

Appendix K – Title 23 United States Code

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§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 non-construction projects related to safe bicycle use.
- 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)(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 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 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.**
 - a. **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.
 - b. **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:
 - a. maintenance purposes;
 - b. when snow conditions and State or local regulations permit, snowmobiles;
 - c. motorized wheelchairs;

- d. when State or local regulations permit, electric bicycles; and
- e. such other circumstances as the Secretary deems appropriate. [See the Framework for Considering Motorized Use on Non-Motorized Trails and Pedestrian Walkways]

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.

Definitions. In this section, the following definitions apply:

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.

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.

Pedestrian. The term ‘pedestrian’ means any person traveling by foot and any mobility impaired person using a wheelchair.

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.

See also: Bicycle and Pedestrian Legislation in Title 23 United States Code (U.S.C.)