



Model Policy Outline for State Complete Streets Legislation

The development of Complete Streets legislative language should take into account existing policy and practice, and state politics. Rather than a single model policy, we are offering a menu of policy choices, based in large part on existing state-level policies from around the country, including state laws, transportation commissioner resolutions, and executive orders.

This outline is organized so that the most important and effective elements are presented first. All laws should cover approach, project types and phases, users, and exceptions. Other ideas for inclusion follow these main points, and may not be present or necessary in any one law. Implementation measures, especially, may be phased into policy. Please see our discussion on the elements of a good complete streets policy for more information.

Guidance and advice are provided in each section, while links to existing policy examples give real-world examples of recommendations. Existing state legislation is referenced through the state abbreviation; other state-level policies include the issuing body. Please be sure to read notes for additional information.

Our recommendations for the strongest elements are in bold.

Preamble/Findings/Whereas Clauses

A complete streets law benefits a state and its communities in a number of ways. Some legislation includes a list of legislative findings that enumerate these benefits.

- CA, LA Resolution, DE Executive Order

Policy Approach

1. Include policy in legislation

The law is the primary policy: it clearly states the intent to provide for all users, and directs the State Department of Transportation and/or local transportation agencies to carry out this intent.

- **Suggested language: The State Department of Transportation shall provide for the needs of drivers, public transportation vehicles and patrons, bicyclists, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products. The Department shall view all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in [state] and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system.**
 - Examples: FL, IL, MA, OR, WI
2. Legislature directs development of a policy outside the legislature
 - DOT Secretary/Commissioner to enact a policy
 - Using recommendations and guidance from stakeholders and/or task force [HI, MN, DE Executive Order]
 - Direct task force to bring back policy recommendation to the legislature [LA resolution]¹
 3. Legislature directs policy guidelines and mandatory elements for city and county general plans [CA, MI]

Project Coverage

A complete streets policy should be applicable in almost all transportation projects and phases. Optimal language is included in the bold statement above, or as suggested below, followed by examples from some state policies to date.

I. **Construction, reconstruction, retrofit, maintenance, alteration, or repair of streets, bridges, or other portions of the transportation network**

Existing Examples:

- **“planning, design, construction, maintenance and operation of new and retrofit transportation facilities”** [NJ DOT]
 - “planning, scoping, design, implementation, operation, and maintenance of roads” [MN]
 - “all phases of transportation planning, including highway design, construction, reconstruction, and repair as well as expansion and improvement” [MD]
 - “a routine part of the planning, design, construction and operating activities” [CT]
 - “planning, design, and construction, reconstruction or maintenance of any project” [MA]
 - “new construction, reconstruction, and maintenance” [HI]
 - “planning, design, construction, funding and operation” [NC DOT]
2. Provisions for resurfacing, restoration, and paving projects (see “Maintenance and Retrofits” below)

Policy Jurisdiction

Most state laws cover only projects initiated by the state DOT; others reach down to county or city roads. We recommend the broadest coverage.

- **All public highways and roads** [OR]²
- **All transportation projects receiving federal or state funding** [WI, NJ DOT]
- All highways and roads controlled by the state DOT [CT, FL, MA]

Provisions for regional or local projects may be included in a state law. Doing so ensures real networks of complete streets. The federal Complete Streets Act of 2009, Section 3(c), recommends a supportive statement encouraging county and local jurisdictions to adopt complete streets policies. Other options include:

- **Establish incentives for local policy adoption** [NJ DOT]³
- Add complete streets planning requirement in state-required county and city general plans [CA, MI]
- Apply policy to the State DOT and county DOTs [HI]
- Commit to collaboration between DOT and regional/local jurisdictions to ensure complete streets through long-range planning [NC DOT]
- Encourage local road authorities to develop and adopt their own policies [MN]

Users

A true complete streets policy must apply to everyone traveling along the road. Appropriate state legislation should direct roadways to be designed and operated to be safe and accessible for all users, including:

- **Bicyclists, pedestrians, transit users, and motorists of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities**
 - **“bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors”** [CA]
- Bicyclists, pedestrians, transit users, and motorists [CT, HI]
- Other users to consider:
 - Commercial vehicles⁴ [CA, MN]
 - Emergency vehicles⁵ [MN]

Exceptions

Making a policy work in the real world requires developing a process to handle exceptions to providing for all modes in each project.

- No exceptions in law [MD]
- **Minimal number of exceptions**
 - **Where non-motorized users are prohibited by law** [CT, HI, WI]
 - **Absence of present and future need** (*Should a direction for rural application be included? See “Applicability” below.*)
 - “areas in which the population and employment densities or level of transit service around the facility does not justify the incorporation of multimodal alternatives” [NC DOT]
 - Assessment of need [US DOT]
 - Cost
 - **“excessive” or “disproportionate” costs to need or probable use** [CT, IL, OR]
 - Capped at 20% of project [WI, US DOT]
 - Safety [FL, HI, IL] (not recommended)
 - Degrade environmental or scenic qualities [MA, RI] (not recommended)
 - Conflict with existing ROW [MA, RI] (not recommended)
- **Statement that exceptions should be rare** [NC DOT]
- **Requirement that exceptions be documented** [US DOT, NJ DOT] **and publicly-available**
- **Requirement that exceptions be approved at a high level**
 - **Senior manager** [US DOT]
 - DOT Secretary/Commissioner [CT, MA, WI]
 - DOT Secretary/Commissioner designee

Secondary Elements

These elements may not be present or necessary in any one law. Implementation measures, especially, may be phased into policy. Please see our discussion on the elements of a good complete streets policy for more information.

Context-sensitive

Roadway design should complement and enhance surrounding land use and community character. A strong statement about context can help align transportation and land use planning goals, creating livable, strong neighborhoods. While few state laws and policies have mentioned this aspect, context-sensitivity is a very important goal for many state DOTs.

- Example language:
 - “suitable to the rural, suburban, or urban context” [CA]
 - “appropriate to the function and context of the facility” [CA DOT]
 - “sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings” [MN]

Connectivity/Network

Connectivity and the need for networks of complete streets have not been addressed in most state legislation. Taking a network approach allows more flexibility in individual project designs so that each street does not need to be perfect for every traveler. It also ensures all users have basic safe access without long detours.

- Example language:
 - “travelers of all ages and abilities can move safely along and across a network of complete streets.” [CA DOT]

- “creating a comprehensive, integrated, connected transportation network that allows users to choose between different modes of transportation” [DE Executive Order]
- “comprehensive, integrated, connected multi-modal network” [NJ DOT]

Applicability

Some state laws have directed complete streets to be applied only in certain land use contexts. Still more have remained silent on the subject. Adding an applicability clause can address concerns about unneeded facilities in more rural contexts. Issues to consider: If rural areas are included (and they should be), how does this accommodation differ from urban and suburban? Is an ‘absence of need’ exception enough to cover all rural projects? Do you need something proactive that determines the level of need and accommodation in rural areas? How will bicycle tourism and rural transit be affected?

- Note context-sensitivity of policy
 - “suitable to rural, suburban, or urban context” [CA]
 - “urban, suburban, and rural areas, if appropriate” [HI]
 - “sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings” [MN]
- Define applicability limits
 - Within 1 mile of urban area [FL, IL]

Maintenance and Retrofits

Resurfacing, restoration and rehabilitation (RRR) work extends the service life of an existing roadway, improves service, and/or improves safety, and generally means the addition of surface materials. As such, it can be a key time to improve the transportation network for all users and can be included in state legislation. A state law may include:

- Provisions for maintenance, repaving, and other RRR projects
 - Resurfacing projects may follow complete streets policy with local support or where can be added in original scope [IL, NC DOT]
 - State highway funds may be used to maintain pedestrian and bicycle facilities [OR]
 - “Consider” in resurfacing and striping projects [RI]
- Statement that there is no requirement to immediately retrofit⁶

Funding

State laws may address transportation funding and issues around implementing a new policy. Programmatic funding of non-motorized elements does not meet the goals of a complete streets policy.

- No funding special sources, projects funded through normal process [DE Executive Order, CA DOT]
- Establish baseline funding requirement
 - Not less than 1% of state transportation funds [CT, OR]
- Funds designated for projects already in the pipeline that may need cost revisions. (e.g. unplanned projects for the multi-year highway program)
- Establish special funding source
 - To aid in retrofit projects and/or improvements to maintenance projects
 - To provide incentives for county and local jurisdictions to adopt complete streets policies

Implementation Measures

Taking a complete streets policy from paper into practice is not easy, but state laws may provide some momentum with specific implementation steps, including revision of policies, procedures, programs, and standards. Language may include:

- Direct DOT Secretary/Commissioner to implement changes needed in current policies, procedures, programs, and standards [MN]
- Establish task force to advise DOT Secretary/Commissioner on these changes [CT, HI, NC DOT]
- List policies, procedures, and standards that should be reviewed and/or revised (may include specifics) [CT, HI]
- Provide a timeline or schedule for revision [HI]
- Direct DOT Secretary/Commissioner to provide reports on implementation to legislature [MN]
- Direct DOT Secretary/Commissioner and/or task force to bring back revisions for legislative approval if needed [HI]

Accountability: Issues to Consider

Sponsors and supporters of complete streets legislation are increasingly aware of the need for accountability and introducing language to set deadlines for implementation, require reporting on progress or development of an implementation plan, and/or assign oversight to a new or existing advisory board. Reporting requirements are included in the federal Complete Streets Act of 2009. Options to consider include:

- Schedule of when policy affects projects in the pipeline
 - IL: planning and training immediately, construction in 1 year
- Developing performance measures [CA DOT, NJ DOT]
 - How specific should the legislation be?
 - Who establishes these measures?
- Reporting requirement to the legislature
 - Who is responsible for reports? A task force? The DOT Secretary/Commissioner? Other?
 - What is an appropriate and significant deadline to set?
 - Should the reporting be ongoing?
- Advisory Board or Task Force [CT, HI]
 - Who are the members?
 - Is this group temporary or ongoing?
 - What are the specific duties of this group?
- Implementation plan required
 - What is an appropriate and significant deadline to set?

¹ While this option only appears in one state - Louisiana's 2009 resolution - it may become a more standard option. The Coalition prefers a complete streets policy be included in any state-level legislation (as in Policy Option 1), thus ensuring the legislature's intent is clear.

² This policy jurisdiction was determined by *Bicycle Transportation Alliance v. City of Portland* (9309-05777; CA A82770).

³ The New Jersey DOT's internal policy strongly encourages regional and local jurisdictions that apply for Local Aid funds to adopt a complete streets policy.

⁴ Many local jurisdictions, including Seattle, Washington, include the unique demands of commercial vehicles in their complete streets policies. No state law has specifically addressed these needs, likely due to an underlying assumption that commercial vehicles are already well served under state transportation project guidance.

⁵ Emergency vehicle access is vital to the high quality of life enjoyed across America. Complete streets enable better and more direct access for emergency responders. This vital segment of road users may be listed in a state law, though no state has done so to date.

⁶ Legislators may be concerned that passing a complete streets law could overwhelm the state DOT's project prioritization by mandating immediate retrofits on all existing roads. As this concern is unfounded, adding such a specific statement to law ensures there is no question over the intent of the policy.