

Policies & Guidelines

§217: 23 U.S.C. - Bicycle Transportation and Pedestrian Walkways

*As amended by the Transportation Equity Act for the 21st Century
May 22, 1998*

(a) Use Of STP And Congestion Mitigation Program Funds.—

Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(3) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

(b) Use Of National Highway System Funds.—

Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of pedestrian walkways and bicycle transportation facilities on land adjacent to any highway on the National Highway System.

(c) Use Of Federal Lands Highway Funds.—

Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

(d) State Bicycle And Pedestrian Coordinators.—

Each State receiving an apportionment under sections 104(b)(2) and 104(b)(3) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

(e) Bridges.—

In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(f) Federal Share.—

For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be determined in accordance with section 120(b).

(g) Planning and Design.—

(1) In General.— 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.

(2) Safety considerations.— Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.

(h) Use Of Motorized Vehicles.— Motorized vehicles may not be permitted on trails and pedestrian walkways under this section, except for—

- (1) maintenance purposes;
- (2) when snow conditions and State or local regulations permit, snowmobiles;
- (3) motorized wheelchairs;
- (4) when State or local regulations permit, electric bicycles; and
- (5) such other circumstances as the Secretary deems appropriate.

(i) Transportation Purpose.— 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.

(j) Definitions.— In this section, the following definitions apply:

(1) Bicycle transportation facility.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.

(2) Electric bicycle.—The term 'electric bicycle' means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

(3) Pedestrian.—The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

(4) Wheelchair.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or motorized.

**Other Bicycle & Pedestrian Provisions
in the Transportation Equity Act for the 21st Century**

**SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN
WALKWAYS.**

Section (a) amended Section 217, as incorporated above.

(b) Design Guidance.—

(1) In general.— In implementing section 217(g) of title 23, United States Code, the Secretary, in cooperation with the American Association of State Highway and Transportation Officials, the Institute of Transportation

Engineers, and other interested organizations, shall develop guidance on the various approaches to accommodating bicycles and pedestrian travel.

(2) Issues to be addressed.— The guidance shall address issues such as the level and nature of the demand, volume, and speed of motor vehicle traffic, safety, terrain, cost, and sight distance.

(3) Recommendations.— The guidance shall include recommendations on amending and updating the policies of the American Association of State Highway and Transportation Officials relating to highway and street design standards to accommodate bicyclists and pedestrians.

(4) Time period for development.— The guidance shall be developed within 18 months after the date of enactment of this Act.

(c) Protection of Nonmotorized Transportation Traffic.— Section 109 (n) of such title is amended to read as follows:

“(n) Protection of Nonmotorized Transportation Traffic.— The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonable alternate route or such a route exists.”.

(d) Railway-Highway Crossings.— Section 130 of such title is amended by adding at the end the following:

“(j) Bicycle Safety.—In carrying out projects under this section, a State shall take into account bicycle safety.”.

(e) National Bicycle Safety Education Curriculum.—

(1) Development.—The Secretary is authorized to develop a national bicycle safety education curriculum that may include courses relating to on-road training.

(2) Report.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress a copy of the curriculum.

(3) Funding.—From amounts made available under section 210, the Secretary may use not to exceed \$500,000 for fiscal year 1999 to carry out this subsection.

SEC. 1212. MISCELLANEOUS.

(o) Bicycle and Pedestrian Safety Grants.—

(1) In general.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(D) Authorization of appropriations.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for each of fiscal years 1998 through 2003.

(E) Applicability of title 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

Other Sections of 23 U.S.C. with Bicycle and Pedestrian issues as amended by TEA 21.

Eligibility Issues

§101(a) Definitions.—In this title, the following definitions apply:

(35) Transportation enhancement activities.—The term ‘transportation enhancement activities’ means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

§103. Federal-aid systems

(b) National Highway System.—

(6) Eligible Projects for NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

§133. Surface Transportation Program

(b) Eligible Projects.—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

(3) Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with section 217, and modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) Location of Projects.—Except as provided in subsection (b)(1), surface transportation program projects (other than those described in subsections (b)(3) and (4)) may not be undertaken on roads functionally classified as local or rural minor collectors, unless such roads are on a Federal-aid highway system on January 1, 1991, and except as approved by the Secretary.