

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4722

To direct the Secretary of Transportation to carry out an active transportation investment program to encourage a mode shift to active transportation within selected communities by providing safe and convenient options to bicycle and walk for routine travel, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Mr. BLUMENAUER (for himself, Mr. CAPUANO, Mr. CARNAHAN, Mr. COHEN, Mr. FILNER, Mr. LIPINSKI, and Mr. MORAN of Virginia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Secretary of Transportation to carry out an active transportation investment program to encourage a mode shift to active transportation within selected communities by providing safe and convenient options to bicycle and walk for routine travel, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Active Community  
5       Transportation Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Nearly half of the trips taken in the United  
4 States are within a 20-minute bicycle ride, and a  
5 quarter of such trips are within a 20-minute walk.

6 (2) Approximately 90 percent of public trans-  
7 portation trips are accessed by walking or bicycling.

8 (3) More than 100 communities across the Na-  
9 tion have adopted complete streets policies, thereby  
10 proving the commitment of these communities to  
11 creating streets that are safe and convenient for  
12 users of all ages and abilities, including those who  
13 are walking, bicycling, taking public transportation,  
14 or driving.

15 (4) Communities that invest in active transpor-  
16 tation infrastructure experience significant increases  
17 in bicycling and walking rates over time, and such  
18 investments are in strong demand because they en-  
19 hance the livability of communities.

20 (5) The communities that perform best in en-  
21 couraging active transportation create inter-  
22 connected systems that make it convenient and safe  
23 to travel on foot or by bicycle to destinations on a  
24 routine basis.

25 (6) Achieving a mode shift to active transpor-  
26 tation within a community requires intensive, con-

1       centrated funding of active transportation systems  
2       rather than discrete, piecemeal projects.

3               (7) Increased use of active transportation leads  
4       to reductions in traffic congestion, greenhouse gas  
5       emissions, vehicle miles traveled, oil dependence, air  
6       pollution, and obesity and diseases associated with  
7       physical inactivity.

8               (8) Given the contribution that active transpor-  
9       tation makes to these national policy goals, and the  
10       opportunity active transportation provides to accom-  
11       modate short trips at the least cost to the public and  
12       individuals, funding of active transportation is one  
13       of the most strategic and cost effective Federal  
14       transportation investments available.

15 **SEC. 3. DEFINITIONS.**

16       In this Act, the following definitions apply:

17               (1) **ACTIVE TRANSPORTATION.**—The term “ac-  
18       tive transportation” means mobility options powered  
19       solely by human energy, such as bicycling and walk-  
20       ing.

21               (2) **INDIAN TRIBE.**—The term “Indian tribe”  
22       has the meaning given that term in section 4(e) of  
23       Indian Self-Determination and Education Assistance  
24       Act (25 U.S.C. 450b(e)).

1           (3) PROGRAM.—The term “program” means  
2           the active transportation investment program estab-  
3           lished under section 4.

4 **SEC. 4. ACTIVE TRANSPORTATION INFRASTRUCTURE IN-**  
5 **VESTMENT PROGRAM.**

6           (a) IN GENERAL.—The Secretary of Transportation  
7           shall carry out an active transportation investment pro-  
8           gram in accordance with the requirements of this section.

9           (b) PURPOSE.—The purpose of the program shall be  
10          to encourage a mode shift to active transportation within  
11          selected communities by providing safe and convenient op-  
12          portunities to bicycle and walk for routine travel.

13          (c) SELECTION OF COMMUNITIES.—

14               (1) APPLICATIONS.—A community seeking to  
15               participate in the program shall submit to the Sec-  
16               retary an application that is in such form and con-  
17               tains such information as the Secretary may require.

18               (2) INITIAL AND ADDITIONAL SELECTIONS.—

19                       (A) INITIAL SELECTIONS.—The Secretary  
20                       shall select initial communities to participate in  
21                       the program. Such communities shall partici-  
22                       pate in the program in each of fiscal years  
23                       2011 through 2015.

24                       (B) ADDITIONAL SELECTIONS.—Following  
25                       the initial selections under subparagraph (A),

1 the Secretary shall select additional commu-  
2 nities to participate in the program. Such com-  
3 munities shall participate in the program in  
4 each of fiscal years 2013 through 2015.

5 (3) CRITERIA.—

6 (A) IN GENERAL.—In selecting commu-  
7 nities to participate in the program, the Sec-  
8 retary shall consider, at a minimum, the extent  
9 to which a community—

10 (i) provides a plan for development of  
11 walking and bicycling infrastructure that is  
12 likely to contribute to a significant trans-  
13 portation mode shift to walking and bicy-  
14 cling;

15 (ii) demonstrates broad community  
16 support that will facilitate successful and  
17 expeditious implementation;

18 (iii) demonstrates a cohesive plan in  
19 which noninfrastructure elements, where  
20 proposed, reinforce achievement of the pur-  
21 pose of the program;

22 (iv) provides evidence of regulatory or  
23 financial incentives or community design  
24 policies that facilitate significant increases  
25 in bicycling or walking; and

1 (v) commits State, local, or eligible  
2 Federal matching funds, in addition to  
3 Federal funds made available under this  
4 section, to projects eligible for assistance  
5 under this section.

6 (B) STRATEGIC PRIORITIES THAT FACILI-  
7 TATE SUCCESS.—For purposes of subparagraph  
8 (A)(i), strategic priorities that facilitate success  
9 in increasing walking and bicycling include ef-  
10 fective plans—

11 (i) to create a network of active trans-  
12 portation facilities connecting neighbor-  
13 hoods with destinations such as work-  
14 places, schools, residences, businesses,  
15 recreation areas, and other community ac-  
16 tivity centers;

17 (ii) to integrate active transportation  
18 facilities with transit services, where avail-  
19 able, to improve access to public transpor-  
20 tation; and

21 (iii) to deliver safe, convenient, cost-  
22 effective mobility via walking and bicycling.

23 (C) INDICATORS OF COMMUNITY SUP-  
24 PORT.—For purposes of subparagraph (A)(ii),  
25 indicators of community support include—

1 (i) the use of public input in the de-  
2 velopment of transportation plans; and

3 (ii) the commitment of community  
4 leaders to the success and timely imple-  
5 mentation of projects eligible for assistance  
6 under this section.

7 (d) GRANTS.—

8 (1) IN GENERAL.—The Secretary shall make  
9 grants to each community selected to participate in  
10 the program.

11 (2) RECIPIENTS.—A recipient of a grant rep-  
12 resenting a community under the program shall be  
13 a local or regional governmental organization, multi-  
14 county special district, or Indian tribe that the Sec-  
15 retary determines is suitably equipped and organized  
16 to carry out the objectives and requirements of this  
17 section. Such organizations include metropolitan  
18 planning organizations and other regional planning  
19 organizations.

20 (3) SUBRECIPIENTS.—A recipient of a grant  
21 under the program may suballocate funds from the  
22 grant to a nonprofit organization to carry out the  
23 purposes of the program.

24 (4) INCLUSION OF CERTAIN COMMUNITIES.—To  
25 fulfill the Nation's need to achieve and document

1 mode shift to bicycling and walking over time, the  
2 4 communities that received pilot funding under sec-  
3 tion 1807 of SAFETEA-LU (119 Stat. 1460) may  
4 be among the communities selected by the Secretary  
5 under subsection (c).

6 (5) GRANTS AMOUNTS.—

7 (A) IN GENERAL.—The Secretary may  
8 make a grant as low as \$5,000,000 and as high  
9 as \$15,000,000 per fiscal year for a community  
10 participating in the program. The Secretary  
11 shall ensure that grant awards under the pro-  
12 gram are sufficiently high to enable a mode  
13 shift to active transportation.

14 (B) JUSTIFICATION FOR LARGER  
15 GRANTS.—Subject to the \$15,000,000 per fiscal  
16 year limit set forth in subparagraph (A), the  
17 Secretary may justify a grant in a higher  
18 amount for a community under the program  
19 based on the population served, greater oppor-  
20 tunities to shift trips to bicycling and walking,  
21 or use of innovative design features.

22 (e) ELIGIBLE PROJECTS.—Grants made to commu-  
23 nities under this section shall be used for one or more of  
24 the following purposes:

1           (1) To carry out projects to construct networks  
2 of active transportation infrastructure facilities, in-  
3 cluding sidewalks, bikeways, and pedestrian and bi-  
4 cycle trails, that connect people with public transpor-  
5 tation, workplaces, schools, residences, businesses,  
6 recreation areas, and other community activity cen-  
7 ters.

8           (2) To carry out projects to provide for bicycle  
9 boxes, cycle tracks, bicycle boulevards, dual traffic  
10 signals, and bicycle sharing stations.

11           (3) To carry out projects to restore and up-  
12 grade current active transportation infrastructure  
13 facilities.

14           (4) To carry out projects to support educational  
15 activities, safety-oriented activities, and technical as-  
16 sistance to further the purpose of the program.

17           (f) PROGRAM MEASURES.—In carrying out the pro-  
18 gram, the Secretary shall develop statistical information  
19 on changes in motor vehicle, active transportation, and  
20 public transportation usage in communities participating  
21 in the program and assess how the changes impact conges-  
22 tion and energy usage, impact the frequency of bicycling  
23 and walking, and impact health, safety, and the environ-  
24 ment. In addition, the Secretary shall develop interim  
25 measures of progress, which may include indicators of

1 public engagement, educational outcomes, and project ad-  
2 vancement into planning and development.

3 (g) DEADLINES.—

4 (1) REQUEST FOR APPLICATIONS.—Not later  
5 than 60 days after the date of enactment of this  
6 Act, the Secretary shall publish in the Federal Reg-  
7 ister a request for applications pursuant to sub-  
8 section (c)(1).

9 (2) SELECTION OF INITIAL COMMUNITIES.—  
10 Not later than 180 days after such date of enact-  
11 ment, the Secretary shall select initial communities  
12 to participate in the program under subsection  
13 (c)(2)(A).

14 (3) SELECTION OF ADDITIONAL COMMU-  
15 NITIES.—Not later than September 30, 2012, the  
16 Secretary shall select additional communities to par-  
17 ticipate in the program under subsection (c)(2)(B).

18 (4) GRANTS.—The Secretary shall make grants  
19 to selected to participate in the program under sub-  
20 section (c)—

21 (A) for fiscal year 2011, not later than the  
22 later of—

23 (i) the 60th day after the date of the  
24 selection of communities under subsection  
25 (c)(2)(A); and

1 (ii) the 30th day of the fiscal year;

2 and

3 (B) for each of fiscal years 2012 through

4 2015, not later than 30th day of the fiscal year.

5 (h) REPORTS.—

6 (1) IN GENERAL.—The Secretary shall submit

7 to Congress—

8 (A) an interim report on progress made

9 under the program not later than September

10 30, 2014; and

11 (B) a final report on progress made under

12 the program not later than September 30,

13 2016.

14 (2) CONTENTS.—Each report submitted under

15 paragraph (1) shall include the Secretary's findings

16 concerning the best practices of communities partici-

17 pating in the program and the impediments experi-

18 enced by such communities relating to program de-

19 velopment and achieving a mode shift to active

20 transportation.

21 (i) FUNDING.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated out of the

24 Highway Trust Fund (other than the Mass Transit

25 Account) to carry out this section—

- 1 (A) \$300,000,000 for fiscal year 2011;  
2 (B) \$300,000,000 for fiscal year 2012;  
3 (C) \$466,666,666 for fiscal year 2013;  
4 (D) \$466,666,666 for fiscal year 2014;  
5 and  
6 (E) \$466,666,668 for fiscal year 2015.

7 (2) CONTRACT AUTHORITY.—Funds authorized  
8 to be appropriated by this section shall be available  
9 for obligation and administered in the same manner  
10 as if the funds were apportioned under chapter 1 of  
11 title 23, United States Code, except that the Federal  
12 share of the cost of a project carried out using the  
13 funds shall be 100 percent, and the funds shall re-  
14 main available until expended and shall not be trans-  
15 ferable.

16 (3) ADMINISTRATIVE COSTS.—

17 (A) SET ASIDE.—Each fiscal year, the Sec-  
18 retary shall set aside not more than 1.5 percent  
19 of the funds made available to carry out this  
20 section to cover the costs of administrative, re-  
21 search, technical assistance, communications,  
22 and training activities under the program.

23 (B) CONTRACTS AND OTHER AGREE-  
24 MENTS.—The Secretary may enter into con-  
25 tracts with for-profit organizations, or con-

1 tracts, partnerships, or cooperative agreements  
2 with other government agencies, institutions of  
3 higher learning, or nonprofit organizations, to  
4 perform activities with amounts set aside under  
5 subparagraph (A). The Federal share of the  
6 cost of such activities may be up to 100 per-  
7 cent.

8 (C) LIMITATION ON STATUTORY CON-  
9 STRUCTION.—Nothing in this paragraph may  
10 be construed to prohibit a community from re-  
11 ceiving research or other funds under title 23 or  
12 49, United States Code.

13 (j) TREATMENT OF PROJECTS.—

14 (1) NONINFRASTRUCTURE PROJECTS.—Non-  
15 infrastructure projects and infrastructure projects  
16 that do not involve or lead directly to construction  
17 assisted under this subsection shall not be treated as  
18 projects on a Federal-aid system under chapter 1 of  
19 title 23, United States Code.

20 (2) INFRASTRUCTURE PROJECTS.—Not later  
21 than one year after the date of enactment of this  
22 Act, the Secretary shall develop regulations or guid-  
23 ance (or both) for Federal-aid projects under this  
24 section that encourages the use of the programmatic  
25 categorical exclusion, expedited procurement tech-

1        niques, and other best practices to facilitate produc-  
2        tive and timely expenditure for projects that are  
3        small, low impact, and constructed within an exist-  
4        ing built environment.

5            (3) STATE PROCESSES.—The Secretary shall  
6        work with State departments of transportation to  
7        ensure that any guidance or regulation developed  
8        under paragraph (2) is being implemented by States  
9        and the Federal Highway Administration consist-  
10        ently to avoid unnecessary delays in implementing  
11        projects and to ensure the effective use of Federal  
12        dollars.

13          (k) ASSISTANCE TO INDIAN TRIBES.—Notwith-  
14        standing any other provision of law, the Secretary may  
15        enter into grants agreements, self-determination con-  
16        tracts, and self-governance compacts under the authority  
17        of the Indian Self-Determination and Education Assist-  
18        ance Act (25 U.S.C. 450 et seq.) with eligible Indian tribes  
19        to carry out the purposes of this Act, and such grant  
20        agreements, self-determination contracts, and self-govern-  
21        ance compacts shall be administered in accordance with  
22        that Act.

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