

2012 -- S 2131

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LC00136
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HIGHWAYS

Introduced By: Senators DiPalma, Pichardo, and Tassoni

Date Introduced: January 18, 2012

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 24 of the General Laws entitled "HIGHWAYS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 16

4 SAFE ACCESS TO PUBLIC ROADS

5 **24-16-1. Legislative findings.** – It is hereby found and declared as follows:

6 (1) To achieve a cleaner, greener transportation system the transportation plans of Rhode
7 Island should consider the needs of all users of our roadways including pedestrians, bicyclists,
8 public transportation riders, motorists and citizens of all ages and abilities, including children, the
9 elderly and the disabled. By encouraging good planning, more citizens will achieve the health
10 benefits associated with active forms of transportation while traffic congestion and automobile
11 related air pollution will be reduced. Therefore, it shall be the policy of the state to consider
12 people of all ages and abilities and all appropriate forms of transportation when planning roadway
13 projects.

14 (2) For all state and local transportation projects that are eligible for both federal and state
15 funding and are subject to department of transportation oversight, Rhode Island must provide for
16 the consideration of safe travel by all users of the road network, including motorists, pedestrians,
17 bicyclists, and public transportation users, regardless of age or ability, through the use of
18 complete street design features for safe travel in the planning, design, and construction of new or
19 reconstructed facilities, but not including, resurfacing, or other maintenance – level projects.

1 **24-16-2. Complete street design.** – (a) When the state of Rhode Island constructs or
2 modifies roads and highways, the relevant department must consider complete street design
3 features that facilitate safe travel by all users that expands upon currently accepted state and
4 federal design requirements to accommodate all users, including current and projected users,
5 particularly pedestrians, bicyclists and individuals of all ages and mobility capabilities. These
6 features of complete street design shall include, but not be limited to, sidewalks, paved shoulders
7 suitable for use by bicyclists, lane striping, bicycle lanes, share the road signage, “road diets,”
8 roundabouts, crosswalks, pedestrian control signalization, bus pull outs, curb cuts, raised
9 crosswalks and ramps and traffic calming measures.

10 (b) Exceptions to subsection (a) of this section shall be permissible only after the agency
11 with jurisdiction over the project, fully demonstrates with supporting documentation which shall
12 be available to the public, that one of the following exists:

13 (1) Use by bicyclists and pedestrians is prohibited by law, such as within interstate
14 highway corridors; or

15 (2) The cost would be disproportionate to the need as determined by factors including,
16 but not limited to, the following: (i) Land use context; (ii) Current and projected traffic volumes
17 including non-motorized traffic; and (iii) population density; or

18 (3) Demonstrated lack of need as determined by factors, including, but not limited to: (i)
19 Land use; (ii) Current and projected traffic volumes including non-motorized traffic; and (iii)
20 population density.

21 **24-16-3. Reports.** – (a) No later than two (2) years after the effective date of this chapter,
22 the department of transportation shall publish a report showing how the department of
23 transportation has complied with this section of highway law and changed their procedures to
24 institutionalize complete streets design features into planning, project scoping, design and
25 implementation of highway and road projects. The report shall include, but not be limited to, a
26 discussion of the review of and revisions to various guidance documents regarding lane width,
27 design speed, average daily traffic thresholds, level of service and roadway classification. The
28 report shall also show any best practices that the transportation agency utilized in complying with
29 section 24-16-2 of the highway law.

30 (b) In establishing such best practices, consideration shall be given to the procedures for
31 identifying the needs of the mix of users, including primary and secondary users and the
32 identification of barriers, and summary of the documentation required by subsection 24-16-2(b)
33 of the highway law regarding why the transportation agency could not comply with subsection
34 (a).

1 **24-16-4. Department of transportation consultation.** – In the project development
2 process the department of transportation shall consult with transportation, land-use and
3 environmental officials, including representatives from:

4 (1) Cities and towns;

5 (2) Metropolitan planning organizations;

6 (3) Public transit operators;

7 (4) Relevant state agencies; and

8 (5) Other relevant stakeholders, including, but not limited to, representatives from
9 disability rights groups, aging groups, bicycle and pedestrian advocates, and developers.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require the department of transportation to use complete street design
- 2 principles to accommodate the mobility needs of all users and would require the department of
- 3 transportation to publish a report showing how the agency has complied with the requirements.
- 4 This act would take effect upon passage.

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