§ 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 for the construction of a pedestrian walkway and bicycle transportation facilities on land adjacent to any highway on the National Highway System.

(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.


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.

(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—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, §127, Apr. 2, 1987, 101 Stat. 167; title I, §133(a)(2), Apr. 2, 1987, 101 Stat. 170; Pub. L. 96–286, title III, §310(b), added subsec. (g) and struck out heading and text of former subsec. (g). Text read as follows: “Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed pursuant to an overall plan to be developed by each metropolitan planning organization and State and incorporated into their comprehensive annual long-range plans in accordance with sections 134 and 135 of this title, respectively. Such plans shall provide due consideration for safety and contiguous routes.”

Subsec. (h)(3), Pub. L. 105–178, §1202(a)(5), substituted “motorized wheelchairs; and” for “No motorized vehicles may not” for “No motorized vehicles shall” in introductory provisions.

Subsec. (i), Pub. L. 105–178, §1202(a)(4), added par. (4) as (5).

Subsec. (j), Pub. L. 105–178, §1202(a)(7), added subsec. (j) and struck out heading and text of former subsec. (j). Text read as follows: “For purposes of this section, a ‘bicycle transportation facility’ means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.”

1995—Subsec. (f), Pub. L. 104–59 substituted “determined in accordance with section 120(b)” for “80 percent”.

1991—Pub. L. 102–240 substituted “walkways” for “walkway” in section catchline and amended text generally, substituting present provisions for provisions authorizing States to construct pedestrian walkways and bicycle lanes, paths, etc., as Federal-aid highway projects, relating to safe accommodation of bicycles on bridge with deck replaced or rehabilitated with Federal participation, prohibiting bicycle project under this section unless principally for transportation purposes, deeming walkway and bicycle projects as highway projects and setting Federal share at 100 per cent, allowing use of funds authorized for forest highways, forest development roads and trails, etc., for construction of walkways and bicycle routes, prohibiting use of motor vehicles on trails and walkways, and relating to obligation of funds.

1987—Subsec. (b)(1), Pub. L. 100–17 inserted “and sums apportioned or allocated for highway substitute projects in accordance with section 103(e)(4) of this title after ‘title’ in second sentence.

1983—Subsec. (a), Pub. L. 97–424 designated as subsec. (a) that portion of former subsec. (a) relating to pedestrian walkways. Remainder of former subsec. (a) relating to bicycles was redesignated (b)(1).

Subsec. (b), Pub. L. 97–424 redesignated as par. (1) that portion of former subsec. (a) relating to bicycles and added par. (2) and (3). Provisions of former subsec. (b) relating to pedestrian walkways and bicycle projects were redesignated (c) and (d), respectively.

Subsec. (c), Pub. L. 97–424 redesignated as subsec. (c) that portion of former subsec. (b) relating to pedestrian walkways. Provisions of former subsec. (c) relating to pedestrian walkways and to bicycle routes were redesignated (e) and (f), respectively.

Subsec. (d), Pub. L. 97–424 redesignated as subsec. (d) that portion of former subsec. (b) relating to bicycle projects. Former subsec. (d) redesignated (g).
Subsec. (e). Pub. L. 97–424 redesignated as subsec. (e) that portion of former subsec. (c) relating to pedestrian walkways. Former subsec. (e) redesignated (h) and amended.

Subsec. (f). Pub. L. 97–424 redesignated as subsec. (f) that portion of former subsec. (c) relating to bicycle routes.

Subsec. (g). Pub. L. 97–424 redesignated former subsec. (d) as (g).

Subsec. (h). Pub. L. 97–424 redesignated former subsec. (e) as (h), substituted reference to subsecs. (a), (b), (e), and (f) of this section for reference to former subsecs. (a) and (c), and substituted provision that no State shall obligate more than $4,500,000 for such projects in any fiscal year, except that the Secretary may, upon application, waive this limitation for a State for any fiscal year for provision that no State was to obligate more than $2,500,000 for such projects for any fiscal year.

Subsec. (a). Pub. L. 95–599 inserted provision relating to energy conservation and struck out requirement that such construction be in conjunction with Federal-aid highways.

Subsec. (b). Pub. L. 94–280 substituted "$45,000,000" for "$40,000,000" and "$2,500,000" for "$2,000,000".

Effective Date of 1991 Amendment
Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 1460, as amended by Pub. L. 110–244, title I, §106, June 18, 2008, 122 Stat. 1602, provided that:

(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 [June 9, 1998].