

***Analysis of the Surface Transportation Authorization Act of 2009  
House Transportation Bill Draft 6/22/09  
Pros and Cons as They Relate to Active Transportation<sup>1</sup>***

**A. Office of Livability**

**Where does it make progress?**

- Creates an Office of Livability, which would sit within the Federal Highway Administration (FHWA) and provide a consolidated “home” for coordination, implementation and promotion of all bicycle and pedestrian efforts.
- The Office of Livability would:
  - Administer Safe Routes to School, Nonmotorized Transportation Pilot Program, Transportation Enhancements, The Recreational Trails Program, and the National Scenic Byways program
  - Collaborate with FHWA and Federal Transit Administration on metropolitan planning, statewide planning, Transit in the Parks
  - Promote and support policies that promote livability
  - Set mode share targets
  - Expedite project delivery to enhance non-motorized transportation
  - Act as clearinghouse for best practices
  - Develop data collection and analysis capacity
  - Encourage and offer support to states and Metropolitan Planning Organizations to adopt Comprehensive Street Design standards, policies and practices
  - Study the rights of cyclists and pedestrians
  - Implement the U.S. Bicycle Route System

**Remaining questions:**

- The bill draft does not provide funding levels for anything. The level of resources dedicated to the Office of Livability will be critical to determining its likely effectiveness.
- Creating an Office of Livability could bring greater profile and focus to active transportation programs, but will its work be hampered by its placement within FHWA? Will managers that have other priorities prevent the Office from achieving its potential?

**B. Active Transportation Investment Fund<sup>2</sup>**

**Where does it make progress?**

- Provides resources for the existing four pilot communities from the Nonmotorized Transportation Pilot Program (NTPP) to develop a final report by March 2012.
- Moves NTPP into the Office of Livability.
- Requires USDOT Secretary to recommend to Congress whether to expand the pilot into an ongoing, national program.

**Where does it need work?**

- No additional funds are provided for NTPP infrastructure investments through 2012.
- Fails to expand the approach to additional communities upon the bill’s passage, with no commitment or clear pathway to do so in 2012.

---

<sup>1</sup> Derived in significant part from Transportation for America and America Bikes analyses.

<sup>2</sup> Goal of RTC’s 2010 Campaign for Active Transportation ([www.railstotrails.org/2010](http://www.railstotrails.org/2010))

### **C. Transportation Enhancements (TE)**

- Increases local decision-making authority by shifting majority of TE set-aside funds from state to local level (10% set-aside attaches to each sub-allocation of Surface Transportation Program funds).
- Focuses greater share of TE on population centers by increasing percentage of Surface Transportation Program funds that go to Metropolitan Planning Organizations based on population from 62.5 percent to 80 percent.
- Allows USDOT Secretary to set aside funds for:
  - Assessing and documenting use of TE funds;
  - Providing technical assistance and best practices related to TE;
  - Conducting research and data collection; and
  - Conducting outreach, information sharing and training related to TE.

### **D. Safe Routes to School**

#### **Where does it make progress?**

- Improves project delivery and reduce overhead for Safe Routes to School, which should make projects easier to administer and quicker to implement, including a categorical exclusion from NEPA requirements.
- Strengthens data collection and evaluation to ensure that the program can demonstrate its impact and success.
- Moves the program under the jurisdiction of the new Office of Livability.
- Makes technical changes to strengthen program implementation. Of particular note, SRTS funds will now have a 4-year expiration date, which will help ensure that State Departments of Transportation have an incentive to spend the funds in a timely manner.

#### **Where does it need work?**

- Does not extend the program to high schools.

### **E. Complete Streets**

#### **Where does it make progress?**

- Requires application of “comprehensive street design policies and principles and practical design standards” for federal aid highways, including Surface Transportation Program (STP), Congestion Mitigation / Air Quality (CMAQ), bridges, Highway Safety Improvement Program (HSIP), High Priority Projects, Metropolitan Mobility and Access Program (see **F.**, below), etc.
- Encourages states, metropolitan planning organizations, and local and tribal governments to adopt comprehensive streets design policies.
- Issues guidance for implementation of comprehensive streets design policies and principles and practical design standards within a year.
- Changes code language in the Federal Highway System to make mandatory the consideration of non-motorized users.

#### **Where does it need work?**

- States, MPOs, local and tribal governments are encouraged, but not required, to adopt complete streets policies.
- While the Office of Livability will monitor compliance with comprehensive street design principles, language does not contain details on enforcement mechanisms for non-compliance.

- Code changes apply only to the Federal Highway System, which includes only major roadways; should apply to all roads built with federal dollars.

## **F. Metropolitan Mobility and Access Program**

### **Where does it make progress?**

- Provides multi-modal transportation funding, flexibility and financing authority directly to Metropolitan Planning Organizations (MPOs) with population above 500,000 (in tiers; tier 1: 1,000,000+ population; tier 2: 500,000+ population)
- Stated goals include:
  - Congestion reduction;
  - Maximized mobility and access of people and goods;
  - Improved safety;
  - Improved environmental sustainability; and
  - Improved livability.

### **Where does it need work?**

- Bicycle and pedestrian projects are implicitly eligible, but coverage needs to be made explicit (as it is for other modes).
- Congestion and time delay may be predominant metrics with sparser role for other stated goals. New road capacity is an eligible use of these funds, and may command a disproportionate share absent clearer direction to fulfill all purposes.

## **G. Metropolitan and Statewide Planning**

### **What's included in the bill?**

- MPO plans must include livability and sustainability by coordinating land use, transportation and housing plans.
- MPOs and states must develop targets and strategies and demonstrate progress in reducing greenhouse gas emissions. These strategies must include efforts to both increase public transportation ridership and increase walking and biking.
- State 20-year plans must consult with the state bicycle coordinator and the state Safe Routes to School coordinator. State transportation plans also must include greenhouse gas reductions and public health.
- Secretary may withhold up to 20 percent of funds if states and MPOs do not meet performance targets

### **Where does it need work?**

- Metropolitan mobility and access plans (Section F., above) are potentially distinct from MPO transportation plans, leading to a disconnect between funding sources and transportation goals. These plans should explicitly be one and the same, such that MMAP cannot be used for increasing road capacity at odds with MPO plans that address livability.

## **H. Highway Safety Improvement Program (HSIP)**

### **Where does it make progress?**

- Requires states to set fatality and crash reduction goals.
- Lists improving bicycle and pedestrian safety as a goal of the program.

### **Where does it need work?**

- Provides states broad discretion on how to meet goals with no assurance that there will be a proportionate focus on improving bicycle and pedestrian safety.

### **I. Highway Safety Performance Management**

#### **Where does it make progress?**

- Requires the USDOT Secretary to set performance targets for states, including separate goals for crashes and fatalities for both bicyclists and pedestrians. The National Highway Traffic Safety Administration (NHTSA) can:
  - Reject the plan if its ability to achieve targets is questionable;
  - Make changes to the plan if the state will not do so; and/or
  - Withhold funds.

### **J. Recreation Trails Program (RTP)**

- No major changes

### **K. Congestion, Mitigation and Air Quality (CMAQ)**

#### **Where does it make progress?**

- CMAQ funds would be sub-allocated according to weighted population in the non-attainment and maintenance areas in a state (as before).
- Specific references to certain types of projects have been removed.
- Would require the Environmental Protection Agency to redo its evaluation of various project types, and establishes a clearinghouse for CMAQ projects.

#### **Where does it need work?**

- No explicit language that bicycle and pedestrian projects are eligible under CMAQ, although such projects have been eligible in past USDOT guidance.

### **L. U.S. Bicycle Route System**

#### **Where does it make progress?**

- Establishes a U.S. Bicycle Route System to be implemented by the Office of Livability
- Office of Livability director will make grants for planning, mapping, signage, information materials and building parts of the route.

### **M. Complete Transit Stations**

#### **Where does it make progress?**

- Funding for energy efficiency and intermodal transportation centers.

#### **Where does it need work?**

- Does not include explicit language that bicycle / pedestrian projects are eligible.

### **N. Data and Research**

#### **Where does it make progress?**

- Requires the Office of Livability to determine national mode share of sustainable modes
- Requires the Office of Livability to calculate current and future benefits from increases in mode share of sustainable transportation modes
- Requires annual data collection in a method similar to the National Transportation Household Survey

**Where does it need work?**

- Does not define national data collection methodology
- Does not fund local data collection efforts

**O. Office of Intermodalism**

**Where does it make progress?**

- Creates intermodalism council to include all administrations.
- Office duties include:
  - Develop national transportation strategic plan;
  - Coordinate efforts to reduce energy usage and greenhouse gas emissions;
  - Approve metropolitan mobility plans; and
  - Approve projects of national significance.

**Where does it need work?**

- Does not include representation of bicycle and pedestrian interests.

For additional analysis of the bill beyond issues related to walking and bicycling, see the T4 America analysis:

<http://t4america.org/blog/2009/06/24/how-does-the-new-transportation-bill-draft-measure-up/>