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**Model State Legislation Establishing Complete Streets**

If you have questions about how to adapt ChangeLab Solutions’ model legislation for your state, please contact us at www.changelabsolutions.org/changelab-solutions-contact-us. Other Complete Streets resources can be found at www.changelabsolutions.org/publications/what-are-complete-streets.

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## What are Complete Streets?

Complete Streets are planned, designed, built, and maintained to serve all people who use streets. They are developed for individuals of all ages, abilities, and income levels, including people walking, bicycling, taking transit, and driving. Today, most of our streets are designed primarily to move automobiles, with few features that support safe travel for people walking, bicycling, using mobility aids, or taking transit. A Complete Streets policy can change how decisions about street design are made, shifting the priority to ensuring people of all ages and abilities, using multiple transportation modes, can get around safely and easily. The purpose of Complete Streets is to design streets for all people.

**Why introduce a state Complete Streets legislation?**

By adopting state-level Complete Streets legislation, a state can promote street design and land use that enable safe access for all people, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. Integrating Complete Streets practices through state legislation can help encourage safe and active transportation, reduce greenhouse gas emissions from tailpipes, decrease traffic conflicts and collisions, and ensure that changes are sustained over the long term.

Some states might rely on their state department of transportation (DOT) to adopt a Complete Streets policy rather than adopt a state legislation. However, while a state DOT policy can sometimes achieve the same results as a state law, agency policies lack the stable underpinning provided by a state law. An agency can modify or revoke its policies at any time; state laws, in contrast, remain in effect unless they are invalidated by a court or changed by subsequent law.

**What’s the health imperative?**

Complete Streets have been shown to contribute to a number of improvements in health, economic, environmental, and equity outcomes. By making street design safer for all people, Complete Streets improve public health and safety by reducing the risk of injuries and fatalities from traffic collisions.1,2,18–24 In addition, streets that are designed with the safety and convenience of pedestrians and bicyclists in mind increase the number of people walking and bicycling,25–27 which encourages an active lifestyle by creating opportunities to integrate exercise into daily activities.39,40 This results in reduced risk of obesity and its associated health problems, which include diabetes, heart disease, high blood pressure, high cholesterol, as well as certain cancers, stroke, asthma, and depression.41–45

Complete Streets also provide benefits beyond health. A balanced transportation system that includes Complete Streets is conducive to lively streets where people walk and bicycle to everyday destinations, such as schools, shops, restaurants, businesses, parks, transit, and jobs, which in turn enhance neighborhood economic vitality20,22,28–32 and livability.33–35 More people walking, bicycling, and using public transit also saves energy resources, reduces air pollution, and lowers emissions of greenhouse gases.36–38

Importantly, Complete Streets legislation can also have tangible equity impacts. Whether they are located in rural, urban, or suburban communities, low-income areas and communities of color are typically the least safe for pedestrians and bicyclists,11 especially for children walking and bicycling to school.12 This inequity is due to long-standing systemic disinvestment,13–15 which has resulted in disparities in the quality of infrastructure in certain neighborhoods.

All people, no matter where they live, should benefit from Complete Streets. Realizing the full range of benefits is a long-term proposition that requires ongoing commitment from multiple departments in state government as well as community advocates and residents.

**How do I use this document?**

This model Complete Streets legislation offers a variety of options for its use. In some instances, blanks (eg, [ \_\_\_\_ ] ) prompt you to customize the language to fit the needs of your state. In other cases, this model offers you a choice of options (eg, [ *choice one / choice two* ] ). Some of the options are followed by a comment that describes the provisions in more detail. Some degree of customization is always necessary to make sure this model is consistent with a state’s existing laws and policies. Your legal counsel will likely be the best person to check this for you.

Statutes often include findings (“whereas” clauses) that justify their adoption and the expenditure of resources to support them. Although such findings are part of the statute, they are not usually codified. The legislature should select the findings it determines are most relevant, and it should add findings that relate to state-specific conditions and concerns.

**What’s included in the model Complete Streets legislation?**

This model Complete Streets legislation demonstrates a state’s commitment to providing residents and visitors with the many health, social, economic, environmental, equity, and other benefits of Complete Streets. The model legislation provides policy language that requires a governing state agency, usually the state DOT, to design and implement Complete Streets for state transportation projects, in every phase of the project. The model state legislation also compels the state agency to modify its internal protocols, procedures, and programs to conform to these requirements, as well as coordinate with relevant state, regional, and local agencies; establish an advisory board; and require monitoring and reporting of performance measures.

## MODEL STATE LEGISLATION ESTABLISHING COMPLETE STREETS

**COMMENT:** While most states use the phrase “Complete Streets,” some jurisdictions use an alternate phrase. Kansas, for example, uses the term “Livable Streets.”

Some states, such as New Jersey, rely on a state department of transportation (DOT) Complete Streets policy and do not adopt a Complete Streets law. However, while a state DOT policy can sometimes achieve the same results as a state law, agency policies lack the stable underpinning provided by a state law. An agency can modify or revoke its policies at any time; state laws, in contrast, remain in effect unless they are invalidated by a court or subsequent law.

**THE PEOPLE OF THE STATE OF [*insert name of state*] HEREBY ENACT AS FOLLOWS:**

**SECTION ONE. FINDINGS. The Legislature hereby finds and declares as follows:**

**COMMENT:** The findings section is part of the legislation and legislative record, but it usually does not become codified in state law. In addition to serving an educational purpose and building support for the legislation, the findings can also serve a legal purpose. If the law is challenged in court, the findings are an admissible record of the factual determinations made by the legislative body. Courts will generally defer to legislative determinations of factual issues, which often influence legal conclusions.

**WHEREAS,** safe, convenient, and accessible transportation for all users is a priority of [*insert name of state*];

**WHEREAS,** the term “Complete Streets” describes a comprehensive, connected, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all people, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families;

**WHEREAS,** the lack of Complete Streets is dangerous for pedestrians, bicyclists, and public transportation riders,1–3 particularly children,4-6 older adults,7 and persons with disabilities8,9; on average, a pedestrian was killed every 2 hours and injured every 7 minutes in traffic collisions in 201210;

**WHEREAS,** [*add state data on traffic injuries if desired*];

**WHEREAS,** low- and moderate-income areas, whether located in rural, urban, or suburban communities, are typically the least safe for pedestrians and bicyclists,11 especially for children walking and bicycling to school,12 due to long-standing infrastructure disparities caused by systemic disinvestment13–15 and a higher concentration of streets with faster-moving and/or higher-volume traffic16,17;

**WHEREAS,** Complete Streets improve public health and safety by reducing the risk of injuries and fatalities from traffic collisions for users of all modes of transportation1,2,18–24;

**WHEREAS,** streets that are designed with the safety and convenience of pedestrians and bicyclists in mind increase the number of people walking and bicycling25–27;

**WHEREAS**, a balanced transportation system that includes Complete Streets is conducive to streets that are lively with people walking and bicycling to everyday destinations, such as schools, shops, restaurants, businesses, parks, transit, and jobs, which in turn enhance neighborhood economic vitality20,22,28–32 and livability33–35;

**WHEREAS,** encouraging people to walk, bicycle, and use public transit saves energy resources, reduces air pollution, and reduces emissions of greenhouse gases36–38;

**WHEREAS,** Complete Streets encourage an active lifestyle by creating opportunities to integrate physical activity into daily activities,39,40 thereby helping to reduce the risk of obesity and its associated health problems, which include diabetes, heart disease, high blood pressure, high cholesterol, as well as certain cancers, stroke, asthma, and depression41–45;

**WHEREAS,** [*add state data on obesity, chronic disease, etc., if desired*]; and

**WHEREAS,** in light of the foregoing benefits and considerations, [*insert name of state*] wishes to demonstrate its commitment to Complete Streets and desires that its streets form a comprehensive, connected, and integrated transportation network promoting safe, equitable, and convenient travel for all people while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards.

**SECTION TWO.** [*insert name and number of state code*] is hereby amended by adding a new chapter to read as follows:

## CHAPTER [\_\_]

## COMPLETE STREETS REQUIREMENTS FOR TRANSPORTATION PROJECTS

### §\_\_-1. Title of Chapter.

This chapter may be cited as the Complete Streets Act.

### §\_\_-2. Legislative Intent.

It is the purpose of this Act to provide streets and roadways that are safe, comfortable, and convenient for people of all ages and abilities, whether they are traveling by motor vehicle, public transit, bicycle, mobility aid, or foot. This Complete Streets principle shall be integral to the transportation policy of [*insert name of state*].

### §\_\_-3. Definitions.

For purposes of this chapter:

1. “Complete Streets” means Context Sensitive streets or roadways that allow safe, comfortable, and convenient travel by all of the following categories of users: pedestrians, bicyclists, motorists, movers of commercial goods, users and operators of public transportation, people with disabilities, seniors, children, youth, and families [*insert other significant local users if desired, eg, drivers of agricultural vehicles, emergency vehicles, or freight*].

**COMMENT:** There is no set prescription for creating a Complete Street—rather, a community must evaluate each street individually and consider street changes based on local needs and contexts. A Complete Street may look very different in a rural community compared with one in an urban community, for instance.

A wide range of design features are available to create Complete Streets. Each community selects, on a case-by-case basis, particular features that are appropriate and feasible for any given street. Possible design features are sidewalks and crosswalks; bicycle lanes (or wide paved shoulders); street trees and landscaping; countdown traffic signals, bicycle signals, pedestrian islands, roundabouts, and other traffic-calming devices; transit-only lanes; and bicycle parking facilities. For a visual overview of different examples of Complete Streets, see Introduction to Complete Streets: Presentation (slides 29 to 43), available at [*https://smartgrowthamerica.org/resources/introduction-to-complete-streets/?download=yes&key=42718492*](https://smartgrowthamerica.org/resources/introduction-to-complete-streets/?download=yes&key=42718492).

1. “Community Engagement Plan” means a plan of action that outlines the process or steps that the [*governing state agency*] will use to guide its interactions—such as outreach and communications—with community residents, community groups, and other stakeholders regarding the implementation of this Act. Community engagement can encompass a continuum of activities, such as informing community residents of decisions regarding Complete Streets, gathering input from residents regarding street design considerations, involving the community in public decisionmaking processes, or co-designing street improvements.
2. “Context Sensitive” means that streets or roadways are designed with consideration of the character and environment of the surrounding community, as well as the varying needs of urban, suburban, and rural settings.
3. “High Need Area” means (i) any census tract in which the median household income is less than [*80%*] of the statewide average median based on the most current census tract–level data from the US Census Bureau American Community Survey, (ii) any area within [*2 miles*] of a school in which at least [*50%*] of the children are eligible to receive free or reduced-price meals under the National School Lunch Program, or (iii) [*any area*] that has a [*high number*] of pedestrian and/or bicycle collisions.

**COMMENT:** In some states, the suggested “2-mile radius” around schools serving low-income children may need to be adjusted to more effectively cover the areas most in need. Alternatively, states may want to vary the radius for rural and urban regions.

States should replace the bracketed phrases “any area” and “high number” in subsection (d) with specific, context-sensitive requirements. For example, a state should consider whether it wants to define this area using specific streets, intersections, census tracts, or local jurisdictions in which the number of pedestrian and/or bicycle collisions is more than double the state average. States should also consider whether to choose a higher or lower number of collisions, and whether that number should be compared with a regional or local average rather than a state average.

1. “Transportation Project” means any development, project, program, or practice that affects the transportation network or occurs in the public right-of-way, including construction, reconstruction, retrofit, signalization operations, resurfacing, restriping, rehabilitation, maintenance (excluding routine maintenance that does not change the roadway geometry or operations, such as mowing, sweeping, and spot repair), operations, alteration, and repair of any public street or roadway within the state (including alleys, bridges, tunnels, frontage roads, and other elements of the transportation system).

**§\_-4. Complete Streets Requirement for State Transportation Projects.**

Every Transportation Project, and every phase of a Transportation Project (including planning, scoping, funding, design, approval, implementation, and maintenance), for all highways and roads controlled by the [*governing state agency*] shall provide for Complete Streets.

**§\_-5. Exceptions to Complete Streets Requirement.**

1. A specific category of user, as set forth in §\_-3 (a), may be excluded from the requirements of [§\_-4] of this Act only if one or more of the following exceptions apply:
2. Use of the street or roadway is prohibited by law for the category of user, in which case reasonable efforts shall be made to accommodate the excluded category of user on a parallel route;

**COMMENT:** This exception is intended to cover situations such as prohibited pedestrian use of freeways and prohibited motor vehicle use on a pedestrian mall.

1. There is an absence of both a current need and a future need over the next 20 years to accommodate the category of user; or

**COMMENT:** A lack of future need can typically be demonstrated by available data on demographics, school locations and attendance, employment, and public transportation routes. It should not, however, be demonstrated based on extrapolations of current low mode use. The existence of an adjacent parallel route that satisfies the needs of a particular category of user can also demonstrate an absence of current and future need.

1. The cost would be excessively disproportionate to the current need or future need over the next 20 years.

**COMMENT:** States may want to specify what qualifies as “excessively disproportionate” based on state-specific conditions.

1. An exception shall be granted only if the following occur:
2. a written request for an exception, with supporting documentation, is submitted and made publicly available online, with a minimum of [*30*] days allowed for public input; and
3. the exception is approved in writing by the [*director*] of the [*insert division or department]* within the [*governing state agency*] responsible for the planning and completion of the Transportation Project, and it is made publicly available online.

### §\_-6. Complete Streets Procedures and Standards.

1. The [*governing state agency*] shall, within [*1 year*] of the effective date of this Act, modify its internal protocols, procedures, documents, and training programs to conform to the requirements of this Act and ensure that the needs of all categories of users of the streets and roadways, set forth in §\_-3(a), are included in all phases of all Transportation Projects. The [*governing state agency*] shall also develop guidelines identifying how Transportation Projects are prioritized for funding and/or inclusion in the [*state-level capital improvement plan*] to accommodate the needs of High Need Areas.
2. The [*governing state agency*] shall coordinate with relevant state and regional government agencies, including without limitation, the [*public health department, state highway patrol, metropolitan planning organization, etc*.] to implement this Act.
3. The [*governing state agency*] shall, within [*6 months*] of the effective date of this Act, develop a Community Engagement Plan. The Plan must include specific strategies for when and how public engagement will occur and with whom. It shall include strategies aimed at overcoming barriers to engagement associated with race, income, age, disability, English language proficiency, and vehicle access of populations affected by this Act, including a means of measuring success in overcoming these barriers.
4. The [*governing state agency*] shall, within [*6 months*] of the effective date of this Act, develop and/or adopt, and thereafter rely upon, the most current street design standards and guidelines that best promote and support Complete Streets. All such standards and guidelines shall be publicly available online.

**COMMENT:** Examples of street design standards and guidelines that promote and support Complete Streets are as follows:

• *Urban Street Design Guide, Urban Bikeway Design Guide, Transit Street Design Guide,* and *Global Street Design Guide* (National Association of City Transportation Officials)

• *Small Town and Rural Multimodal Networks* (US Department of Transportation, Federal Highway Administration)

• *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (Institute of Transportation Engineers/Congress for the New Urbanism)

• *Separated Bike Lane Planning and Design Guide* (US Department of Transportation, Federal Highway Administration

• [*Pedestrian Safety Guide and Countermeasure Selection System*](http://www.pedbikesafe.org/PEDSAFE/countermeasures.cfm) (US Department of Transportation, Federal Highway Administration)

• *Bicycle Safety Guide and Countermeasure Selection System* (US Department of Transportation, Federal Highway Administration)

### §­­\_ -7. Evaluation.

1. The [*governing state agency*] shall, within [*6 months*] of the effective date of this Act, establish measurable benchmarks demonstrating that (i) all categories of users identified in § \_-3 (a) of this Act are able to travel safely, comfortably, and conveniently along and across streets and roadways under the jurisdiction of the state, and that (ii) Complete Streets are prioritized and implemented in High Need Areas.
2. The [*governing state agency*] shall, within [*1 year*] of the effective date of this Act, and annually thereafter, collect data for the purpose of evaluating progress made with respect to the benchmarks established in §\_7 (a).

**COMMENT:** Establishing specific benchmarks and consistent data collection practices greatly increases accountability and the state’s ability to assess progress and compliance with the Act. Requiring benchmarks for implementation of the Act in High Need Areas is particularly important given that such areas have been historically neglected.

Examples of data commonly collected include mileage of bicycle and pedestrian infrastructure added, number of curb ramps built, number of street trees planted, bicycle and pedestrian counts, and traffic collision statistics. Benchmarks can also be used to specify measures related to the planning process, such as how well the community engagement process reached people in High Need Areas, as well as address other outcomes related to this Act, such as equity, access, economy, environment, safety, and health.

For more information on setting benchmarks and collecting data, see the following:

• *Guidebook for Developing Pedestrian & Bicycle Performance Measures*, Federal Highway Administration, available online at [*www.fhwa.dot.gov/environment/bicycle\_pedestrian/publications/performance\_measures\_guidebook/pm\_guidebook.pdf*](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/performance_measures_guidebook/pm_guidebook.pdf)

• *Measuring Performance*, National Complete Streets Coalition/Smart Growth America, available online at [*http://old.smartgrowthamerica.org/complete-streets/implementation/measuring-performance*](http://old.smartgrowthamerica.org/complete-streets/implementation/measuring-performance)

1. The benchmarks and data required in Sections §\_-7 (a)-(b) shall be made publicly available online.

### §\_-8. Local Jurisdictions.

In order to encourage local jurisdictions to adopt and implement a Complete Streets policy, the [*governing state agency*] shall do the following:

1. Within [*12*] months of the effective date of this Act, develop a model Complete Streets policy for local jurisdictions and disseminate it to all local jurisdictions.

**COMMENT:** The governing state agency, usually the state department of transportation, can develop its own model or use an existing available model. See ChangeLab Solutions’ *Model Complete Streets Resolution for Local Governments*, available at *www.*[*changelabsolutions.org/publications/complete-streets-res-local-gov*](http://changelabsolutions.org/publications/complete-streets-res-local-gov).

1. Provide education and training on its model Complete Streets policy for local jurisdictions in each [*insert region or district*] within [*12*] months of the effective date of this Act, and [*annually*] thereafter; and upon request from a local jurisdiction, provide additional technical assistance with respect to implementation of a locally adopted Complete Streets policy.

**COMMENT:** In many states, the governing state agency, usually the state department of transportation, may want to work with the state department of health regarding this provision. A state’s health department may be in the best position to provide education, training, and technical assistance to local jurisdictions on Complete Streets.

### §\_-9. Complete Streets Advisory Board.

1. A Complete Streets Advisory Board is hereby established. The Advisory Board shall (i) be a resource for, and make recommendations to, the [*governing state agency*] with respect to implementation of this Act, including but not limited to, the provisions governing modification of procedures, protocols, and documents; training and education programs; adoption of street design standards; establishment of benchmarks; collection of relevant data; development of the Community Engagement Plan; mitigation of potential unintended consequences resulting from implementation of this Act, such as a redistributed risk of collisions to different locations, the potential for involuntary displacement due to increased housing prices, and the creation of accessibility barriers due to infrastructure that does not adequately accommodate people with disabilities; and development and dissemination of a model policy for local jurisdictions; and (ii) submit an annual report as set forth in §\_-10 of this Act.
2. Within [*90*] days of the effective date of this Act, the Governor shall appoint to the Advisory Board representatives of the following entities:
3. The [*state governing state agency*]
4. The [*state transportation commission*]
5. The [*state department of public health*]
6. The [*state department of police or state highway patrol*]
7. The [*insert name of state*] chapter of the American Planning Association (or equivalent)
8. The [*state association of counties*]
9. The [*state municipal league*]
10. The [*state pedestrian/bicycle/multimodal transportation advisory board or council*] (if applicable), along with any state pedestrian/bicycle/multimodal transportation coordinator(s) (if applicable)
11. A local or regional public transit agency representing a metropolitan area with a population of at least [*50,000*]
12. A licensed transportation engineer knowledgeable about Complete Streets
13. An organization that represents the interests of the freight industry
14. An organization that represents the interests of bicyclists
15. An organization that represents the interests of pedestrians
16. An organization that represents the interests of low-income populations
17. An organization that represents the interests of senior citizens
18. An organization that represents the interests of individuals with disabilities

**COMMENT:** Although this model provides a comprehensive list of potential Advisory Board members, states that desire a smaller board can reduce the number of appointments so long as all key stakeholder interests are represented.

When the Governor initially appoints the members of the Advisory Board, she or he should also appoint a chair and address procedural issues, such as length of the terms, meeting schedule and place, etc.

### §\_-10. Reporting.

1. Within [*18 to 24 months*] of the effective date of this Act, and annually thereafter, the Complete Streets Advisory Board, in coordination with the [*governing state agency*], shall submit, and make publicly available online, a report to the Governor, the [*commissioner of transportation*], the Legislature, and [*add relevant legislative committees, such as joint committees on transportation and public health*] on the status of the implementation of this Act.
2. The report shall be based on the benchmarks and data collected pursuant to §§\_- 7 (a)-(b) of this Act, and shall include the following, at a minimum: (i) a summary of all Transportation Projects planned or undertaken and their status, including all Complete Streets features incorporated into such projects; (ii) a list and map of all Transportation Projects planned or undertaken that also identify which projects are located in High Need Areas; (iii) a summary of all exceptions granted pursuant to §\_-5 of this Act and the reasons therefore, with identification of all such exceptions granted in High Need Areas; (iv) a summary of progress made with respect to the benchmarks established pursuant to §\_- 7 of this Act; (v) a report on implementation of §§\_-6 and 8 of this Act; and (vi) a list of training and educational events provided pursuant to §\_-8(b) of this Act.

### § \_-11. Preservation of Local Authority.

Nothing in this chapter shall preempt or prevent any municipal government or other political subdivision of the state from establishing additional or more rigorous requirements consistent with the purposes of the Act.

**COMMENT:** This provision ensures local and regional jurisdictions retain the option to establish stricter or more detailed Complete Street requirements if they so desire.

### §\_-12. Severability.

If any provision of this chapter, any rule or regulation made under this chapter, or the application of this chapter to any person or circumstance is held invalid by any court of competent jurisdiction, the remainder of the chapter, rule or regulation, and the application of the provision to other persons or circumstances shall not be affected.

**COMMENT:** This standard provision allows the remainder of the statute to remain in effect in the event that a court deems one or more parts of the statute to be invalid.

### §\_-13. Effective Date.

The Complete Streets Act shall take effect on [*insert effective date*], provided that it shall not apply to any Transportation Project for which a preliminary design has been completed on or before [*insert date*].

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