



U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

Subject: **ACTION:** Waiver of Non-Federal Match
for State Planning and Research (SPR) and
Metropolitan Planning (PL) Funds in
Support of Complete Streets Planning
Activities (BIL § 11206)

Date: January 5, 2023

From: Kenneth Petty
Acting Associate Administrator for Planning,
Environment and Realty

In Reply Refer To:
HEPP-1

To: Shailen P. Bhatt
Administrator

This request is for your approval to waive the non-Federal match requirement for State Planning and Research (SPR) and Metropolitan Planning (PL) funds in support of Section 11206 (Increasing Safe and Accessible Transportation Options) of the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58), also known as the Bipartisan Infrastructure Law (BIL). This section addresses “Complete Streets planning activities” (*see* BIL § 11206(c)) conducted by States and Metropolitan Planning Organizations (MPOs) in their transportation planning processes.

BIL § 11206(a) defines *Complete Streets standards or policies* as “...standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.” BIL § 11206(b) requires States and MPOs to use not less than 2.5 percent of SPR and PL funds, respectively, on Complete Streets planning activities. Further, BIL § 11206(d) provides that “[t]he Federal share of the cost of an activity carried out under this section shall be 80 percent, unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.”

FHWA encourages States and communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction and operations. Application of a Complete Streets design model is recommended on roadways where adjacent land use suggests that trips could be served by varied modes, and to achieve complete travel networks for various types of road users. This includes urban and suburban non-freeway arterials or rural arterials that serve as main streets in smaller communities, consistent with the AASHTO *A Policy on Geometric Design of Highways and Streets* (2018) (“Green Book”) context classifications of urban core, urban, suburban and rural town.

States and MPOs use SPR and PL funds, respectively, to carry-out “3-C” (comprehensive, continuous, and cooperative) transportation planning processes pursuant to 23 U.S.C. 135 (Statewide and Non-Metropolitan Transportation Planning) and 23 U.S.C. 134 (Metropolitan Transportation Planning). Those processes are the basis for subsequent

transportation investment decisions made in partnership with and collaboration between States, MPOs, and local governments (including cities and counties).

The Office of Planning, Environment and Realty (HEP) recommends that the non-Federal match for SPR and PL funds on Complete Streets planning activities be waived. BIL § 11206 implementation is one of FHWA's initiatives supporting the Department's National Roadway Safety Strategy and Safe System Approach. Providing safe streets for all users (i.e., reducing fatal and injury accidents, including bicyclists and pedestrians) is in the national interest of the Federal-aid highway program, and this non-Federal match waiver further encourages and makes it easier for States and MPOs to advance Complete Streets activities within their transportation planning processes. Further, implementation of BIL § 11206 provisions and issuance of this waiver of the non-Federal match for SPR and PL funds for Complete Streets planning activities will foster the development of metropolitan and statewide transportation plans, metropolitan Transportation Improvement Programs (TIPs), and Statewide Transportation Improvement Programs (STIPs) that consider the unique circumstances affecting community members' safety and mobility needs and allocate resources consistently with those needs, enabling the transportation network to effectively serve all community members. Eliminating the non-Federal share will serve the interests of the Federal-aid highway program by providing additional resources to promote timely development of these important safety-related plans.


The non-Federal match waiver for SPR and PL funds for Complete Streets planning activities will assist the States and MPOs in including within their respective SPR Work Programs and Unified Planning Work Programs (UPWPs) an activit[ies] "to increase safe and accessible options for multiple travel modes for people of all ages and abilities," which, if permissible under State and local laws, may include (*see* BIL § 11206(c)):

- (1) Adoption of Complete Streets standards or policies;
- (2) Development of a Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street;
- (3) Development of transportation plans to...
 - (A) Create a network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect neighborhoods with destinations such as workplaces, schools, residences, businesses, recreation areas, healthcare and childcare services, or other community activity centers;
 - (B) Integrate active transportation facilities with public transportation service or improve access to public transportation;
 - (C) Create multiuse active transportation infrastructure facilities (including bikeways or pedestrian and bicycle trails) that make connections within or between communities;
 - (D) Increase public transportation ridership; and
 - (E) Improve the safety of bicyclists and pedestrians.
- (4) Regional and megaregional planning (i.e., multi-jurisdictional transportation planning that extends beyond MPO and/or State boundaries) that address travel demand and capacity constraints through alternatives to new highway capacity, including through intercity passenger rail; and
- (5) Development of transportation plans and policies that support transit-oriented development.

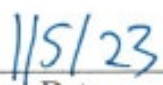
HEP recommends that waiving the non-Federal match of SPR and PL funds for Complete Streets planning activities would be effective for each fiscal year under the BIL, subject to the following

conditions: (1) it would cover the 2.5 percent minimum SPR and PL fund expenditure thresholds described in BIL § 11206(b); and (2) it would end once a State or MPO receives FHWA approval of a request to opt out of meeting the requirements described in BIL § 11206(e). Separate implementation guidance on this provision will be submitted for your review and approval.

I concur and grant the waiver consistent with HEP's recommendation:



Signature



Date

I DO NOT Concur:

Signature

Date