

117TH CONGRESS  
1ST SESSION

# H. R. 508

To amend title 23, United States Code, to include a special rule for the dedication of funds under the highway safety improvement program for certain vulnerable users, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Ms. BROWNLEY (for herself and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to include a special rule for the dedication of funds under the highway safety improvement program for certain vulnerable users, 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 “Safe And Friendly for  
5 the Environment Streets Act” or the “SAFE Streets Act”.

6       **SEC. 2. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

7       Section 148 of title 23, United States Code, is  
8 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (4)(B)(xiii) by inserting  
3 “, including the development of a vulnerable  
4 road user safety assessment under section 1601  
5 of the SAFE Streets Act” after “safety plan-  
6 ning”;

7 (B) in paragraph (11)—

8 (i) by redesignating subparagraphs  
9 (G) through (I) as subparagraphs (H)  
10 through (J); and

11 (ii) by inserting after subparagraph  
12 (F) the following:

13 “(G) includes a vulnerable road user safety  
14 assessment described under paragraph (16);”;  
15 and

16 (C) by adding at the end the following:

17 “(13) VULNERABLE ROAD USER.—The term  
18 ‘vulnerable road user’ means a nonmotorist—

19 “(A) with a fatality analysis reporting sys-  
20 tem person attribute code that is included in  
21 the definition of the term ‘number of non-mo-  
22 torized fatalities’ in section 490.205 of title 23,  
23 Code of Federal Regulations (or successor regu-  
24 lation); or

1           “(B) described in the term ‘number of  
2           non-motorized serious injuries’ in such section.

3           “(14) VULNERABLE ROAD USER SAFETY AS-  
4           SESSMENT.—The term ‘vulnerable road user safety  
5           assessment’ means an assessment of the safety per-  
6           formance of the State or a metropolitan planning or-  
7           ganization within the State with respect to vulner-  
8           able road users and the plan of the State or metro-  
9           politan planning organization to improve the safety  
10          of vulnerable road users described in subsection  
11          (1).”;

12          (2) in subsection (c)—

13                 (A) in paragraph (1) by striking “(a)(11)”  
14                 and inserting “(a)(13)”; and

15                 (B) in paragraph (2)(A)(vi) by inserting “,  
16                 consistent with the vulnerable road user safety  
17                 assessment” after “nonmotorized crashes”;

18          (3) in subsection (d)(1)(B)—

19                 (A) in clause (iv) by inserting “and serious  
20                 injury” after “fatality”;

21                 (B) in clause (vii) by striking “; and” and  
22                 inserting a semicolon;

23                 (C) by redesignating clause (viii) as clause  
24                 (ix); and

1 (D) by inserting after clause (vii) the fol-  
2 lowing:

3 “(viii) the findings of a vulnerable  
4 road user safety assessment of the State;  
5 and”;

6 (4) in subsection (g) by adding at the end the  
7 following:

8 “(3) VULNERABLE ROAD USER SAFETY.—

9 “(A) IN GENERAL.—Beginning on the date  
10 of enactment of the SAFE Streets Act, if a  
11 State determines that the number of vulnerable  
12 road user fatalities and serious injuries per cap-  
13 ita in such State over the most recent 2-year  
14 period for which data are available exceeds the  
15 median number of such fatalities and serious  
16 injuries per capita among all States, that State  
17 shall be required to obligate over the 2 fiscal  
18 years following the fiscal year in which such de-  
19 termination is made an amount that is not less  
20 than 75 percent of the amount set aside in such  
21 State under section 133(h)(1) for fiscal year  
22 2020, less any amounts obligated by a metro-  
23 politan planning organization in the State as  
24 required by subparagraph (D), for—

25 “(i) in the first fiscal year—

1           “(I) performing the vulnerable  
2           user safety assessment as prescribed  
3           by subsection (I);

4           “(II) providing matching funds  
5           for transportation alternatives safety  
6           project as identified in section  
7           133(h)(7)(B); and

8           “(III) projects eligible under sec-  
9           tion 133(h)(3)(A), (B), (C), or (I);  
10          and

11          “(ii) in each fiscal year thereafter, the  
12          program of projects identified in subsection  
13          (1)(2)(C).

14          “(B) SOURCE OF FUNDS.—Any amounts  
15          obligated under subparagraph (A) shall be from  
16          amounts described in section 133(d)(1)(B) or  
17          104(b)(3).

18          “(C) ANNUAL DETERMINATION.—The de-  
19          termination described under subparagraph (A)  
20          shall be made on an annual basis.

21          “(D) METROPOLITAN PLANNING AREA  
22          WITH EXCESSIVE FATALITIES AND SERIOUS IN-  
23          JURIES PER CAPITA.—

24          “(i) ANNUAL DETERMINATION.—Be-  
25          ginning on the date of enactment of the

1 SAFE Streets Act, a metropolitan plan-  
2 ning organization representing an urban-  
3 ized area with a population greater than  
4 200,000 shall annually determine the num-  
5 ber of vulnerable user road fatalities and  
6 serious injuries per capita in such area  
7 over the most recent 2-year period.

8 “(ii) REQUIREMENT TO OBLIGATE  
9 FUNDS.—If such a metropolitan planning  
10 area organization determines that the  
11 number of vulnerable user road fatalities  
12 and serious injuries per capita in such area  
13 over the most recent 2-year period for  
14 which data are available exceeds the me-  
15 dian number of such fatalities and serious  
16 injuries among all urbanized areas with a  
17 population of over 200,000, then there  
18 shall be obligated over the 2 fiscal years  
19 following the fiscal year in which such de-  
20 termination is made an amount that is not  
21 less than 75 percent of the amount set  
22 aside for that urbanized area under section  
23 133(h)(2) for fiscal year 2020 for projects  
24 identified in the program of projects de-  
25 scribed in subsection (l)(7)(C).

1 “(E) SOURCE OF FUNDS.—

2 “(i) METROPOLITAN PLANNING ORGA-  
 3 NIZATION IN STATE REQUIRED TO OBLI-  
 4 GATE FUNDS.—For a metropolitan plan-  
 5 ning organization in a State required to  
 6 obligate funds to vulnerable user safety  
 7 under subparagraph (A), the State shall be  
 8 required to obligate from such amounts re-  
 9 quired to be obligated for vulnerable road  
 10 user safety under subparagraph (B) for  
 11 projects described in subsection (l)(7).

12 “(ii) OTHER METROPOLITAN PLAN-  
 13 NING ORGANIZATIONS.—For a metropoli-  
 14 tan planning organization that is not lo-  
 15 cated within a State required to obligate  
 16 funds to vulnerable user safety under sub-  
 17 subparagraph (A), the State shall be required  
 18 to obligate from amounts apportioned  
 19 under section 104(b)(3) for projects de-  
 20 scribed in subsection (l)(7).”; and

21 (5) by adding at the end the following:

22 “(l) VULNERABLE ROAD USER SAFETY ASSESS-  
 23 MENT.—

24 “(1) IN GENERAL.—Not later than 1 year after  
 25 date of enactment of the SAFE Streets Act, each

1 State shall create a vulnerable road user safety as-  
2 sessment.

3 “(2) CONTENTS.—A vulnerable road user safety  
4 assessment required under paragraph (1) shall in-  
5 clude—

6 “(A) a description of the location within  
7 the State of each vulnerable road user fatality  
8 and serious injury and the design speed of the  
9 roadway at any such location;

10 “(B) a description of any corridors identi-  
11 fied by a State, in coordination with local gov-  
12 ernments, metropolitan planning organizations,  
13 and regional transportation planning organiza-  
14 tions that pose a high risk of a vulnerable road  
15 user fatality or serious injury and the design  
16 speeds of such corridors;

17 “(C) a program of projects or strategies to  
18 reduce safety risks to vulnerable road users in  
19 corridors identified under subparagraph (B), in  
20 coordination with local governments, metropoli-  
21 tan planning organizations, and regional trans-  
22 portation planning organizations that represent  
23 a high-risk area identified under subparagraph  
24 (B); and



1           “(D) include a list of projects within the  
2 State that primarily address the safety of vul-  
3 nerable road users that—

4           “(i) have been completed during the 2  
5 most recent fiscal years prior to date of  
6 the publication of the vulnerable road user  
7 safety assessment, including the amount of  
8 funding that has been dedicated to those  
9 projects, described in total amounts and as  
10 a percentage of total capital expenditures;  
11 and

12           “(ii) are planned to be completed dur-  
13 ing the 2 fiscal years following the date of  
14 the publication of the vulnerable road user  
15 assessment, including the amount of fund-  
16 ing that the State plans to be dedicated to  
17 those projects, described in total amounts  
18 and as a percentage of total capital ex-  
19 penditures.

20           “(3) ANALYSIS.—In creating a vulnerable road  
21 user safety assessment under this subsection, a  
22 State shall assess the last 5 years of available data.

23           “(4) REQUIREMENTS.—In creating a vulnerable  
24 road user safety assessment under this subsection, a  
25 State shall—

1           “(A) take into consideration a safe system  
2           approach; and

3           “(B) coordinate with local governments,  
4           metropolitan planning organizations, and re-  
5           gional transportation planning organizations  
6           that represent a high-risk area identified under  
7           paragraph (2)(B).

8           “(5) UPDATE.—A State shall update a vulner-  
9           able road user safety assessment on the same sched-  
10          ule as the State updates the State strategic highway  
11          safety plan.

12          “(6) TRANSPORTATION SYSTEM ACCESS.—The  
13          program of projects developed under paragraph  
14          (2)(C) may not degrade transportation system ac-  
15          cess for vulnerable road users.

16          “(7) METROPOLITAN PLANNING AREA ASSESS-  
17          MENTS.—A metropolitan planning organization that  
18          represents an urbanized area with a population  
19          greater than 200,000 shall complete a vulnerable  
20          user safety assessment based on the most recent 5  
21          years of available data, unless an assessment was  
22          completed in the previous 5 years, including—

23                 “(A) a description of the location within  
24                 the urbanized area of each vulnerable road user

1 fatality and serious injury and the design speed  
2 of the roadway at any such location;

3 “(B) a description of any corridors that  
4 represent a high-risk area identified under  
5 paragraph (2)(B) that pose a high risk of a vul-  
6 nerable road user fatality or serious injury and  
7 the design speeds of such corridors; and

8 “(C) a program of projects or strategies to  
9 reduce safety risks to vulnerable road users in  
10 corridors identified under subparagraph (B).”.

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