

Regular Session, 2014

SENATE BILL NO. 527

BY SENATOR HEITMEIER

TRANSPORTATION/DEV DEPT. Provides for state Complete Streets requirements.
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AN ACT

To enact R.S. 48:22.1, relative to transportation; to provide requirements for "Complete Streets"; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:22.1 is hereby enacted to read as follows:

§22.1 Complete Streets; findings; requirements; exceptions

A. The legislature finds that development of a comprehensive, integrated, connected transportation network for Louisiana which balances the access, mobility, health, and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities, including the users of wheelchairs and mobility aids, is integral to the public health, welfare, and quality of life of Louisiana's citizens and visitors. Further, the legislature finds that the development of such a fully integrated transportation system, by planning, designing, funding, constructing, managing, and maintaining a complete and multimodal network, will achieve and sustain mobility and safely accommodate pedestrians, bicyclists, and transit users.

B.(1) The legislature directs the department to provide leadership and

1 implement such a transportation network for any transportation project which
2 participates in state or federal funds and requires state or federal approval.
3 The department shall utilize interdisciplinary coordination to effectively
4 develop, operate, and maintain bicycle and pedestrian networks. The
5 department shall work with and coordinate with any Metropolitan Planning
6 Organization (MPO), transit agency, parish, municipality, and other
7 stakeholder to identify whether a reconstruction or new construction project
8 impacts a route identified on a local plan. The department shall offer internal
9 and external training opportunities and other resource tools in the following
10 areas: engineering, education, enforcement, encouragement, and evaluation.
11 The project development process shall integrate multimodal transportation
12 uses for the entirety of all projects through design features using context
13 sensitive solutions.

14 (2) The department shall plan, fund, and design sidewalks and other
15 pedestrian facilities on all new and reconstruction roadway projects that serve
16 adjacent areas with existing or reasonably foreseeable future development or
17 transit service and determine the appropriate type of facility to incorporate
18 within the context of the roadway.

19 (3) The department shall plan, fund, and design bicycle lanes on all new
20 and reconstruction roadway projects to accommodate the riders of bicycles
21 appropriate to the context of the roadway. In urban and suburban areas,
22 bicycle lanes are the preferred bikeway facility type on arterials and collectors.
23 The provision of a paved shoulder of sufficient width, a shared use trail, or a
24 marked shared lane may be sufficient depending on the context of the roadway.

25 C. (1) All projects shall consider the impact such improvements have on
26 the safety of all users and make reasonable accommodations to mitigate
27 negative impacts on non-motorized modes of transportation. Restriction of
28 non-motorized access shall not be an appropriate strategy except on limited
29 access facilities where pedestrians and bicyclists are prohibited by law. The

1 department shall ensure that the reconstruction or construction of a roadway
2 project is not a barrier to pedestrians, bicyclists, and transit users by providing
3 safe crossings and corridor continuity, and complying with accessibility
4 requirements.

5 (2) There are projects where bicycle and pedestrian facilities are
6 generally not suitable. These projects are as follows:

7 (a) Roadways, such as interstate highways, where bicyclists and
8 pedestrians are prohibited by law from using the roadway. In this instance,
9 good faith efforts shall be made to accommodate bicyclists and pedestrians
10 elsewhere within the same transportation corridor.

11 (b) The cost to provide bicycle and pedestrian facilities is excessively
12 disproportionate to such need or probable use. For the purposes of this Section
13 "excessively disproportionate" means exceeding twenty percent of the cost of
14 the project.

15 (c) There is a demonstrated absence of need or prudence such as in rural
16 or undeveloped areas where future development is not anticipated, sidewalks
17 and bicycle paths are generally not provided.

18 (d) On preservation only projects, sidewalks and bicycle paths may only
19 be considered when the acquisition of additional right-of-way, utility relocation,
20 or major construction, such as relocation or enclosure of roadside drainage is
21 not required; however, retrofits such as narrowing lanes, restriping, and other
22 means to provide improved bicycle and pedestrian access shall be considered
23 on preservation projects. Where an identified need to provide sidewalks and
24 bicycle paths requires right-of-way acquisition, utility relocation, or major
25 construction, the department shall work with local government to identify
26 funding for a project to fulfill such need.

27 (e) Local governments shall be responsible for maintenance of sidewalks
28 and bicycle paths constructed outside the limits of the curb or shoulder of the
29 project.

1 **(3) Exceptions to accommodation of bicycles, pedestrians, and transit**
2 **users shall require approval from the department's chief engineer. Exceptions**
3 **on federal-aid highway projects also require concurrence from the Federal**
4 **Highway Administration. Exceptions on a project in an urbanized area also**
5 **require concurrence from the local Metropolitan Planning Organization,**
6 **hereafter "MPO".**

7 **(4) If an MPO or local governing authority does not agree with the**
8 **department's accommodation for pedestrians and bicycles on a project, the**
9 **MPO, local governing authority, or board may appeal the department's**
10 **accommodation by adopting and submitting a resolution to the department's**
11 **chief engineer for review and consideration prior to the approval of final design**
12 **of the project.**

13 **D. The department shall design and construct facilities in accordance**
14 **with applicable laws and regulations, using best practices and guidance from**
15 **the following non-exclusive list of organizations: American Association of State**
16 **Highway and Transportation Officials (AASHTO), the Manual on Uniform**
17 **Traffic Control Devices (MUTCD), the Americans with Disabilities Act**
18 **Accessibility Guidelines (ADAAG), and the Public Rights-of Ways Accessibility**
19 **Guidelines (PROWAG).**

20 **E. The department may provide assistance to and coordinate with local**
21 **and regional agencies in developing and implementing complementary**
22 **Complete Streets policies. In the development of projects within municipal**
23 **boundaries, the department and municipality shall share expertise in**
24 **multimodal transportation planning.**

25 **F. The department shall modify its procedures, documents, training**
26 **systems, and performance measures in a timely manner to ensure that the needs**
27 **of all users of the transportation system are included in all phases of all**
28 **projects. The department shall create an implementation plan, including a**
29 **schedule and a public and local or regional government outreach plan.**

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Heitmeier (SB 527)

Proposed law provides legislative findings to require implementation of "Complete Streets". Provides that development of a comprehensive, integrated, connected transportation network for Louisiana which balances the access, mobility, health, and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities, including the users of wheelchairs and mobility aids, is integral to the public health, welfare, and quality of life of Louisiana's citizens and visitors. Provides that development of such transportation system, by planning, designing, funding, constructing, managing, and maintaining a complete and multimodal network, will achieve and sustain mobility and safely accommodate pedestrians, bicyclists, and transit users.

Proposed law directs the Department of Transportation and Development (DOTD) to provide leadership and implement such a transportation network for any transportation project which participates in state or federal funds and requires state or federal approval. Requires DOTD to utilize interdisciplinary coordination to effectively develop, operate, and maintain bicycle and pedestrian networks. Requires DOTD to work with and coordinate with any Metropolitan Planning Organization (MPO), transit agency, parish, municipality, and other stakeholder to identify if a reconstruction or new construction project impacts a route identified on a local plan. Requires DOTD to offer internal and external training opportunities and other resource tools in the following areas: engineering, education, enforcement, encouragement, and evaluation. Requires DOTD's project development process to integrate multimodal transportation uses for the entirety of all projects through design features using context sensitive solutions.

Proposed law requires DOTD to plan, fund, and design sidewalks and other pedestrian facilities on all new and reconstruction roadway projects that serve adjacent areas with existing or reasonably foreseeable future development or transit service and determine the appropriate type of facility to incorporate within the context of the roadway.

Proposed law requires DOTD to plan, fund, and design bicycle lanes on all new and reconstruction roadway projects to accommodate the riders of bicycles appropriate to the context of the roadway. Provides that in urban and suburban areas, bicycle lanes are the preferred bikeway facility type on arterials and collectors. Provides that provision of a paved shoulder of sufficient width, a shared use trail, or a marked shared lane may be sufficient depending on the context of the roadway.

Proposed law requires all projects to consider the impact such improvements have on the safety of all users and make reasonable accommodations to mitigate negative impacts on non-motorized modes of transportation. Provides that restriction of non-motorized access shall not be an appropriate strategy except on limited access facilities where pedestrians and bicyclists are prohibited by law. Requires DOTD to ensure that the reconstruction or construction of a roadway project is not a barrier to pedestrians, bicyclists, and transit users

by providing safe crossings and corridor continuity, and complying with accessibility requirements.

Proposed law provides that there are projects where bicycle and pedestrian facilities are generally not suitable as follows:

- (1) Roadways, such as interstate highways, where bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, good faith efforts shall be made to accommodate bicyclists and pedestrians elsewhere within the same transportation corridor.
- (2) The cost to provide bicycle and pedestrian facilities is excessively disproportionate to such need or probable use. For the purposes of this Section "excessively disproportionate" means exceeding 20% of the cost of the project.
- (3) There is a demonstrated absence of need or prudence such as in rural or undeveloped areas where future development is not anticipated, sidewalks and bicycle paths are generally not provided.
- (4) On preservation only projects, sidewalks and bicycle paths may only be considered when the acquisition of additional right-of-way, utility relocation, or major construction, such as relocation or enclosure of roadside drainage is not required; however, retrofits such as narrowing lanes, restriping, and other means to provide improved bicycle and pedestrian access shall be considered on preservation projects. Where an identified need to provide sidewalks and bicycle paths requires right-of-way acquisition, utility relocation, or major construction, the department shall work with local government to identify funding for a project to fulfill such need.
- (5) Local governments shall be responsible for maintenance of sidewalks and bicycle paths constructed outside the limits of the curb or shoulder of the project.

Proposed law provides that exceptions to accommodation of bicycles, pedestrians, and transit users shall require approval from the department's chief engineer. Provides that exceptions on federal-aid highway projects also require concurrence from the Federal Highway Administration. Provides that exceptions on a project in an urbanized area also require concurrence from the MPO.

Proposed law provides that if an MPO or local governing authority does not agree with the department's accommodation for pedestrians and bicycles on a project, the MPO, local governing authority, or board may appeal the department's accommodation by adopting and submitting a resolution to the department's chief engineer for review and consideration prior to the approval of final design of the project.

Proposed law requires DOTD to design and construct facilities in accordance with applicable laws and regulations, using best practices and guidance from the following non-exclusive list of organizations: American Association of State Highway and Transportation Officials (AASHTO), the Manual on Uniform Traffic Control Devices (MUTCD), the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the Public Rights-of Ways Accessibility Guidelines (PROWAG).

Proposed law authorizes DOTD to provide assistance to and coordinate with local and regional agencies in developing and implementing complementary Complete Streets policies. Requires DOTD and municipalities, in the development of projects within municipal boundaries, to share expertise in multimodal transportation planning.

Proposed law requires DOTD to modify its procedures, documents, training systems, and performance measures in a timely manner to ensure that the needs of all users of the transportation system are included in all phases of all projects. Requires DOTD to create

an implementation plan, including a schedule and a public and local or regional government outreach plan.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 48:22.1)