H.741

Introduced by Representatives Masland of Thetford, Burke of Brattleboro,
Deen of Westminster, Donovan of Burlington, Edwards of
Brattleboro, Klein of East Montpelier, Lorber of Burlington,
McFaun of Barre Town, Obuchowski of Rockingham, Shand of
Weathersfield and Zuckerman of Burlington

Referred to Committee on

Date:

Subject: Highways; planning; development; bicycles; pedestrians; public
        transit; access

Statement of purpose: This bill proposes to require the agency of
transportation, in its transportation project planning, development, and
implementation activities, to adhere to “complete streets principles” assuring
adequate accommodation of and consideration of the safety of all users of the
transportation system, regardless of age or ability, and to submit a report
detailing its implementation of complete street principles during its project
planning, development, and implementation activities. The bill also proposes
to require the agency of transportation or municipalities with jurisdiction over
highway projects to document circumstances justifying an exception from the
requirement that any new construction or reconstruction of highways provide
for the construction, maintenance, or improvement of shoulders for bicycles or
pedestrians unless otherwise exempted.

An act relating to adhering to complete streets principles in transportation
project planning, development, and implementation

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 19 V.S.A. § 2310 is amended to read:

§ 2310. PAVEMENT OF HIGHWAY SHOULDERS

(a) Notwithstanding the provisions of section 10c of this title, it is the
policy of the state to provide paved shoulders on major state
highways with the intent to develop an integrated bicycle route system and make the shoulders
safer for pedestrian traffic. This shall not apply to the interstate highway and
certain other limited access highways.

(b) Any new construction or reconstruction, including upgrading and
resurfacing projects, on these highways, shall provide for the construction of
shoulders or shall maintain or improve existing access and road surface
conditions for bicycles and pedestrians along the shoulders of these
highways for bicycles and pedestrians, unless the area is adequately served by
bicycle and pedestrian paths that are not located along the shoulders of these
highways, or unless the agency deems it to be cost prohibitive cost of such
construction, maintenance, or improvement exceeds 20 percent of the total cost of the project.

(c) A project shall not be subject to the requirements of subsection (b) of this section if the secretary of the agency of transportation or the legislative body of the municipality with jurisdiction over the project makes a written determination supported by documentation and which is available for public inspection at the agency of transportation that one of the following exists:

(1) use by bicyclists or pedestrians is prohibited by law;

(2) establishment of such shoulders would be contrary to public safety;

(3) the cost would be excessively disproportionate to the need or probable use; or

(4) scarcity of population or other available means or factors indicate an absence of future need.

Sec. 2. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The agency shall be the responsible agency of the state for the development of transportation policy. It shall develop a mission statement to reflect state transportation policy encompassing, coordinating, and integrating all modes of transportation, the need for transportation projects that will improve the state’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound
ways. The agency shall coordinate planning and education efforts with those of the Vermont climate change oversight committee and those of local and regional planning entities:

1. to assure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

2. to support employer or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives; and

3. to assure in all phases of project planning, development, and implementation adherence to “complete streets principles,” which include:
   
   (A) the adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, motorists, public transit users, children, elderly individuals, and individuals with disabilities; and

   (B) the consideration of the safety and convenience of all users, regardless of age or ability.

(b) In developing the state’s annual transportation program, the agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by No. 200 of the Acts of the 1987 Adj. Sess. (1988) and with appropriate consideration to local, regional, and state agency plans:
(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and promote economic opportunities for Vermonters and the best use of the state’s environmental and historic resources.

(2) Manage available funding to:

   (A) give priority to preserving the functionality of the existing transportation infrastructure, including improving bicycle and pedestrian trails regardless of whether they are located along a highway shoulder, and increasing bicycle and pedestrian trail infrastructure; and

   (B) adhere to credible project delivery schedules.

* * *

Sec. 3. REPORTING

No later than two years after the effective date of this act, the agency of transportation shall submit to the general assembly a report detailing how it has changed its procedures to comply with the requirements of this act, including:

(1) procedures for identifying the needs of users of all ages and abilities in project planning;

(2) procedures for identifying the types and designs of facilities needed to serve each class of users;

(3) benefits provided by the implementation of complete streets principles;
(4) common barriers to the implementation of complete streets principles;

(5) procedures for overcoming the common barriers to the implementation of complete streets principles;

(6) procedures for identifying the costs associated with the implementation of complete streets principles;

(7) procedures for maximizing local cooperation in the introduction and implementation of complete streets principles; and

(8) procedures for assessing and modifying the facilities and operational characteristics of existing roadways to improve consistency with complete streets principles.