

all projects for public lands development roads and trails and for general supervision by the Secretary of their construction.

§ 215. Territorial highway program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PROGRAM.—The term “program” means the territorial highway program established under subsection (b).

(2) TERRITORY.—The term “territory” means any of the following territories of the United States:

- (A) American Samoa.
- (B) The Commonwealth of the Northern Mariana Islands.
- (C) Guam.
- (D) The United States Virgin Islands.

(b) PROGRAM.—

(1) IN GENERAL.—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each government of a territory in the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors, that is—

- (A) designated by the Governor or chief executive officer of each territory; and
- (B) approved by the Secretary.

(2) FEDERAL SHARE.—The Federal share of Federal financial assistance provided to territories under this section shall be in accordance with section 120(h).

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—To continue a long-range highway development program, the Secretary may provide technical assistance to the governments of the territories to enable the territories to, on a continuing basis—

- (A) engage in highway planning;
- (B) conduct environmental evaluations;
- (C) administer right-of-way acquisition and relocation assistance programs; and
- (D) design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.

(2) FORM AND TERMS OF ASSISTANCE.—Technical assistance provided under paragraph (1), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by subsection (e).

(d) NONAPPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Except to the extent that provisions of chapter 1 are determined by the Secretary to be inconsistent with the needs of the territories and the intent of the program, chapter 1 (other than provisions of chapter 1 relating to the apportionment and allocation of funds) shall apply to funds authorized to be appropriated for the program.

(2) APPLICABLE PROVISIONS.—The agreement required by subsection (e) for each territory shall identify the sections of chapter 1 that are applicable to that territory and the extent of the applicability of those sections.

(e) AGREEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (4), none of the funds made available for the program shall be available for obligation or expenditure with respect to any territory until the chief executive officer of the territory enters into an agreement with the Secretary (not later than 1 year after the date of enactment of SAFETEA-LU), providing that the government of the territory shall—

(A) implement the program in accordance with applicable provisions of chapter 1 and subsection (d);

(B) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with standards that are—

- (i) appropriate for each territory; and
- (ii) approved by the Secretary;

(C) provide for the maintenance of facilities constructed or operated under this section in a condition to adequately serve the needs of present and future traffic; and

(D) implement standards for traffic operations and uniform traffic control devices that are approved by the Secretary.

(2) TECHNICAL ASSISTANCE.—The agreement required by paragraph (1) shall—

(A) specify the kind of technical assistance to be provided under the program;

(B) include appropriate provisions regarding information sharing among the territories; and

(C) delineate the oversight role and responsibilities of the territories and the Secretary.

(3) REVIEW AND REVISION OF AGREEMENT.—The agreement entered into under paragraph (1) shall be reevaluated and, as necessary, revised, at least every 2 years.

(4) EXISTING AGREEMENTS.—With respect to an agreement under the section between the Secretary and the chief executive officer of a territory that is in effect as of the date of enactment of the SAFETEA-LU—

(A) the agreement shall continue in force until replaced by an agreement entered into in accordance with paragraph (1); and

(B) amounts made available for the program under the existing agreement shall be available for obligation or expenditure so long as the agreement, or the existing agreement entered into under paragraph (1), is in effect.

(f) PERMISSIBLE USES OF FUNDS.—

(1) IN GENERAL.—Funds made available for the program may be used only for the following projects and activities carried out in a territory:

(A) Eligible surface transportation program projects described in section 133(b).

(B) Cost-effective, preventive maintenance consistent with section 116(d).

(C) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

(D) Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.

(E) Studies of the economy, safety, and convenience of highway use.

(F) The regulation and equitable taxation of highway use.

(G) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

(2) PROHIBITION ON USE OF FUNDS FOR ROUTINE MAINTENANCE.—None of the funds made available for the program shall be obligated or expended for routine maintenance.

(g) LOCATION OF PROJECTS.—Territorial highway projects (other than those described in paragraphs (1), (3), and (4) of section 133(b)) may not be undertaken on roads functionally classified as local.

(Added Pub. L. 109-59, title I, §1118(a), Aug. 10, 2005, 119 Stat. 1179.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA-LU, referred to in subsec. (e)(1), (4), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

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.

§ 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 subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

(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.

(Added Pub. L. 91-605, title I, §113(a), Dec. 31, 1970, 84 Stat. 1721.)

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