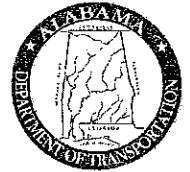


Discussion



ALABAMA DEPARTMENT OF TRANSPORTATION

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Robert Bentley
Governor

John R. Cooper
Transportation Director

March 23, 2011

The Honorable Gerald Allen
Alabama Senate
P. O. Box 4600
Montgomery, Alabama 36130-4600

Dear Senator Allen:

RE: Legislation for Complete Street Design

Thank you for your letter of March 18, 2011, in which a copy of proposed legislation, to institute "complete street" design standards, was sent for review. I appreciate you allowing me the opportunity to examine the proposed act, evaluate its impact and provide you with a response.

The complete street design features, as stated in the legislation, expand current design requirements to accommodate pedestrians, bicyclists and all user of all ages and mobile capacities. A sample of the design features noted in the act include sidewalks, paved shoulders, bicycle lanes, bus pullouts, raised crosswalks and traffic calming measures.

Federal law [23 USC Section 217(g)] requires that "bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted." Federal law requires that the state give due consideration to bicyclists and pedestrians and to accommodate them where appropriate. To this extent, the proposed legislation is redundant.

ALDOT believes the federal law is adequate and sufficient. We have concerns that the proposed legislation could add an undue burden in documentation requirements and require additional features beyond the federal law. The following are what we view as added requirements:

- The federal law requires to give due consideration and accommodate where appropriate. This legislation expands this to a requirement where we must accommodate unless the department can “fully demonstrate, with supporting documentation” that an exemption can be made.
- The complete street features “expand upon currently accepted state and federal design requirements.” This expanded design requirement is partly described in that features shall include, share the road signage, pedestrian control signalization, bus pullouts, raised crosswalks and traffic calming measures. Heretofore, these specific features have not been included in the federal law.
- The addition of bicycle paths, sidewalks, traffic calming features, etc., will add cost to our projects and reduce the overall amount we have available to maintain our existing roads with smooth pavement and expand our system where additional lanes are needed.
- Federal law requires consideration of bike and pedestrian accommodations in new construction and reconstruction only. The proposed act requires complete street design in rehabilitation projects as well.
- The proposed act allows for exceptions to the complete street requirement, but only after specific data collection, analysis and documentation. In order to be exempted on any road other than those where bicycle and pedestrians are prohibited by law (such as interstates), the department would have to demonstrate a disproportionate cost verses need or a total lack of need as determined by land use, current and projected traffic volumes, including pedestrian and bicycle volumes, and population density.
- The department must publish a report within two years explaining how it has “institutionalized” the new standard into planning, project scoping, design and implementation of projects. This report shall also discuss how the department’s guidance documents have been revised with regard to lane width, design speeds, and other criteria.

This legislation will effectively remove the discretion the department now has in determining where pedestrian and bicycle accommodations should be made. We do not think this is in the best interest of the state as we struggle to make the best use of dwindling financial resources.

The Honorable Gerald Allen

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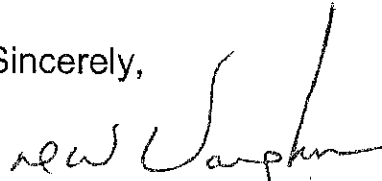
We support using complete street design standards where it is appropriate to do so. We would agree that the "complete street" standards are appropriate in urban settings; however, this legislation does not make any distinction for an urban or rural setting.

Furthermore, federal law stipulates that "no bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes." [23 USC Section 217(i)] The state act does not make this distinction which could place us in conflict with federal law.

I have enclosed a copy of our statewide bicycle plan. This is our plan to provide a reasonable statewide network of bicycle routes. It will likely take many years to incorporate the features necessary to complete the planned network. New requirements that would necessitate bicycle and pedestrian accommodations on all roads will only slow the progress of achieving the designated network.

I hope you will reconsider the introduction of this proposed legislation and again, I appreciate, very much, you providing me the opportunity to comment.

Sincerely,



D. W. Vaughn, PE
Chief Engineer/Deputy Director

DWV:sfw

copy: Mr. Don Arkle
Mr. Tony Harris
Mr. Bill Flowers
File