

118TH CONGRESS  
1ST SESSION

# S. 3246

To provide for consideration of all modes of transportation and all road users in certain highway and transit programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2023

Mr. FETTERMAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To provide for consideration of all modes of transportation and all road users in certain highway and transit programs, 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 “Building Safer Streets  
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the Federal  
10 Highway Administration.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of Transportation.

3 **SEC. 3. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.**

4           (a) IN GENERAL.—Section 109(d)(2) of title 23,  
5 United States Code, is amended—

6           (1) by striking “Not later than” and inserting  
7           the following:

8                   “(A) IN GENERAL.—Not later than”; and  
9           (2) by adding at the end the following:

10                   “(B) PUBLIC ACCOUNTABILITY.—

11                           “(i) IN GENERAL.—For the most re-  
12                           cent published edition of the Manual on  
13                           Uniform Traffic Control Devices (as of the  
14                           date of enactment of the Building Safer  
15                           Streets Act), and not later than 1 year  
16                           after the date of publication of each subse-  
17                           quent update of the Manual on Uniform  
18                           Traffic Control Devices, the Secretary shall  
19                           publish documentation explaining all spe-  
20                           cific prohibitions against devices or de-  
21                           signs, including—

22                                   “(I) any considerations to allow  
23                                   local flexibility;

24                                   “(II) research in support of the  
25                                   prohibitions, including the need to ac-

1                   tively prohibit a design or practice;  
2                   and

3                   “(III) proof of compliance with  
4                   Federal law (including regulations).

5                   “(ii) NATIONAL COMMITTEE ON UNI-  
6                   FORM TRAFFIC CONTROL DEVICES.—With  
7                   respect to updates to the Manual on Uni-  
8                   form Traffic Control Devices after the  
9                   most recent published edition described in  
10                  clause (i), the Secretary shall request that  
11                  the National Committee on Uniform Traf-  
12                  fic Control Devices provide documentation  
13                  of the decisions made during the update  
14                  process with respect to recommendations  
15                  provided to the Secretary by the National  
16                  Committee.”.

17                  (b) UPDATES TO MANUAL ON UNIFORM TRAFFIC  
18                  CONTROL DEVICES.—Section 11135 of the Infrastructure  
19                  Investment and Jobs Act (23 U.S.C. 109 note; Public Law  
20                  117–58) is amended—

21                   (1) in paragraph (3), by adding “and” at the  
22                   end;

23                   (2) in paragraph (4), by striking “; and” and  
24                   inserting a period; and

25                   (3) by striking paragraph (5).

1 (c) GAO STUDY.—

2 (1) IN GENERAL.—The Comptroller General of  
3 the United States shall conduct a study on the use  
4 of the Manual on Uniform Traffic Control Devices  
5 (referred to in this subsection as the “Manual”) by  
6 State and local government traffic engineers, plan-  
7 ners, and consultants—

8 (A) to provide an estimate of the extent to  
9 which practitioners, based on a representative  
10 sample—

11 (i) exercise engineering discretion as  
12 permitted by the Manual for street designs  
13 intended to increase safety and improve  
14 multimodal access; and

15 (ii) feel constrained or otherwise dis-  
16 couraged from implementing alternative  
17 street designs that improve safety out-  
18 comes by the guidelines in the Manual;

19 (B) to estimate the average increases in  
20 costs and time needed to complete a project  
21 caused by the need to request or otherwise de-  
22 termine an exception to the Manual, including  
23 requirements for engineering studies; and

24 (C) to identify the types of facilities,  
25 projects, and contexts for which discretion to

1 deviate from the Manual are most frequently  
2 sought.

3 (2) REPORT.—Not later than 2 years after the  
4 date of enactment of this Act, the Comptroller Gen-  
5 eral of the United States shall—

6 (A) submit to Congress a report that de-  
7 scribes the findings and conclusions of the  
8 study conducted under paragraph (1); and

9 (B) make the report under subparagraph  
10 (A) publicly available online.

11 **SEC. 4. FEDERAL DESIGN STANDARDS AND GUIDELINES.**

12 (a) STATUTORY DESIGN GUIDELINES.—Section  
13 217(g)(1) of title 23, United States Code, is amended—

14 (1) in the first sentence, by striking “given due  
15 consideration” and inserting “accounted for, where  
16 not incompatible,”; and

17 (2) in the second sentence, by striking “consid-  
18 ered, where appropriate, in conjunction” and insert-  
19 ing “evaluated and, where appropriate, incor-  
20 porated”.

21 (b) REGULATORY UPDATES.—

22 (1) IN GENERAL.—Not later than 2 years after  
23 the date of enactment of this Act, the Administrator  
24 shall update the regulations implementing sections  
25 109, 134, and 135 of title 23, United States Code,

1 to clarify the definition of “consideration of all  
2 modes”.

3 (2) INCLUSIONS.—The updates under para-  
4 graph (1) shall—

5 (A) outline accepted methods for formal  
6 evaluation on all modes of transportation, in-  
7 cluding pedestrians and cyclists, that will count  
8 as adequate consideration of all modes;

9 (B) differentiate between urban and subur-  
10 ban, rural, and natural area design guidelines  
11 for pedestrian and cycling infrastructure, con-  
12 sistent with the Bikeway Selection Guide pub-  
13 lished by the Federal Highway Administration  
14 and dated February 2019 (or a successor docu-  
15 ment);

16 (C) take into consideration the land use  
17 context surrounding the road or highway; and

18 (D) affirm the necessity of complete  
19 multimodal networks.

20 (c) CATEGORICAL EXCEPTIONS.—

21 (1) IN GENERAL.—Not later than 2 years after  
22 the date of enactment of this Act, the Administrator  
23 shall develop a list of categorical design exceptions  
24 from standards developed under section 109(c) of  
25 title 23, United States Code, for categories of

1 multimodal projects and features on Federal-aid  
2 highways.

3 (2) INCLUSIONS.—The list developed under  
4 paragraph (1) shall include categories of multimodal  
5 projects and features that—

6 (A) are recommended by the Federal High-  
7 way Administration, including Proven Safety  
8 Countermeasures;

9 (B) improve safety for vulnerable road  
10 users; and

11 (C) are currently subject to the design ex-  
12 ception process.

13 (3) UPDATE.—Not less frequently than every 5  
14 years, the Administrator shall update the list under  
15 paragraph (1).

16 (d) MULTIMODAL REVIEW.—

17 (1) IN GENERAL.—For each program described  
18 in paragraph (3), the Secretary shall include as part  
19 of the funding application for projects in urbanized  
20 areas a process for indicating that the applicant has  
21 considered multimodal infrastructure and concluded  
22 that the final design will not include facilities for  
23 nonmotorized forms of transportation.

1           (2) INCLUSIONS.—The process referred to in  
2 paragraph (1) shall include clear criteria, includ-  
3 ing—

4                   (A) the availability of rights-of-way;

5                   (B) the presence or absence of facilities on  
6 nearby parallel routes, or the possibility of pro-  
7 viding facilities that meet the standards estab-  
8 lished in regulations implementing sections 109,  
9 134, and 135 of title 23, United States Code;

10                  (C) latent demand or potential for active  
11 transportation trips, including consideration of  
12 future land use; and

13                  (D) other criteria, as determined by the  
14 Administrator.

15           (3) PROGRAMS DESCRIBED.—A program re-  
16 ferred to in paragraph (1) is any of the following:

17                   (A) The Strengthening Mobility and Revo-  
18 lutionizing Transportation Grant Program es-  
19 tablished under section 25005(b) of the Infra-  
20 structure Investment and Jobs Act (23 U.S.C.  
21 502 note; Public Law 117–58).

22                   (B) Competitive awards under the Pro-  
23 moting Resilient Operations for Transformative,  
24 Efficient, and Cost-saving Transportation



1 (PROTECT) program under section 176(d) of  
2 title 23, United States Code.

3 (C) The advanced transportation tech-  
4 nologies and innovative mobility deployment  
5 grant program under section 503(e)(4) of title  
6 23, United States Code (commonly known as  
7 the “ATTAIN program”).

8 (e) CONNECTED NETWORKS.—

9 (1) IN GENERAL.—Not later than 1 year after  
10 the date of enactment of this Act, the Administrator  
11 shall publish guidance on connected networks that  
12 accommodate all modes and users, including—

13 (A) design guidance for multimodal streets  
14 that include transit and freight networks;

15 (B) context-sensitive design considerations  
16 that account for the distinct needs of urban,  
17 rural, and suburban roads; and

18 (C) methods to address conflicts between  
19 modes when there is not sufficient right-of-way  
20 to accommodate separate facilities for all users  
21 in a single street, including reductions in design  
22 speed, designs to improve vulnerable road user  
23 visibility, and other features.

24 (2) PRIORITIZATION.—Guidance published  
25 under paragraph (1) shall prioritize designs that en-

1 sure that all users have access to safe, comfortable,  
2 reliable, and healthy transportation options.

3 (f) TRANSIT FACILITIES.—

4 (1) IN GENERAL.—Not later than 1 year after  
5 the date of enactment of this Act, the Administrator  
6 and the Administrator of the Federal Transit Ad-  
7 ministration shall jointly issue guidelines relating to  
8 placement of bus stops and associated roadway de-  
9 sign.

10 (2) INCLUSIONS.—The guidelines issued under  
11 paragraph (1) shall—

12 (A) include provisions for locating and de-  
13 signing bus stops in various operating environ-  
14 ments that consider convenience, safety, pedes-  
15 trian accessibility, accessibility for individuals  
16 with disabilities, proximity to key destinations,  
17 density, and transit operations;

18 (B) include considerations of roadside fac-  
19 tors, bus stop zone design types, roadway and  
20 intersection design, placement, and location;

21 (C) provide for a variety of local contexts,  
22 including urban, suburban, and rural road con-  
23 ditions;

24 (D) outline best practices for coordination  
25 between street departments, public transpor-

1           tation authorities, planning departments, and  
2           other relevant authorities on design issues;

3           (E) consider resources published during  
4           the preceding 10 years that provide guidelines  
5           for the location, design, user need, and context  
6           for transit facilities on streets, including the  
7           American Association of State Highway and  
8           Transportation Officials guide entitled “Guide  
9           for Geometric Design of Transit Facilities on  
10          Highways and Streets” and published July  
11          2014, and the guide of the National Association  
12          of City Transportation Officials entitled “Tran-  
13          sit Street Design Guide” and published April  
14          2016; and

15          (F) prioritize pedestrian and bicycle access  
16          to transit and proximity to key destinations.

17          (3) GRANT RECIPIENTS.—Beginning not later  
18          than 2 years after the date of enactment of this Act,  
19          the Administrator of the Federal Transit Adminis-  
20          tration shall ensure that a recipient of funds under  
21          section 5309 of title 49, United States Code, shall  
22          be provided the guidelines issued under paragraph  
23          (1).

1           (4) REPORT.—Not later than 1 year after the  
2 date of enactment of this Act, the Administrator  
3 shall submit to Congress a report that—

4           (A) describes the guidelines adopted by the  
5 Administrator supporting on-road transit vehi-  
6 cle accommodation, including guidance on  
7 issues such as turning radii, lane widths, bus  
8 lanes, bus stop placement, and transit signal  
9 priorities; and

10           (B) notes whether the Administrator has  
11 adopted the guide of the American Association  
12 of State Highway and Transportation Officials  
13 entitled “Guide for Geometric Design of Tran-  
14 sit Facilities on Highways and Streets” and  
15 published July 2014, the guide of the National  
16 Association of City Transportation Officials en-  
17 titled “Transit Street Design Guide” and pub-  
18 lished April 2016, or another transit facility  
19 guide, and if not, the reasons why not.

20           (g) VALUE OF TIME GUIDANCE.—Section 6702(d) of  
21 title 49, United States Code, is amended—

22           (1) by redesignating paragraphs (5) through  
23 (7) as paragraphs (6) through (8), respectively; and

24           (2) by inserting after paragraph (4) the fol-  
25 lowing:

1           “(5) VALUE OF TIME.—In selecting projects to  
2           receive grants under the program and analyzing the  
3           benefits and costs of proposed projects, the Sec-  
4           retary shall not consider higher speed limits for mo-  
5           torized vehicles to be a contributor to value of travel  
6           time benefits for roads that are not freeways or on  
7           the Interstate System.”.

8           (h) STUDY; REPORT.—Not later than 2 years after  
9           the date of enactment of this Act, the Administrator  
10          shall—

11                 (1) carry out a study on the design factors that  
12                 contributed to fatal crashes on a representative sam-  
13                 ple of Federal-aid highways, including crashes in-  
14                 volving pedestrians and cyclists; and

15                 (2) submit to the Committee on Environment  
16                 and Public Works of the Senate and the Committee  
17                 on Transportation and Infrastructure of the House  
18                 of Representatives a report that includes the results  
19                 of the study under paragraph (1).

20          **SEC. 5. STATE GUIDANCE.**

21                 (a) TIMELY UPDATES TO STATE GUIDANCE AND  
22                 STANDARDS.—Not later than 2 years after the date of en-  
23                 actment of this Act, as a condition of the receipt of funds  
24                 under title 23, United States Code, each State shall notify  
25                 the Secretary whether the State has updated the highway

1 design manuals of the State to reflect guidance of the Ad-  
2 ministrator relating to controlling criteria for design of  
3 lower speed non-freeway roadways.

4 (b) SAFETY OF VULNERABLE ROAD USERS.—Section  
5 150(d) of title 23, United States Code, is amended—

6 (1) in paragraph (1), by striking “Not later  
7 than” and inserting “Subject to paragraph (3), not  
8 later than”; and

9 (2) by adding at the end the following:

10 “(3) HIGHWAY SAFETY IMPROVEMENT PRO-  
11 GRAM.—In establishing performance targets that re-  
12 flect the measures identified in subsection (c)(4), the  
13 target for vulnerable road user fatalities shall not  
14 exceed the total number of vulnerable road user fa-  
15 talities for the previous target period in that State.”.

16 **SEC. 6. SAFE STREETS FOR ALL COMMUNITIES.**

17 Section 24112 of the Infrastructure Investment and  
18 Jobs Act (23 U.S.C. 402 note; Public Law 117–58) is  
19 amended—

20 (1) in subsection (a), by adding at the end the  
21 following:

22 “(5) SMALL COMMUNITY.—The term ‘small  
23 community’ has the meaning given the term ‘small  
24 and rural community’ in section 28(a) of the Steven-

1 son-Wydler Technology Innovation Act of 1980 (15  
2 U.S.C. 3722a(a)).”;

3 (2) in subsection (c), by adding at the end the  
4 following:

5 “(3) SMALL COMMUNITIES.—

6 “(A) IN GENERAL.—Of the total amount  
7 made available to carry out the program for  
8 each fiscal year, not less than 10 percent shall  
9 be set aside for projects carried out by, or for  
10 the benefit of, a small community that each  
11 have—

12 “(i) a total estimated cost of less than  
13 \$1,000,000; and

14 “(ii) an estimated completion date of  
15 not more than 5 years.

16 “(B) APPLICATION.—The Secretary may  
17 develop a modified application process for  
18 projects described in subparagraph (A) that re-  
19 flects small community capacity and project  
20 needs.

21 “(C) CONSIDERATIONS.—In selecting  
22 projects under subparagraph (A), the Secretary  
23 shall give priority to projects that can dem-  
24 onstrate ineligibility or inability to obtain State  
25 funding due to the size of the project.”;

1 (3) in subsection (e)—

2 (A) by striking “The Federal share” and  
3 inserting the following:

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), the Federal share”; and

6 (B) by adding at the end the following:

7 “(2) SMALL COMMUNITIES.—In the case of a  
8 grant for a project described in subsection (c)(3)(A)  
9 for which the applicant can demonstrate a funding  
10 commitment from a State or local entity, the Sec-  
11 retary may increase the Federal share of the cost of  
12 the project up to 90 percent.”; and

13 (4) in subsection (g), by adding at the end the  
14 following:

15 “(3) ASSISTANCE.—The Secretary shall provide  
16 assistance to eligible entities that receive a grant  
17 under the program in collecting and meaningfully  
18 using data relating to nonmotorized travelers for  
19 planning and decisionmaking with respect to a  
20 project carried out with funds from the grant, par-  
21 ticularly nonmotorized traveler volume data.”.

○