

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2012 AMENDMENT**

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES

Pub. L. 112-81, div. B, title XXVIII, § 2816(b), Dec. 31, 2011, 125 Stat. 1689, provided that:

“(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act [Dec. 31, 2011], the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order No. 127887 [12788] (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

“(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).”

SEPARATE BUDGET REQUEST FOR PROGRAM

Pub. L. 112-81, div. B, title XXVIII, § 2816(c), Dec. 31, 2011, 125 Stat. 1689, provided that: “Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States.”

[§ 211. Repealed. Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173]

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 909, related to timber access road hearings.

[§ 212. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 909, related to the Inter-American Highway.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

[§ 213. Repealed. Pub. L. 114-94, div. A, title I, § 1109(c)(2), Dec. 4, 2015, 129 Stat. 1343]

Section, added Pub. L. 112-141, div. A, title I, § 1122(a), July 6, 2012, 126 Stat. 494, related to transportation alternatives.

A prior section 213, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 911, related to construction of Rama Road in Republic of Nicaragua, prior to repeal by Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

[§ 214. Repealed. Pub. L. 112-141, div. A, title I, § 1119(b), July 6, 2012, 126 Stat. 491]

Section, added Pub. L. 87-866, § 6(b), Oct. 23, 1962, 76 Stat. 1147; amended Pub. L. 97-424, title I, § 126(d), Jan. 6, 1983, 96 Stat. 2115, related to public lands development roads and trails.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

[§ 215. Repealed. Pub. L. 112-141, div. A, title I, § 1114(b)(2)(A), July 6, 2012, 126 Stat. 468]

Section, added Pub. L. 109-59, title I, § 1118(a), Aug. 10, 2005, 119 Stat. 1179, related to territorial highway program.

A prior section 215, 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, related to territorial highway program, prior to repeal by Pub. L. 109-59, title I, § 1118(a), Aug. 10, 2005, 119 Stat. 1179.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

[§ 216. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 91-605, title I, § 113(a), Dec. 31, 1970, 84 Stat. 1721, related to the Darien Gap Highway.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 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)(4) of this title for construction of pedestrian walkways and bicycle and shared micro-mobility transportation facilities and for carrying out nonconstruction projects related to safe access for bicyclists and pedestrians.

(b) USE OF NATIONAL HIGHWAY PERFORMANCE PROGRAM 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)(4) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation up to 2 positions of bicycle and pedestrian coordinator for promoting and facilitating the increased use of non-motorized 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 pedestrians or bicyclists are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of pedestrians or bicyclists 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 or a bicycle or shared micromobility 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.—

(A) IN GENERAL.—The term “electric bicycle” means a bicycle—

(i) equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts;

(ii) that can safely share a bicycle transportation facility with other users of such facility; and

(iii) that is a class 1 electric bicycle, class 2 electric bicycle, or class 3 electric bicycle.

(B) CLASSES OF ELECTRIC BICYCLES.—

(i) CLASS 1 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term “class 1 electric bicycle” means an electric bicycle, other than a class 3 electric bicycle, equipped with a motor that—

(I) provides assistance only when the rider is pedaling; and

(II) ceases to provide assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

(ii) CLASS 2 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term “class 2 electric bicycle” means an electric bicycle equipped with a motor that—

(I) may be used exclusively to propel the bicycle; and

(II) is not capable of providing assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

(iii) CLASS 3 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term “class 3 electric bicycle” means an electric bicycle equipped with a motor that—

(I) provides assistance only when the rider is pedaling; and

(II) ceases to provide assistance when the speed of the bicycle reaches or exceeds 28 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; Pub. L. 109-59, title I, § 1954, Aug. 10, 2005, 119 Stat. 1515; Pub. L. 112-141, div. A, title I, § 1104(c)(4), July 6, 2012, 126 Stat. 427; Pub. L. 114-94, div. A, title I, § 1446(a)(13), Dec. 4, 2015, 129 Stat. 1438; Pub. L. 117-58, div. A, title I, §§ 11133, 11525(p), Nov. 15, 2021, 135 Stat. 514, 608.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, § 11133(1), substituted “pedestrian walkways and bicycle and shared micromobility” for “pedestrian walkways and bicycle” and “safe access for bicyclists and pedestrians” for “safe bicycle use”.

Subsec. (d). Pub. L. 117-58, §§ 11133(2), 11525(p), substituted “104(b)(4)” for “104(b)(3)” and “up to 2 positions” for “a position”.

Subsec. (e). Pub. L. 117-58, § 11133(3), substituted “pedestrians or bicyclists” for “bicycles” in two places.

Subsec. (f). Pub. L. 117-58, § 11133(4), substituted “or a bicycle or shared micromobility” for “and a bicycle”.

Subsec. (j)(2). Pub. L. 117-58, § 11133(5), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “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.”

2015—Subsec. (a). Pub. L. 114-94 substituted “104(b)(4)” for “104(b)(3)”.

2012—Subsec. (b). Pub. L. 112-141 substituted “National Highway Performance Program” for “National Highway System” in heading.

2005—Subsec. (c). Pub. L. 109-59 struck out “in conjunction with such trails, roads, highways, and parkways” before period at end.

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. (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). Pub. L. 105-178, § 1202(a)(4), substituted “Motorized vehicles may not” for “No motorized vehicles shall” in introductory provisions.

Subsec. (h)(3). Pub. L. 105-178, § 1202(a)(5), substituted “motorized wheelchairs;” for “when State and local regulations permit, motorized wheelchairs; and”.

Subsec. (h)(4), (5). Pub. L. 105-178, § 1202(a)(6), added par. (4) and redesignated former 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 centum, 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 pars. (2) and (3). Provisions of former subsec. (b) relating to pedestrian walkways and bicycles 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 subssecs. (a), (b), (e), and (f) of this section for reference to former subssecs. (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.

1978—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.

1976—Subsec. (e). Pub. L. 94-280 substituted “\$45,000,000” for “\$40,000,000” and “\$2,500,000” for “\$2,000,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

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 104 of this title.

ACTIVE TRANSPORTATION INFRASTRUCTURE INVESTMENT PROGRAM

Pub. L. 117-58, div. A, title I, §11529, Nov. 15, 2021, 135 Stat. 612, provided that:

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary [of Transportation] shall carry out an active transportation infrastructure investment program to make grants, on a competitive basis, to eligible organizations to construct eligible projects to provide safe and connected active transportation facilities in an active transportation network or active transportation spine.

“(b) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible organization shall submit to the Secretary an application in such manner and containing such information as the Secretary may require.

“(2) ELIGIBLE PROJECTS PARTIALLY ON FEDERAL LAND.—With respect to an application for an eligible project that is located in part on Federal land, an eligible organization shall enter into a cooperative agreement with the appropriate Federal agency with jurisdiction over such land to submit an application described in paragraph (1).

“(c) APPLICATION CONSIDERATIONS.—In making a grant for construction of an active transportation network or active transportation spine under this section, the Secretary shall consider the following:

“(1) Whether the eligible organization submitted a plan for an eligible project for the development of walking and bicycling infrastructure that is likely to provide substantial additional opportunities for walking and bicycling, including effective plans—

“(A) to create an active transportation network connecting destinations within or between communities, including schools, workplaces, residences, businesses, recreation areas, and other community areas, or create an active transportation spine connecting two or more communities, metropolitan regions, or States; and

“(B) to integrate active transportation facilities with transit services, where available, to improve access to public transportation.

“(2) Whether the eligible organization demonstrates broad community support through—

“(A) the use of public input in the development of transportation plans; and

“(B) the commitment of community leaders to the success and timely implementation of an eligible project.

“(3) Whether the eligible organization provides evidence of commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate significant increases in walking and bicycling.

“(4) The extent to which the eligible organization demonstrates commitment of State, local, or eligible Federal matching funds, and land or in-kind contributions, in addition to the local match required under subsection (f)(1), unless the applicant qualifies for an exception under subsection (f)(2).

“(5) The extent to which the eligible organization demonstrates that the grant will address existing disparities in bicyclist and pedestrian fatality rates based on race or income level or provide access to jobs and services for low-income communities and disadvantaged communities.

“(6) Whether the eligible organization demonstrates how investment in active transportation will advance safety for pedestrians and cyclists, accessibility to jobs and key destinations, economic competitiveness, environmental protection, and quality of life.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Of the amounts made available to carry out this section and subject to paragraphs (2) and (3), the Secretary shall obligate—

“(A) not less than 30 percent to eligible projects that construct active transportation networks that connect people with public transportation, businesses, workplaces, schools, residences, recreation areas, and other community activity centers; and

“(B) not less than 30 percent to eligible projects that construct active transportation spines.

“(2) PLANNING AND DESIGN GRANTS.—Each fiscal year, the Secretary shall set aside not less than \$3,000,000 of the funds made available to carry out this section to provide planning grants for eligible organizations to develop plans for active transportation networks and active transportation spines.

“(3) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary shall set aside not more than \$2,000,000 of the funds made available to carry out this section to cover the costs of administration, research, technical assistance, communications, and training activities under the program.

“(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection prohibits an eligible organization from receiving research or other funds under title 23 or 49, United States Code.

“(e) GRANT TIMING.—

“(1) REQUEST FOR APPLICATION.—Not later than 30 days after funds are made available to carry out this section for a fiscal year, the Secretary shall publish in the Federal Register a request for applications for grants under this section for that fiscal year.

“(2) SELECTION OF GRANT RECIPIENTS.—Not later than 150 days after funds are made available to carry out this section for a fiscal year, the Secretary shall select grant recipients of grants under this section for that fiscal year.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of an eligible project carried out using a grant under this section shall not exceed 80 percent of the total project cost.

“(2) EXCEPTION FOR DISADVANTAGED COMMUNITIES.—For eligible projects serving communities with a poverty rate of over 40 percent based on the majority of census tracts served by the eligible project, the Secretary may increase the Federal share of the cost of the eligible project up to 100 percent of the total project cost.

“(g) ASSISTANCE TO INDIAN TRIBES.—In carrying out this section, the Secretary may enter into grant agreements, self-determination contracts, and self-governance compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) with Indian tribes that are eligible organizations, and such agreements, contracts, and compacts shall be administered in accordance with that Act.

“(h) REPORTS.—

“(1) INTERIM REPORT.—Not later than September 30, 2024, the Secretary shall submit to Congress a report containing the information described in paragraph (3).

“(2) FINAL REPORT.—Not later than September 30, 2026, the Secretary shall submit to Congress a report containing the information described in paragraph (3).

“(3) REPORT INFORMATION.—A report submitted under this subsection shall contain the following, with respect to the period covered by the applicable report:

“(A) A list of grants made under this section.

“(B) Best practices of eligible organizations that receive grants under this section in implementing eligible projects.

“(C) Impediments experienced by eligible organizations that receive grants under this section in developing and shifting to active transportation.

“(i) RULE REQUIRED.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Sec-

retary shall issue a final rule that encourages the use of the programmatic categorical exclusion, expedited procurement techniques, and other best practices to facilitate productive and timely expenditures for eligible projects that are small, low-impact, and constructed within an existing built environment.

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000 for each of fiscal years 2022 through 2026.

“(2) AVAILABILITY.—The amounts made available to carry out this section shall remain available until expended.

“(k) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

“(l) DEFINITIONS.—In this section:

“(1) ACTIVE TRANSPORTATION.—The term ‘active transportation’ means mobility options powered primarily by human energy, including bicycling and walking.

“(2) ACTIVE TRANSPORTATION NETWORK.—The term ‘active transportation network’ means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect between destinations within a community or metropolitan region.

“(3) ACTIVE TRANSPORTATION SPINE.—The term ‘active transportation spine’ means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails that connect between communities, metropolitan regions, or States.

“(4) COMMUNITY.—The term ‘community’ means a geographic area that is socioeconomically interdependent and may include rural, suburban, and urban jurisdictions.

“(5) ELIGIBLE ORGANIZATION.—The term ‘eligible organization’ means—

“(A) a local or regional governmental organization, including a metropolitan planning organization or regional planning organization or council;

“(B) a multicounty special district;

“(C) a State;

“(D) a multistate group of governments; or

“(E) an Indian tribe.

“(6) ELIGIBLE PROJECT.—The term ‘eligible project’ means an active transportation project or group of projects—

“(A) within or between a community or group of communities, at least one of which falls within the jurisdiction of an eligible organization, which has submitted an application under this section; and

“(B) that has—

“(i) a total cost of not less than \$15,000,000; or

“(ii) with respect to planning and design grants, planning and design costs of not less than \$100,000.

“(7) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(8) TOTAL PROJECT COST.—The term ‘total project cost’ means the sum total of all costs incurred in the development of an eligible project that are approved by the Secretary as reasonable and necessary, including—

“(A) the cost of acquiring real property;

“(B) the cost of site preparation, demolition, and development;

“(C) expenses related to the issuance of bonds or notes;

“(D) fees in connection with the planning, execution, and financing of the eligible project;

“(E) the cost of studies, surveys, plans, permits, insurance, interest, financing, tax, and assessments;

“(F) the cost of construction, rehabilitation, reconstruction, and equipping the eligible project;

“(G) the cost of land improvements;

“(H) contractor fees;

“(I) the cost of training and education related to the safety of users of any bicycle or pedestrian network or spine constructed as part of an eligible project; and

“(J) any other cost that the Secretary determines is necessary and reasonable.”

NONMOTORIZED TRANSPORTATION PILOT PROGRAM

Pub. L. 109–59, title I, §1807, Aug. 10, 2005, 119 Stat. 1460, as amended by Pub. L. 110–244, title I, §106, June 6, 2008, 122 Stat. 1602, provided that:

“(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish and carry out a nonmotorized transportation pilot program to construct, in the following 4 communities selected by the Secretary, a network of nonmotorized transportation infrastructure facilities, including sidewalks, bicycle lanes, and pedestrian and bicycle trails, that connect directly with transit stations, schools, residences, businesses, recreation areas, and other community activity centers:

“(1) Columbia, Missouri.

“(2) Marin County, California.

“(3) Minneapolis, Minnesota.

“(4) Sheboygan County, Wisconsin.

“(b) PURPOSE.—The purpose of the program shall be to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within selected communities.

“(c) GRANTS.—In carrying out the program, the Secretary [of Transportation] may make a grant of \$6,250,000 per fiscal year for each of the communities set forth in subsection (a) to State, local, and regional agencies that the Secretary determines are suitably equipped and organized to carry out the objectives and requirements of this section. An agency that receives a grant under this section may suballocate grant funds to a nonprofit organization to carry out the program under this section.

“(d) STATISTICAL INFORMATION.—In carrying out the program, the Secretary [of Transportation] shall develop statistical information on changes in motor vehicle, nonmotorized transportation, and public transportation usage in communities participating in the program and assess how such changes decrease congestion and energy usage, increase the frequency of bicycling and walking, and promote better health and a cleaner environment.

“(e) REPORTS.—The Secretary [of Transportation] shall submit to Congress an interim report not later than September 30, 2007, and a final report not later than September 30, 2010, on the results of the program.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$25,000,000 for each of fiscal years 2006 through 2009.

“(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the project shall be 100 percent, and the funds shall remain available until expended and shall not be transferable.

“(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.”

DESIGN GUIDANCE

Pub. L. 105–178, title I, §1202(b), June 9, 1998, 112 Stat. 169, 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].”

ENERGY CONSERVATION BICYCLE TRANSPORTATION PROGRAM; REPORT

Pub. L. 95-619, title VI, § 682, Nov. 9, 1978, 92 Stat. 3287, set forth findings respecting an energy conservation bicycle transportation program and required a study and report not more than one year after Nov. 9, 1978, by the Secretary of Transportation for bicycle use potential, etc.

BIKEWAY CONSTRUCTION PROJECTS

Pub. L. 95-599, title I, § 141(a)–(e), (i), Nov. 6, 1978, 92 Stat. 2711, 2712, related to establishment by Secretary of design and construction standards for bikeway construction projects and to grants to States for bikeway construction projects, prior to repeal by Pub. L. 100-17, title I, § 133(e)(2), Apr. 2, 1987, 101 Stat. 173.

BIKEWAY DEMONSTRATION PROGRAM

Pub. L. 93-643, § 119, Jan. 4, 1975, 88 Stat. 2288, authorized grants to States for demonstration projects for construction of bikeways, prior to repeal by Pub. L. 100-17, title I, § 133(e)(2), Apr. 2, 1987, 101 Stat. 173.

§ 218. Alaska Highway

(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, the Secretary may provide for the necessary reconstruction of the highway using funds awarded through an applicable competitive grant program, if the highway meets all applicable eligibility requirements for the program, except for the specific requirements established by the agreement for the Alaska Highway Project between the Government of the United States and the Government of Canada. In addition to the funds described in the previous sentence, notwithstanding any other provision of law and on agreement with the State of Alaska, the Secretary is authorized to expend on such highway or the Alaska Marine Highway System any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum. No expenditures shall be made for the construction of the portion of such highways that are in Canada unless an agreement is in place between the Government of Canada and the Government of the United States (including an agreement in existence on the date of enactment of the Surface Transportation Reauthorization Act of 2021) that provides, in part, that the Canadian Government—

(1) will provide, without participation of funds authorized under this title, all necessary

right-of-way for the reconstruction of such highways;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

(4) will continue to grant reciprocal recognition of vehicle registration and driver's licenses in accordance with agreements between the United States and Canada; and

(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work undertaken in Canada pursuant to this section shall be under the general supervision of the Secretary.

(c) For purposes of this section, the term “Alaska Marine Highway System” includes all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, operation, repair, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads.

(d) Notwithstanding any other provision of law, a project assisted under this section in the State of Alaska shall be treated as a project on a Federal-aid highway under chapter 1.

(Added Pub. L. 93-87, title I, § 127(a)(1), Aug. 13, 1973, 87 Stat. 264; amended Pub. L. 94-147, Dec. 12, 1975, 89 Stat. 803; Pub. L. 97-424, title I, § 158, Jan. 6, 1983, 96 Stat. 2135; Pub. L. 105-277, div. A, § 101(g) [title III, § 316], Oct. 21, 1998, 112 Stat. 2681-439, 2681-468; Pub. L. 108-7, div. I, title III, § 327, Feb. 20, 2003, 117 Stat. 413; Pub. L. 109-59, title IV, § 4409, Aug. 10, 2005, 119 Stat. 1778; Pub. L. 112-141, div. A, title I, § 1519(c)(10), formerly § 1519(c)(11), July 6, 2012, 126 Stat. 576, renumbered § 1519(c)(10), Pub. L. 114-94, div. A, title I, § 1446(d)(5)(B), Dec. 4, 2015, 129 Stat. 1438; Pub. L. 117-58, div. A, title I, § 11116, div. G, title XI, § 71103(g)(2), Nov. 15, 2021, 135 Stat. 482, 1326.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Surface Transportation Reauthorization Act of 2021, referred to in subsec. (a), is the date of enactment of div. A of Pub. L. 117-58, which was approved Nov. 15, 2021.

AMENDMENTS

2021—Pub. L. 117-58, § 11116, amended section generally. Prior to amendment, section read as follows:

“(a) Notwithstanding any other provision of law upon agreement with the State of Alaska, the Secretary is authorized to expend on the Alaska Marine Highway System any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum.

“(b) For purposes of this section, the term “Alaska Marine Highway System” includes all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads.”