

2012—Subsec. (a)(2). Pub. L. 112-141 inserted “, in consultation with the Secretary of Transportation,” before “shall determine”.

2011—Subsec. (a)(2). Pub. L. 112-81 inserted at end “The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.”

2008—Subsec. (a). Pub. L. 110-417 designated existing provisions as par. (1) and added par. (2).

2006—Subsec. (e). Pub. L. 109-284 substituted “sections 3114 to 3116 and 3118 of title 40” for “the Act of February 26, 1931; 46 Stat. 1421”.

1998—Subsecs. (e), (g), (h). Pub. L. 105-178 substituted “State transportation department” for “State highway department” wherever appearing.

1987—Subsec. (g). Pub. L. 100-17 substituted “Transportation” for “Commerce”.

1983—Subsec. (c). Pub. L. 97-424 substituted “Funds appropriated for defense maneuvers and exercises” for “Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422)”.

1961—Subsec. (h). Pub. L. 87-61 added subsec. (h).

1960—Subsec. (g). Pub. L. 86-657 added subsec. (g).

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 micromobility 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