

request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.

(f) The provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.

(Added Pub. L. 91-605, title I, §112(a), Dec. 31, 1970, 84 Stat. 1720; amended Pub. L. 95-599, title I, §129(f), Nov. 6, 1978, 92 Stat. 2708; Pub. L. 96-106, §9, Nov. 9, 1979, 93 Stat. 798; Pub. L. 100-17, title I, §133(b)(16), Apr. 2, 1987, 101 Stat. 172.)

#### AMENDMENTS

1987—Subsec. (a). Pub. L. 100-17 inserted reference in first sentence to Commonwealth of the Northern Mariana Islands.

1979—Subsec. (f). Pub. L. 96-106 substituted “chapter 1” for “chapters 1 and 5”.

1978—Subsec. (a). Pub. L. 95-599 substituted “100 per centum” for “70 per centum”.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-599 effective with respect to obligations incurred after Nov. 6, 1978, see section 129(h) of Pub. L. 95-599, set out as a note under section 120 of this title.

#### AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS ENDING SEPTEMBER 30, 1979, 1980, AND 1982

Pub. L. 95-599, title I, §104(a)(12), Nov. 6, 1978, 92 Stat. 2691, provided that: “For carrying out section 215(a) of title 23, United States Code—

“(A) for the Virgin Islands, not to exceed \$5,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

“(B) for Guam, not to exceed \$5,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

“(C) for American Samoa, not to exceed \$1,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

“Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.”

#### AUTHORIZATION OF APPROPRIATIONS, THREE-MONTH PERIOD ENDING SEPTEMBER 30, 1976, AND FISCAL YEARS ENDING SEPTEMBER 30, 1977, AND 1978

Pub. L. 94-280, title I, §105(a)(12), May 5, 1976, 90 Stat. 427, authorized the appropriation of not to exceed \$1,250,000 for the Virgin Islands and Guam and not to exceed \$250,000 for American Samoa for the three-month period ending Sept. 30, 1976, and not to exceed \$5,000,000 for the Virgin Islands and Guam and not to exceed \$1,000,000 for American Samoa for the fiscal years ending Sept. 30, 1977, and 1978, such sums to be available for obligation at the beginning of the fiscal year for which authorized.

#### AUTHORIZATION OF APPROPRIATIONS, FISCAL YEARS ENDING JUNE 30, 1974, 1975, AND 1976

Pub. L. 93-87, title I, §104(a)(12), Aug. 13, 1973, 87 Stat. 252, authorized the appropriation for each of fiscal years ending June 30, 1974, 1975, and 1976 of not to exceed \$5,000,000 for the Virgin Islands, not to exceed \$2,000,000 for Guam, and not to exceed \$1,000,000 for American Samoa, such sums to be available for obligation at the beginning of the fiscal year for which authorized.

#### AUTHORIZATION OF APPROPRIATIONS, FISCAL YEARS ENDING JUNE 30, 1971, 1972, AND 1973

Section 112(c), (d) of Pub. L. 91-605 authorized the appropriation of not to exceed \$2,000,000 for each of fiscal years ending June 30, 1971, 1972, and 1973, for the Virgin Islands and Guam, and \$500,000 for American Samoa, to carry out section 215(a) of this title; the sums appropriated for fiscal 1971 to be made available immediately and sums appropriated for fiscal 1972 and 1973 to be available at the beginning of the fiscal year for which authorized.

### § 216. Darien Gap Highway

(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the “Darien Gap” to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the “Darien Gap Highway”. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

(b) The construction authorized by this section shall be under the administration of the Secretary who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

(e) For the purposes of this section the term “construction” does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings.

(Added Pub. L. 91-605, title I, §113(a), Dec. 31, 1970, 84 Stat. 1721.)

## AUTHORIZATION OF APPROPRIATIONS

Section 113(c) of Pub. L. 91-605 provided that: "There is hereby authorized to be appropriated not to exceed \$100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code."

**§ 217. Bicycle transportation and pedestrian walkways**

(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.

(Added Pub. L. 93-87, title I, §124(a), Aug. 13, 1973, 87 Stat. 262; amended Pub. L. 94-280, title I, §134, May 5, 1976, 90 Stat. 441; Pub. L. 95-599, title I, §141(h), Nov. 6, 1978, 92 Stat. 2712; Pub. L. 97-424, title I, §126A, formerly §126, Jan. 6, 1983, 96 Stat. 2116, renumbered §126A, Pub. L. 100-17, title I, §133(a)(2), Apr. 2, 1987, 101 Stat. 170; Pub. L. 100-17, title I, §127, Apr. 2, 1987, 101 Stat. 167; Pub. L. 102-240, title I, §1033, Dec. 18, 1991, 105 Stat. 1975; Pub. L. 104-59, title III, §310(b), Nov. 28, 1995, 109 Stat. 582; Pub. L. 105-178, title I, §1202(a), June 9, 1998, 112 Stat. 168.)

## AMENDMENTS

1998—Subsec. (b). Pub. L. 105-178, §1202(a)(1), inserted "pedestrian walkways and" after "construction of" and struck out "(other than the Interstate System)" after "on the National Highway System".

Subsec. (e). Pub. L. 105-178, §1202(a)(2), struck out "other than a highway access to which is fully controlled," after "located on a highway".

Subsec. (g). Pub. L. 105-178, §1202(a)(3), added subsec. (g) and struck out heading and text of former subsec.