

[DISCUSSION DRAFT]

111TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the
Committee on _____

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 Transportation
5 Act of 2009”.

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) Communities that invest in active transpor-
9 tation infrastructure experience significant increases
10 in bicycling and walking rates over time, and such
11 investments are in strong demand because they en-
12 hance the livability of communities.

13 (4) The communities that perform best in en-
14 couraging active transportation create inter-
15 connected systems that make it convenient and safe
16 to travel on foot or by bicycle to destinations on a
17 routine basis.

18 (5) Achieving a mode shift to active transpor-
19 tation within a community requires intensive, con-
20 centrated funding of active transportation systems
21 rather than discrete, piecemeal projects.

22 (6) Increased use of active transportation leads
23 to reductions in traffic congestion, greenhouse gas
24 emissions, vehicle miles traveled, oil dependence, air
25 pollution, and obesity and diseases associated with
26 physical inactivity.

1 (7) Given the contribution that active transpor-
2 tation makes to these national policy goals, and the
3 opportunity active transportation provides to accom-
4 modate short trips at the least cost to the public and
5 individuals, funding of active transportation is one
6 of the most strategic and cost effective Federal
7 transportation investments available.

8 **SEC. 3. DEFINITIONS.**

9 In this Act, the following definitions apply:

10 (1) **ACTIVE TRANSPORTATION.**—The term “ac-
11 tive transportation” means mobility options powered
12 solely by human energy, such as bicycling and walk-
13 ing.

14 (2) **PROGRAM.**—The term “program” means
15 the active transportation investment program estab-
16 lished under section 4.

17 **SEC. 4. ACTIVE TRANSPORTATION INFRASTRUCTURE IN-**
18 **VESTMENT PROGRAM.**

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

22 (b) **PURPOSE.**—The purpose of the program shall be
23 to encourage a mode shift to active transportation within
24 selected communities by providing safe and convenient op-
25 tions to bicycle and walk for routine travel.

1 (c) SELECTION OF COMMUNITIES.—

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

6 (2) INITIAL AND ADDITIONAL SELECTIONS.—

7 (A) INITIAL SELECTIONS.—The Secretary
8 shall select initial communities to participate in
9 the program. Such communities shall partici-
10 pate in the program in each of fiscal years
11 2011 through 2015.

12 (B) ADDITIONAL SELECTIONS.—Following
13 the initial selections under subparagraph (A),
14 the Secretary shall select additional commu-
15 nities to participate in the program. Such com-
16 munities shall participate in the program in
17 each of fiscal years 2013 through 2015.

18 (3) CRITERIA.—

19 (A) IN GENERAL.—In selecting commu-
20 nities to participate in the program, the Sec-
21 retary shall consider, at a minimum, the extent
22 to which a community—

23 (i) provides a plan for development of
24 walking and bicycling infrastructure that is
25 likely to contribute to a significant trans-

1 portation mode shift to walking and bicy-
2 cling;

3 (ii) demonstrates broad community
4 support that will facilitate successful and
5 expeditious implementation;

6 (iii) demonstrates a cohesive plan in
7 which noninfrastructure elements, where
8 proposed, reinforce achievement of the pur-
9 pose of the program;

10 (iv) provides evidence of regulatory or
11 financial incentives or community design
12 policies that facilitate significant increases
13 in bicycling or walking; and

14 (v) commits State or local funds, in
15 addition to Federal funds made available
16 under this section, to projects eligible for
17 assistance under this section.

18 (B) STRATEGIC PRIORITIES THAT FACILI-
19 TATE SUCCESS.—For purposes of subparagraph
20 (A)(i), strategic priorities that facilitate success
21 in increasing walking and bicycling include ef-
22 fective plans—

23 (i) to create a network of active trans-
24 portation facilities connecting neighbor-
25 hoods with destinations such as work-

1 places, schools, residences, businesses,
2 recreation areas, and other community ac-
3 tivity centers;

4 (ii) to integrate active transportation
5 facilities with transit services, where avail-
6 able, to improve access to public transpor-
7 tation; and

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

10 (C) INDICATORS OF COMMUNITY SUP-
11 PORT.—For purposes of subparagraph (A)(ii),
12 indicators of community support include—

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

15 (ii) the commitment of community
16 leaders to the success and timely imple-
17 mentation of projects eligible for assistance
18 under this section.

19 (d) GRANTS.—

20 (1) IN GENERAL.—The Secretary shall make
21 grants to each community selected to participate in
22 the program.

23 (2) RECIPIENTS.—A recipient of a grant rep-
24 resenting a community under the program shall be
25 a local or regional governmental organization, multi-

1 county special district, or tribal agency that the Sec-
2 retary determines is suitably equipped and organized
3 to carry out the objectives and requirements of this
4 section. Such organizations include metropolitan
5 planning organizations and other regional planning
6 organizations.

7 (3) SUBRECIPIENTS.—A recipient of a grant
8 under the program may suballocate funds from the
9 grant to a nonprofit organization to carry out the
10 purposes of the program.

11 (4) INCLUSION OF CERTAIN COMMUNITIES.—To
12 fulfill the Nation's need to achieve and document
13 mode shift to bicycling and walking over time, the
14 4 communities that received pilot funding under sec-
15 tion 1807 of SAFETEA-LU (119 Stat. 1460) may
16 be among the communities selected by the Secretary
17 under subsection (c).

18 (5) GRANTS AMOUNTS.—

19 (A) IN GENERAL.—The Secretary may
20 make a grant as low as \$5,000,000 and as high
21 as \$15,000,000 per fiscal year for a community
22 participating in the program. The Secretary
23 shall ensure that grant awards under the pro-
24 gram are sufficiently high to enable a mode
25 shift to active transportation.

1 (B) JUSTIFICATION FOR LARGER
2 GRANTS.—Subject to the \$15,000,000 per fiscal
3 year limit set forth in subparagraph (A), the
4 Secretary may justify a grant in a higher
5 amount for a community under the program
6 based on the population served, greater oppor-
7 tunities to shift trips to bicycling and walking,
8 or use of innovative design features.

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

12 (1) To carry out projects to construct networks
13 of active transportation infrastructure facilities, in-
14 cluding sidewalks, bikeways, and pedestrian and bi-
15 cycle trails, that connect people with public transpor-
16 tation, workplaces, schools, residences, businesses,
17 recreation areas, and other community activity cen-
18 ters.

19 (2) To carry out projects to provide for bicycle
20 boxes, cycle tracks, bicycle boulevards, dual traffic
21 signals, and bicycle sharing stations.

22 (3) To carry out projects to restore and up-
23 grade current active transportation infrastructure
24 facilities.

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

4 (f) PROGRAM MEASURES.—In carrying out the pro-
5 gram, the Secretary shall develop statistical information
6 on changes in motor vehicle, active transportation, and
7 public transportation usage in communities participating
8 in the program and assess how the changes impact conges-
9 tion and energy usage, impact the frequency of bicycling
10 and walking, and impact health, safety, and the environ-
11 ment. In addition, the Secretary shall develop interim
12 measures of progress, which may include indicators of
13 public engagement, educational outcomes, and projects ad-
14 vancement into planning and development.

15 (g) DEADLINES.—

16 (1) REQUEST FOR APPLICATIONS.—Not later
17 than 60 days after the date of enactment of this
18 Act, the Secretary shall publish in the Federal Reg-
19 ister a request for applications pursuant to sub-
20 section (c)(1).

21 (2) SELECTION OF INITIAL COMMUNITIES.—
22 Not later than 180 days after such date of enact-
23 ment, the Secretary shall select initial communities
24 to participate in the program under subsection
25 (c)(2)(A).

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

5 (4) GRANTS.—The Secretary shall make grants
6 to selected to participate in the program under sub-
7 section (c)—

8 (A) for fiscal year 2011, not later than the
9 later of—

10 (i) the 60th day after the date of the
11 selection of communities under subsection
12 (c)(2)(A); and

13 (ii) the 30th day of the fiscal year;
14 and

15 (B) for each of fiscal years 2012 through
16 2015, not later than 30th day of the fiscal year.

17 (h) REPORTS.—

18 (1) IN GENERAL.—The Secretary shall submit
19 to Congress—

20 (A) an interim report on progress made
21 under the program not later than September
22 30, 2014; and

23 (B) a final report on progress made under
24 the program not later than September 30,
25 2016.

1 (2) CONTENTS.—Each report submitted under
2 paragraph (1) shall include the Secretary’s findings
3 concerning the best practices of communities partici-
4 pating in the program and the impediments experi-
5 enced by such communities relating to program de-
6 velopment and achieving a mode shift to active
7 transportation.

8 (i) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated out of the
11 Highway Trust Fund (other than the Mass Transit
12 Account) to carry out this section—

13 (A) \$300,000,000 for fiscal year 2011;

14 (B) \$300,000,000 for fiscal year 2012;

15 (C) \$466,666,666 for fiscal year 2013;

16 (D) \$466,666,666 for fiscal year 2014;

17 and

18 (E) \$466,666,668 for fiscal year 2015.

19 (2) CONTRACT AUTHORITY.—Funds authorized
20 to be appropriated by this section shall be available
21 for obligation and administered in the same manner
22 as if the funds were apportioned under chapter 1 of
23 title 23, United States Code, except that the Federal
24 share of the cost of a project carried out using the
25 funds shall be 100 percent, and the funds shall re-

1 main available until expended and shall not be trans-
2 ferable.

3 (3) ADMINISTRATIVE COSTS.—

4 (A) SET ASIDE.—Each fiscal year, the Sec-
5 retary shall set aside not more than 1.5 percent
6 of the funds made available to carry out this
7 section to cover the costs of administrative, re-
8 search, technical assistance, communications,
9 and training activities under the program.

10 (B) CONTRACTS AND OTHER AGREE-
11 MENTS.—The Secretary may enter into con-
12 tracts with for-profit organizations, or con-
13 tracts, partnerships, or cooperative agreements
14 with other government agencies, institutions of
15 higher learning, or nonprofit organizations, to
16 perform activities with amounts set aside under
17 subparagraph (A). The Federal share of the
18 cost of such activities may be up to 100 per-
19 cent.

20 (C) LIMITATION ON STATUTORY CON-
21 STRUCTION.—Nothing in this paragraph may
22 be construed to prohibit a community from re-
23 ceiving research or other funds under title 23 or
24 49, United States Code.

1 (j) TREATMENT OF PROJECTS.—Noninfrastructure
2 projects assisted under this section shall not be treated
3 as projects on Federal-aid highways under chapter 1 of
4 title 23, United States Code. Infrastructure projects as-
5 sisted under this section shall be treated as projects on
6 Federal-aid highways under such chapter, except as deter-
7 mined by the Secretary to be inconsistent with this sec-
8 tion.