessi-
5 bility of a street;

6 (B) that identifies—

7 (i) the streets and infrastructure to be
8 affected by a project;

9 (ii) a cost estimate of the project; and

10 (iii) a timeline for the completion of
11 the project; and

12 (C) that aligns with local infrastructure
13 plans and roadway maintenance schedules.

14 (2) REQUIREMENTS.—In developing a complete
15 streets prioritization plan, an eligible entity shall
16 prioritize projects based on the extent to which
17 projects intended to be included in the complete
18 streets prioritization plan improve—

19 (A) safety;

20 (B) pedestrian mobility;

21 (C) bicycle mobility;

22 (D) public transit operations and access;

23 (E) micromobility service operations and
24 access, including shared bicycle and scooter
25 services;

1 (F) vehicular operations;

2 (G) freight operations;

3 (H) air quality;

4 (I) connections and access to jobs and
5 services for low-income people, communities of
6 color, and people who rely on public transit;
7 and

8 (J) any other factor the Secretary deter-
9 mines to be necessary.

10 (3) INCLUSION OF PROJECTS FROM EXISTING
11 PLANS.—In developing a complete streets
12 prioritization plan, an eligible entity may include a
13 project included in an existing local infrastructure
14 plan.

15 (4) APPROVAL.—A State or metropolitan plan-
16 ning organization shall approve of a complete streets
17 prioritization plan if the State or metropolitan plan-
18 ning organization determines that the complete
19 streets prioritization plan—

20 (A) meets the requirements of this section;

21 and

22 (B) meets the goals described in subsection
23 (b)(3).

24 (5) TECHNICAL ASSISTANCE FUNDING.—A
25 State may provide not more than \$100,000 in each

1 fiscal year to an eligible entity with a complete
2 streets policy approved by the applicable State or
3 metropolitan planning organization to conduct stud-
4 ies or analyses to support the completion of a com-
5 plete streets prioritization plan.

6 (g) GRANTS FOR COMPLETE STREETS INFRASTRUC-
7 TURE.—

8 (1) IN GENERAL.—A State may provide a grant
9 for the design and construction of 1 or more projects
10 included in the complete streets prioritization plan of
11 an eligible entity.

12 (2) LIMITATION.—A grant provided to an eligi-
13 ble entity under paragraph (1) may be in an amount
14 equal to the lesser of—

15 (A) \$20,000,000; and

16 (B) 20 percent of the total amount of
17 funding for the complete streets program of the
18 State for the fiscal year.

19 (h) ACCESSIBILITY STANDARDS.—

20 (1) FINAL STANDARDS.—Not later than 1 year
21 after the date of enactment of this Act, the Architec-
22 tural and Transportation Barriers Compliance
23 Board established under section 502(a)(1) of the Re-
24 habilitation Act of 1973 (29 U.S.C. 792(a)(1)) shall
25 promulgate final standards for accessibility of new

1 construction and alteration of pedestrian facilities
2 for public rights-of-way.

3 (2) TEMPORARY STANDARDS.—During the pe-
4 riod beginning on the date of enactment of this Act
5 and ending on the date on which the Architectural
6 and Transportation Barriers Compliance Board pro-
7 mulgates final standards under paragraph (1), a
8 State or metropolitan planning organization shall
9 apply to public rights-of-way—

10 (A) the standards for accessible transpor-
11 tation facilities in section 37.9 of title 49, Code
12 of Federal Regulations (as in effect on the date
13 of enactment of this Act); or

14 (B) if the standards referred to in sub-
15 paragraph (A) do not address, or are inappli-
16 cable to, an affected public right-of-way, the
17 guidelines described in the notice of availability
18 of draft guidelines of the Architectural and
19 Transportation Barriers Compliance Board en-
20 titled “Americans With Disabilities Act (ADA)
21 Accessibility Guidelines for Buildings and Fa-
22 cilities; Architectural Barriers Act (ABA) Ac-
23 cessibility Guidelines; Public Rights-of-Way”
24 (70 Fed. Reg. 70734 (November 23, 2005)).

1 (i) FUNDING.—For each fiscal year, each State shall
2 obligate 5 percent of the funds apportioned to the State
3 under section 104(b) of title 23, United States Code, to
4 carry out the complete streets program of the State.

5 **SEC. 3. SAFETY FOR USERS.**

6 Section 1442 of the FAST Act (23 U.S.C. 109 note;
7 Public Law 114–94) is amended by striking subsection (a)
8 and inserting the following:

9 “(a) IN GENERAL.—The Secretary shall require each
10 State and metropolitan planning organization to adopt
11 and implement standards for the design of Federal surface
12 transportation projects that provide for the safe and ade-
13 quate accommodation of all users of the surface transpor-
14 tation network, including motorized and nonmotorized
15 users, in all phases of project planning, development, and
16 operation.”.