

**§ 650.809**

Technical Advisory 5140.19, Pier Protection and Warning Systems for Bridges Subject to Ship Collisions, dated February 11, 1983.

(g) Special navigational clearances shall normally not be provided for accommodation of floating construction equipment of any type that is not required for navigation channel maintenance. If the navigational clearances are influenced by the needs of such equipment, the USCG should be consulted to determine the appropriate clearances to be provided.

(h) For projects which require FHWA approval of plans, specifications and estimates, preliminary bridge plans shall be approved at the appropriate level by FHWA for structural concepts, hydraulics, and navigational clearances prior to submission of the permit application.

(i) If the HA bid plans contain alternative designs for the same configuration (fixed or movable), the permit application shall be prepared in sufficient detail so that all alternatives can be evaluated by the USCG. If appropriate, the USCG will issue a permit for all alternatives. Within 30 days after award of the construction contract, the USCG shall be notified by the HA of the alternate which was selected. The USCG procedure for evaluating permit applications which contain alternates is presented in its Bridge Administration Manual (COMDT INST M16590.5).<sup>3</sup> The FHWA policy on alternates, Alternate Design for Bridges; Policy Statement, was published at 48 FR 21409 on May 12, 1983.

**§ 650.809 Movable span bridges.**

A fixed bridge shall be selected wherever practicable. If there are social, economic, environmental or engineering reasons which favor the selection of a movable bridge, a cost benefit analysis to support the need for the movable bridge shall be prepared as a part of the preliminary plans.

<sup>3</sup>United States Coast Guard internal directives are available for inspection and copying as prescribed in 49 CFR part 7, appendix B.

**23 CFR Ch. I (4-1-01 Edition)**

**PART 652—PEDESTRIAN AND BICYCLE ACCOMMODATIONS AND PROJECTS**

- Sec.
- 652.1 Purpose.
- 652.3 Definitions.
- 652.5 Policy.
- 652.7 Eligibility.
- 652.9 Federal participation.
- 652.11 Planning.
- 652.13 Design and construction criteria.

AUTHORITY: 23 U.S.C. 109, 217, 315, 402(b)(1)(F); 49 CFR 1.48(b).

SOURCE: 49 FR 10662, Mar. 22, 1984, unless otherwise noted.

**§ 652.1 Purpose.**

To provide policies and procedures relating to the provision of pedestrian and bicycle accommodations on Federal-aid projects, and Federal participation in the cost of these accommodations and projects.

**§ 652.3 Definitions.**

(a) *Bicycle*. A vehicle having two tandem wheels, propelled solely by human power, upon which any person or persons may ride.

(b) *Bikeway*. Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

(c) *Bicycle Path (Bike Path)*. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

(d) *Bicycle Lane (Bike Lane)*. A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

(e) *Bicycle Route (Bike Route)*. A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

(f) *Shared Roadway*. Any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such

## Federal Highway Administration, DOT

## § 652.7

facility is specifically designated as a bikeway.

(g) *Pedestrian Walkway or Walkway*. A continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

(h) *Highway Construction Project*. A project financed in whole or in part with Federal-aid or Federal funds for the construction, reconstruction or improvement of a highway or portions thereof, including bridges and tunnels.

(i) *Independent Bicycle Construction Project (Independent Bicycle Project)*. A project designation used to distinguish a bicycle facility constructed independently and primarily for use by bicyclists from an improvement included as an incidental part of a highway construction project.

(j) *Independent Pedestrian Walkway Construction Project (Independent Walkway Project)*. A project designation used to distinguish a walkway constructed independently and solely as a pedestrian walkway project from a pedestrian improvement included as an incidental part of a highway construction project.

(k) *Incidental Bicycle or Pedestrian Walkway Construction Project (Incidental Feature)*. One constructed as an incidental part of a highway construction project.

(l) *Nonconstruction Bicycle Project*. A bicycle project not involving physical construction which enhances the safe use of bicycles for transportation purposes.

(m) *Snowmobile*. A motorized vehicle solely designed to operate on snow or ice.

### § 652.5 Policy.

The safe accommodation of pedestrians and bicyclists should be given full consideration during the development of Federal-aid highway projects, and during the construction of such projects. The special needs for the elderly and the handicapped shall be considered in all Federal-aid projects that include pedestrian facilities. Where current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort shall be made to minimize the detrimental effects on all highway

users who share the facility. On highways without full control of access where a bridge deck is being replaced or rehabilitated, and where bicycles are permitted to operate at each end, the bridge shall be reconstructed so that bicycles can be safely accommodated when it can be done at a reasonable cost. Consultation with local groups of organized bicyclists is to be encouraged in the development of bicycle projects.

### § 652.7 Eligibility.

(a) Independent bicycle projects, incidental bicycle projects, and non-construction bicycle projects must be principally for transportation rather than recreational use and must meet the project conditions for authorization where applicable.

(b) The implementation of pedestrian and bicycle accommodations may be authorized for Federal-aid participation as either incidental features of highways or as independent projects where all of the following conditions are satisfied.

(1) The safety of the motorist, bicyclist, and/or pedestrian will be enhanced by the project.

(2) The project is initiated or supported by the appropriate State highway agency(ies) and/or the Federal land management agency. Projects are to be located and designed pursuant to an overall plan, which provides due consideration for safety and contiguous routes.

(3) A public agency has formally agreed to:

(i) Accept the responsibility for the operation and maintenance of the facility,

(ii) Ban all motorized vehicles other than maintenance vehicles, or snowmobiles where permitted by State or local regulations, from pedestrian walkways and bicycle paths, and

(iii) Ban parking, except in the case of emergency, from bicycle lanes that are contiguous to traffic lanes.

(4) The estimated cost of the project is consistent with the anticipated benefits to the community.

(5) The project will be designed in substantial conformity with the latest official design criteria. (See § 652.13.)

[49 FR 10662, Mar. 22, 1984; 49 FR 14729, Apr. 13, 1984]

## § 652.9

## 23 CFR Ch. I (4–1–01 Edition)

### § 652.9 Federal participation.

(a) Independent walkway projects, independent bicycle projects and nonconstruction bicycle projects shall be financed with 100 percent Federal-aid primary, secondary or urban highway funds, provided the total amount obligated for all such projects in any one State in any fiscal year does not exceed \$4.5 million of Federal-aid funds or a lesser amount apportioned by the Federal Highway Administrator to avoid exceeding the annual \$45 million cost limitation on these projects for all States in a fiscal year. The Federal Highway Administrator may, upon application, waive this limitation for a State for any fiscal year. This limitation also applies to projects funded under § 652.9(d). This limitation does not apply to projects of the type described in § 652.9(c). The FHWA Offices of Direct Federal Programs and Engineering will coordinate projects of the type described in § 652.9(d) to ensure that the annual cost limitations will not be exceeded.

(b) Specific eligibility requirements for Federal-aid participation in independent and nonconstruction projects are:

(1) An independent walkway project must be constructed on highway right-of-way or easement, or right-of-way acquired for this purpose. Independent walkway projects may be constructed separately or in conjunction with a Federal-aid highway construction project. Where an independent walkway project is located away from the Federal-aid highway right-of-way, it must serve pedestrians who would normally desire to use the Federal-aid route.

(2) An independent bicycle project may include the acquisition of land needed for the facility, or such projects may be constructed on existing highway right-of-way or easement acquired for this purpose. Independent bicycle projects may include construction of bicycle lanes, paths, shelters, bicycle parking facilities and other roadway and bridge work necessary to accommodate bicyclists.

(3) Nonconstruction bicycle projects must be related to the safe use of bicycles for transportation, and may include safety educational material and

route maps for safe bicycle transportation purposes. Nonconstruction bicycle projects shall not include salaries for administration, law enforcement, maintenance and similar items required to operate transportation networks and programs, but may include cost of staff or consultants for development of specific nonconstruction projects.

(c) Bicycle and pedestrian accommodations may also be constructed as incidental features of highway construction projects. These incidental features may be financed with the same type of Federal-aid funds, including funds of the type described in § 652.9(d) (except Interstate construction funds) and at the same Federal share payable as a basic highway project. These accommodations are not subject to the funding limitations for independent walkway, independent bicycle and nonconstruction bicycle projects. In the case of the Interstate construction projects, Federal-aid Interstate construction funds may only be used to replace existing facilities that would be interrupted by construction of the project, or to mitigate specific environmental impacts. Interstate 4R funds provided by 23 U.S.C. 104(b)(5)(B) may be used only for incidental features. As incidental features, these accommodations must be part of a highway improvement and must be located within the right-of-way of the highway, including land acquired under 23 U.S.C. 319 (Scenic Enhancement Program).

(d) Funds authorized for Federal lands highways (forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads), forest development roads and trails (i.e., roads or trails under the jurisdiction of the Forest Service), and public lands development roads and trails (i.e., roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his/her control), may be used for independent bicycle routes and independent walkway projects. These funds may not be used for nonconstruction bicycle projects.

## Federal Highway Administration, DOT

## § 655.403

### § 652.11 Planning.

Federally aided bicycle and pedestrian projects implemented within urbanized areas must be included in the transportation improvement program/annual (or biennial) element unless excluded by agreement between the State and the metropolitan planning organization.

### § 652.13 Design and construction criteria.

(a) The American Association of State Highway and Transportation Officials' "Guide for Development of New Bicycle Facilities, 1981" (AASHTO Guide) or equivalent guides developed in cooperation with State or local officials and acceptable to the division office of the FHWA, shall be used as standards for the construction and design of bicycle routes. Copies of the AASHTO Guide may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, NW., Suite 225, Washington, DC 20001.

(b) Curb cuts and other provisions as may be appropriate for the handicapped are required on all Federal and Federal-aid projects involving the provision of curbs or sidewalks at all pedestrian crosswalks.

## PART 655—TRAFFIC OPERATIONS

### Subparts A–C [Reserved]

### Subpart D—Traffic Surveillance and Control

Sec.  
655.401 Purpose.  
655.403 Traffic surveillance and control systems.  
655.405 Policy.  
655.407 Eligibility.  
655.409 Traffic engineering analysis.  
655.411 Project administration.

### Subpart E [Reserved]

### Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

655.601 Purpose.  
655.602 Definitions.  
655.603 Standards.  
655.604 Achieving basic uniformity.  
655.605 Project procedures.  
655.606 Higher cost materials.  
655.607 Funding.

APPENDIX TO SUBPART F—ALTERNATE METHOD OF DETERMINING THE COLOR OF RETROREFLECTIVE SIGN MATERIALS

### Subpart G [Reserved]

AUTHORITY: 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315, and 402(a); 23 CFR 1.32 and; 49 CFR 1.48(b).

### Subparts A–C [Reserved]

### Subpart D—Traffic Surveillance and Control

SOURCE: 49 FR 8436, Mar. 7, 1984, unless otherwise noted.

EFFECTIVE DATE NOTE: At 66 FR 1453, Jan. 8, 2001, subpart D of part 655, consisting of §§ 655.401, 655.403, 655.405, 655.407, 655.409, and 655.411, was removed and reserved, effective Feb. 7, 2001. At 66 FR 9198, Feb. 7, 2001, the effective date was delayed until Apr. 8, 2001.

### § 655.401 Purpose.

The purpose of this regulation is to provide policies and procedures relating to Federal-aid requirements of traffic surveillance and control system projects.

### § 655.403 Traffic surveillance and control systems.

(a) A traffic surveillance and control system is an array of human, institutional, hardware and software components designed to monitor and control traffic, and to manage transportation on streets and highways and thereby improve transportation performance, safety, and fuel efficiency.

(b) Systems may have various degrees of sophistication. Examples include, but are not limited to, the following systems: traffic signal control, freeway surveillance and control, and highway advisory radio, reversible lane control, tunnel and bridge control, adverse weather advisory, remote control of movable bridges, and priority lane control.

(c) Systems start-up is the process necessary to assure the surveillance and control project operates effectively. The start-up process is accomplished in a limited time period immediately after the system is functioning