



## FHWA Guidance - (Updated October 22, 2008) Bicycle and Pedestrian Provisions of Federal Transportation Legislation

This page was revised on October 22, 2008 to:

1. Replace references to TEA-21 and SAFETEA-LU that are codified into Federal surface transportation law.
2. To make technical corrections and clarifications.
3. To include references and links to other policies or guidelines and to new links.

### On this page:

1. [Introduction](#)
2. [Policy: Mainstreaming Nonmotorized Transportation](#)
3. [Incidental Projects](#)
4. [General Funding Requirements](#)
5. [Summary of Eligibility Issues](#)
6. [Summary of Matching Funds Requirements](#)
7. [Planning](#)
8. [Streamlining Procedures](#)
9. [Project Selection](#)
10. [Design Guidance](#)
11. [Conclusion](#)
12. [Appendix One](#) - Title 23 U.S.C. § 217
13. [Appendix Two](#) - Funding Sources
14. [Appendix Three](#) - Planning Guidance

---

## Introduction

On August 10, 2005, President Bush signed into law the Safe Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users ([SAFETEA-LU](#)). The legislation updated Titles [23](#) and [49](#) of the [United States Code](#) (U.S.C.) and built on the significant changes made to Federal transportation policy and programs by the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) and the 1998 Transportation Equity Act for the 21st Century ([TEA-21](#)). The legislation had a number of provisions to improve conditions for bicycling and walking and increase the safety of the two modes. This document describes the range of opportunities to improve conditions for bicycling and walking.

[TOP](#)

## Policy: Mainstreaming Nonmotorized Transportation

Federal transportation policy is to increase nonmotorized transportation to at least 15 percent of all trips and to simultaneously reduce the number of nonmotorized users killed or injured in traffic crashes by at least 10 percent. This policy, which was adopted in 1994 as part of the National Bicycling and Walking Study, remains a high priority for the U.S. Department of Transportation (DOT). SAFETEA-LU continued to provide the funding opportunities, planning processes, and policy language by which States and metropolitan areas can achieve this ambitious national goal.

Improving conditions and safety for bicycling and walking embodies the spirit and intent of Federal surface transportation law and policy to create an integrated, intermodal transportation system which provides travelers with a real choice of transportation modes. State and local agencies are challenged to work together cooperatively with transportation providers, user groups, and the public to develop plans, programs, and projects which reflect this vision. At the Federal level, the Federal Highway Administration (FHWA) is working with the National Highway Traffic Safety Administration ([NHTSA](#)), the Federal Transit Administration (FTA), the Federal Railroad Administration (FRA), and other agencies, to implement the bicycle and pedestrian provisions of Federal surface transportation law. This guidance document provides additional information on this important subject.

SAFETEA-LU confirmed and continued the principle in Federal surface transportation law that the safe accommodation of nonmotorized users shall be considered during the planning, development, and construction of all Federal-aid transportation projects and programs. To varying extents, bicyclists and pedestrians will be present on all highways and transportation facilities where they are permitted and it is clearly the intent of Federal surface transportation law that all new and improved transportation facilities be planned, designed, and constructed with this fact in mind.

The long range metropolitan and statewide transportation plans, and the Metropolitan and Statewide Transportation Improvement Programs shall "provide for the development and integrated management and operation of transportation facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system... (23 U.S.C. [134\(c\)\(2\)](#) and [135\(a\)\(2\)](#))

The process in developing the long-range statewide and metropolitan transportation plans and transportation improvement plans is to consider "...all modes of transportation..." (23 U.S.C. [134\(c\)\(3\)](#) and [135\(a\)\(3\)](#))

The long-range metropolitan and statewide transportation plans are to "provide for the development and implementation of the intermodal transportation system". (23 U.S.C. [134\(i\)\(2\)](#) and [135\(f\)\(1\)](#))

SAFETEA-LU added "representatives of users of pedestrian walkways and bicycle transportation facilities" to the list of "interested parties" with whom metropolitan areas and States must include in the development of the long range metropolitan and Statewide transportation plans. (23 U.S.C. [134\(i\)\(5\)](#) and [135\(f\)\(3\)\(A\)](#))

Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State..." (23 U.S.C. [217\(g\)\(1\)](#))

"Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction and transportation facilities, except where bicycle and pedestrian use are not permitted." (23 U.S.C. [217\(g\)\(1\)](#))

"Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians." (23 U.S.C. [217\(g\)\(2\)](#))

"In any case where a highway bridge deck is being replaced or rehabilitated with Federal financial participation, and bicyclists are permitted on facilities at or near each end of such bridge, and the safe accommodation of 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." (23 U.S.C. [217\(e\)](#))

"The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonable alternate route or such a route exists." (23 U.S.C. [109\(m\)](#))

While these sections stop short of requiring specific bicycle and pedestrian accommodation in every transportation project, Congress clearly intends for bicyclists and pedestrians to have safe, convenient access to the transportation system and sees every transportation improvement as an opportunity to enhance the safety and convenience of the two modes. "Due consideration" of bicycle and pedestrian needs should include, at a minimum, a presumption that bicyclists and pedestrians will be accommodated in the design of new and improved transportation facilities. In the planning, design, and operation of transportation facilities, bicyclists and pedestrians should be included as a matter of routine, and the decision to not accommodate them should be the exception rather than the rule. There must be exceptional circumstances for denying bicycle and pedestrian access either by prohibition or by designing highways that are incompatible with safe, convenient walking and bicycling.

TEA-21 Section 1202(b) required FHWA to undertake a design study to "develop guidance on the various approaches to accommodating bicycles and pedestrian travel" and to report back to Congress by December 9, 1999. The guidance clarified those "exceptional circumstances" where bicyclists and pedestrians may not be accommodated. This [Design Guidance](#) language can be found at [www.fhwa.dot.gov/environment/bikeped/design.htm](http://www.fhwa.dot.gov/environment/bikeped/design.htm). Supplementary guidance to clarify a number of issues in the original design guidance can be found at [www.fhwa.dot.gov/environment/bikeped/supdesgn.htm](http://www.fhwa.dot.gov/environment/bikeped/supdesgn.htm). Even where circumstances are exceptional and bicycle use and walking are either prohibited or made incompatible, States, MPOs, and local governments must still ensure that bicycle and pedestrian access along the corridor served by the new or improved facility is not made more difficult or impossible. For example, there may be ways to provide alternate routes on parallel surface streets that are still safe and convenient, or to provide shuttle bus service on major bridge crossings.

Maintaining access to the transportation system for nonmotorized users is not an optional activity. Section [109\(m\)](#) of Title 23, United States Code, states that "The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonable alternate route or such a route exists."

Bicyclists and pedestrians have the same origins and destinations as other transportation system users and it is important for them to have safe and convenient access to airports, ports, ferry services, transit terminals, and other intermodal facilities as well as to jobs, services, recreation facilities, and neighborhoods. Federal surface transportation law places a strong emphasis on creating a seamless transportation system that all users can enjoy and use efficiently and safely.



## Incidental Projects

There are many simple and cost-effective ways to integrate nonmotorized users into the design and operation of our transportation system by including bicycle and pedestrian accommodation as an incidental part of larger ongoing projects. Examples include:

- Providing paved shoulders on new and reconstructed roads.
- Restriping roads (either as a stand-alone project or after a resurfacing or reconstruction project) to create a wider outside lane or striped bike lanes.
- Building sidewalks and trails, and marking crosswalks or on-street bike lanes as a part of new highways, and requiring new transit vehicles to have bicycle racks and/or hooks already installed.

There are usually a number of good reasons for doing these things without specific reference to bicycle and pedestrian access -- shoulders are good for motorist safety as well as providing bicyclists a place to ride -- and the broad eligibility of bicycle and pedestrian facilities in all the major Federal surface transportation funding programs means that incidental improvements such as these are appropriate to be included as part of larger transportation projects.



## General Funding Requirements

### a) Flexibility.

Federal surface transportation law provides tremendous flexibility to States and MPOs to fund bicycle and pedestrian improvements from a wide variety of programs. Virtually all the major transportation funding programs can be used for bicycle and pedestrian-related projects. When considering ways to improve conditions for bicycling and walking, States and MPOs are specifically encouraged to:

- Include bicycle and pedestrian improvements as an incidental part of larger projects, as described above, and
- To review and use the most appropriate funding source for a particular project and not rely primarily on the [Transportation Enhancement](#) activities. Many bicycle and pedestrian projects are more suitable for funding under the [Congestion Mitigation and Air Quality Improvement Program](#), Surface Transportation Program, or one of the other programs listed in Appendix 2.

### b) Transportation Purpose.

Section 217(i) of Title 23 requires that bicycle projects be "principally for transportation rather than recreation purposes", with the exception of the [Recreational Trails Program](#) under which projects should be for recreational use. FHWA has determined that to meet the "transportation purpose" requirement, a bicycle facility must be more than a closed loop trail within a park that can only be used for recreational purposes - users must be able to get somewhere other than back to their starting point. Beyond this, any bicycle facility providing access from one point to another can and will be used for transportation purposes and is therefore eligible for Federal-aid funding. Section 217(i) only applies to **bicycle projects**, not to projects to accommodate pedestrians and [other users](#).

### c) Motorized Vehicle Use.

In general, motorized vehicles are not permitted on nonmotorized trails and pedestrian walkways funded under Title 23. Exceptions to this general rule exist for maintenance vehicles; motorized wheelchairs; when State or local regulations permit, snowmobiles; and electric bicycles (weighing under 100 pounds and a top speed of less than 20 miles per hour); "and such other circumstances as the Secretary deems appropriate" (except the [Recreational Trails Program](#) which specifically provides funds for motorized trails). In 2008, FHWA developed a [Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways](#) to implement the "other circumstances" provision.

Figure 1 provides an overview of the availability of Federal transportation funds for a wide variety of bicycle and pedestrian projects and offers guidance as to the most appropriate potential funding category for a range of typical projects and programs. For a detailed description of the eligibility requirements and other factors related to each funding program, please refer to Appendix 2.

**Fig. 1 Bicycle/Pedestrian Funding Opportunities**

	NHS	STP	HSIP	SRTS	TEA	CMAQ	RTP	FTA	TE	BRI	402	PLA	TCSP	JOBS	FLH	BYW
Bicycle and pedestrian plan		*				*						*	*			
Bicycle lanes on roadway	*	*	*	*	*	*		*	*	*					*	*

Paved Shoulders	*	*	*	*	*	*				*					*	*
Signed bike route	*	*		*	*	*									*	*
Shared use path/trail	*	*		*	*	*	*			*					*	*
Single track hike/bike trail							*									
Spot improvement program		*	*	*	*	*										
Maps		*		*		*					*					
Bike racks on buses		*			*	*		*	*							
Bicycle parking facilities		*		*	*	*		*	*							*
Trail/highway intersection	*	*	*	*	*	*	*								*	*
Bicycle storage/service center		*		*	*	*		*	*			*	*			
Sidewalks, new or retrofit	*	*	*	*	*	*		*	*	*					*	*
Crosswalks, new or retrofit	*	*	*	*	*	*		*	*						*	*
Signal improvements	*	*	*	*	*	*										
Curb cuts and ramps	*	*	*	*	*	*										
Traffic calming		*	*	*								*				
Coordinator position		*		*		*						*				
Safety/education position		*		*		*					*					
Police Patrol		*		*							*					
Helmet Promotion		*		*	*						*					
Safety brochure/book		*		*	*	*	*				*					
Training		*		*	*	*	*				*					

**KEY**

NHS National Highway System

BRI [Bridge](#)

STP Surface Transportation Program

402 State and Community Traffic Safety Program

HSIP [Highway Safety Improvement Program](#)

PLA State/Metropolitan Planning Funds

SRTS [Safe Routes to School Program](#)TCSP [Transportation and Community and System Preservation Pilot Program](#)

TEA	<a href="#">Transportation Enhancement Activities</a>	JOBBS	<a href="#">Access to Jobs/Reverse Commute Program</a>
CMAQ	<a href="#">Congestion Mitigation/Air Quality Program</a>	RTP	<a href="#">Recreational Trails Program</a>
FLH	<a href="#">Federal Lands Highway Program</a>	FTA	<a href="#">Federal Transit Capital, Urban &amp; Rural Funds</a>
BYW	<a href="#">Scenic Byways</a>	TE	Transit Enhancements



## Summary of Eligibility Issues

Bicycle and pedestrian projects are broadly eligible for most Federal surface transportation funding categories. Eligibility does not, however, guarantee that bicycle and pedestrian projects, plans, and programs will be funded -- States and MPOs retain broad control over project selection procedures and choices and can set their own priorities for funding within the categories described above.

Eligibility issues relating to individual projects may arise in one of the following areas:

**Transportation purpose.** Bicycle projects must be principally for transportation purposes (23 U.S.C. 217(i)). Any bicycle facility that provides access from one point to another can and will be used for transportation purposes and is therefore eligible for Federal aid funding. The exception to this rule is the [Recreational Trails Program](#) (RTP) under which projects may be for recreational purposes. However, projects funded by the RTP are not necessarily ineligible for other Federal-aid highway funds, for example for a second or subsequent phase of the project, and other Federal-aid highway funds may be used to make up the matching fund requirements for RTP projects. The "transportation purpose" provision does not apply to pedestrian, [equestrian](#), or any other kind of project.

**Nonconstruction activities.** Most Federal-aid funding is focused on construction projects. However, non-construction bicycle and pedestrian projects are also eligible for STP (including the enhancement set-aside), the Highway Safety Improvement Program, and the CMAQ Program (23 U.S.C. 217(a)). State and Community Highway Safety Grant Program funds (Section 402) are to be used exclusively for nonconstruction activities.

**Bicycle and pedestrian coordinator positions.** Bicycle and pedestrian coordinator positions at State DOTs can be funded from STP or CMAQ funding. (23 U.S.C. 217(d))

**Projects on local roads.** Funds under Title 23 generally may be used only for projects that are on the Federal-aid highway system -- which typically does not include local or minor collector roads. However, bicycle and pedestrian projects not located on the Federal-aid highway system may be funded under the STP (and therefore also under the [Transportation Enhancement Activities](#), [Congestion Mitigation and Air Quality Improvement Program](#)) and under the [Bridge](#) Program. [Highway Safety Improvement Program](#) funds may be spent on any public highway or trail. (23 U.S.C. [133](#)(c), exceptions for (b)(3) and 4); 23 U.S.C. [144](#)(g)(2); 23 U.S.C. [148](#)(d))



## Summary of Matching Funds Requirements

Most Federal-aid highway funding programs require a 20 percent State match of Federal funds. This general rule is adjusted for States with significant Federal land holdings: a [sliding scale](#) up to 95 percent Federal funding is determined according to the percentage of Federal land holdings in the State. The matching ratio for bicycle and pedestrian projects is the same as for all other activities under the same program.

There are however, important exceptions to the general 80/20 rule related to programs that fund bicycle and pedestrian projects, including:

For the Highway Safety Improvement Program, the Federal share is 90 percent, subject to the sliding scale rates, except that the Federal share is 100 percent; for certain safety improvements listed in 23 U.S.C. [120](#)(c).

Bicycle-related transit projects are 90 percent Federal and may increase to 95 percent Federal for bicycle-related transit enhancement projects;

[Federal Lands Highway](#) projects are 100 percent Federal;

Individual [Transportation Enhancement](#) and [Recreational Trails Program](#) projects may exceed the 80 percent Federal share provided the State program overall matches at the 80/20 level.

The State and/or local funds used to match Federal-aid highway projects may include [donations of funds, materials, services, or right-of-way](#). (23 U.S.C. 323(c))

See specific funding programs for additional information on Federal share requirements.



## Planning

The transportation planning process established in 1991 in ISTEA was amended in TEA-21, and revised in SAFETEA-LU. States and metropolitan areas (with populations of more than 50,000) are required to plan for the "development and integrated management and operation of transportation facilities (including [accessible](#) pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system..." (23 U.S.C. [134\(c\)\(2\)](#) and [135\(a\)\(2\)](#)). The planning process for both States and metropolitan areas is further required to consider a range of projects and strategies including those which will increase the safety and security of the transportation system for nonmotorized users, increase accessibility and mobility options available to people, improve the quality of life, and enhance the integration and connectivity of the transportation system for people.

23 U.S.C. [217](#) calls for the planning for bicyclists and pedestrians to be an integral part of the ongoing transportation planning process, and that projects and programs identified in the planning process should be implemented:

"Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State.

"Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction and transportation facilities, except where bicycle and pedestrian use are not permitted."

"Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians."

States and MPOs are required to produce two basic planning documents: a Long-range Transportation Plan and a Transportation Improvement Program (TIP) or Statewide Transportation Improvement Program (STIP). The Long-range Transportation Plans have at least a 20-year horizon and must be regularly updated. The TIPs/STIPs must list approved projects for which there is identified funding for each of the following three years, and must be periodically updated.

The Long-range Transportation Plans set the long term direction for transportation investment and typically include a broad vision statement, long-term goals and objectives, policy statements, and priority areas for the State or metropolitan area. Metropolitan plans will identify specific projects, and statewide plans may also provide this level of detail. In addition, the plans might identify important corridors which need study, or programmatic areas (such as [improving access for people with disabilities](#)) that will receive special attention. Coverage of bicycle and pedestrian issues may be integrated into the overall transportation plan or contained in a separate plan which is incorporated by reference into the overall plan. In the latter instance, a separate bicycle and pedestrian plan may contain planning and design guidance related to shared use paths, on-street facilities for bicyclists, sidewalks, crosswalks, and other pedestrian facilities which will determine how nonmotorized infrastructure is developed in the years ahead. Further guidance on the content and scope of bicycle and pedestrian planning is provided in Appendix 3.

The TIPs/STIPs comprise a list of the specific projects which will be undertaken by the State or MPO in each of the following three years, each with a short description of the actions to be taken. Every project in the TIP/STIP must be consistent with projects, programs, and/or policies contained in the long range plan and must have an identified source of funding.

Specific requirements for the TIPs/STIPs include:

The process in developing the long-range [statewide](#) and [metropolitan](#) transportation plans and transportation improvement plans is to consider "...all modes of transportation..." (23 U.S.C. [134\(c\)\(3\)](#) and [135\(a\)\(3\)](#))

The long-range metropolitan and statewide transportation plans are to "provide for the development and implementation of the intermodal transportation system". (23 U.S.C. [134\(i\)\(2\)](#) and [135\(f\)\(1\)](#))

SAFETEA-LU added "representatives of users of pedestrian walkways and bicycle transportation facilities" to the list of "interested parties" with whom metropolitan areas and States must include in the development of the long range metropolitan and statewide transportation plan. (23 U.S.C. [134\(i\)\(5\)](#) and [135\(f\)\(3\)\(A\)](#))

Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State..." (23 U.S.C. [217\(g\)\(1\)](#))



## Streamlining Procedures

In many ways, bicycling and walking embody the goals and objectives of ISTEA, TEA-21, and SAFETEA-LU: the two modes quietly, cleanly, efficiently, and effectively serve local transportation needs including work, shopping, school, and personal trips. They are also critical to ensuring that people can get to and from transit services. Because of that, FHWA

has provided maximum opportunities for States to streamline the approval and implementation of bicycle and pedestrian projects and programs. It makes no sense for activities such as crosswalk striping, bicycle parking installation, and bike line marking - which usually require no additional right-of-way and cause no negative environmental impact - to have the same approval process as a multi-lane highway construction project. States and MPOs are encouraged to take advantage of the following streamlining measures and to take any additional steps they can to speed up the implementation of projects that improve conditions for bicycling and walking.

The construction of bicycle and pedestrian facilities, and non-construction activities, normally are exempt from having to complete a project-specific Environmental Impact Assessment under the [National Environmental Policy Act](#) (NEPA).

There are flexibilities for the Federal share for [Transportation Enhancement](#) and [Recreational Trails Program](#) projects (see links).

States may allow in-kind contributions such as volunteer labor, land donations, and in-kind services to count towards State matching funds, provided that a cash value can be attributed to the donated time, resource or product. See [Donations](#).

Transportation Enhancement and Recreational Trails Program projects not located within highway right-of-way may be procured using State procedures and do not need to follow Federal bidding procedures. See [Procurement Memo](#). Except for unusual circumstances, bicycle and pedestrian projects are not normally required to undergo a Section 4 (f) evaluation (FHWA Memo, May 23, 1977). See [Section 4\(f\) Policy Paper section on bikeways](#).

Davis-Bacon requirements for wage rates apply to projects greater than \$2,000 that are located within an existing right-of-way or that are linked to a Federal-aid facility based on proximity or impact. Thus, Davis-Bacon does not apply to projects whose eligibility is based on function such as shared-use paths located outside the highway right-of-way. See [Davis Bacon memo](#).

Bicycle and pedestrian projects of a similar nature may be grouped together for the purposes of funding without each project having to be approved individually.

Independent bicycle and pedestrian facilities are exempt from transportation conformity requirements. However, bicycle and pedestrian projects that are incidental elements of larger transportation projects may experience a delay in implementation while the requirements are met for the larger project.



TOP

## Project Selection

States and MPOs have enormous freedom to fund transportation projects which best meet their local needs and respond to local input - project selection for many of the Federal-aid funding programs rests exclusively out of the hands of the Federal government. Thus, bicycle and pedestrian projects enjoy wide eligibility for funding in almost all the funding programs but are not guaranteed or required to be funded. Similarly, State and MPO transportation plans must address bicycle and pedestrian issues, but there is no quantifiable minimum amount of attention which must be paid to the two modes in those planning documents.

FHWA [Division Office](#) and [Headquarters](#) staff may be called upon to determine the eligibility of projects for certain funding categories, explain streamlining procedures, and serve as members of project selection panels. They are no longer the final arbiters of the project selection process.

Therefore, a State may decide to use all or none of its Transportation Enhancement or CMAQ funds on bicycle and pedestrian projects - States are free to make that choice based on their own priorities. However, it should be clear there is nothing in Federal transportation legislation forcing them to make that decision. As an example, a State may choose to sub-allocate certain program funds to MPOs and set aside \$10 million of its STP funds for pedestrian improvements.



TOP

## Design Guidance

Just as the Federal government has stepped out of the role of project selection and approval, so it has allowed States and local governments greater flexibility in the design of streets and highways improved or built with Federal-aid funds. Indeed, 23 CFR 625.3(a)(2) states that "Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards." Therefore, a State may decide to pave a 1.5 meter (five foot) shoulder on all State roads for the benefit of bicyclists (and motorists) or it may choose to leave shoulders unpaved. The application of rumble strips or installation of sidewalks on State roads is a State decision.

For projects on roads which make up the National Highway System (whether or not NHS funds are being used), however, FHWA must ensure that the NHS facility "adequately serves the existing and planned future traffic of the highway in a

manner that is conducive to safety, durability, and economy of maintenance." The Secretary of Transportation, in cooperation with State highway departments, approves design and construction standards for new construction, reconstruction, resurfacing, restoration, or rehabilitation of a highway on the NHS, and those standards may take into account the built and natural environment; the environmental, scenic, aesthetic, historic, preservation, and community impacts; and access for other modes of transportation.

See additional [Design Guidance](#) on FHWA Bicycle and Pedestrian Guidance web page.



## State Bicycle and Pedestrian Coordinator Position

Each State is required to fund a Bicycle and Pedestrian Coordinator position in its State Department of Transportation to promote and facilitate the increased use of nonmotorized transportation. Activities may include developing facilities for the use of pedestrians and bicyclists, and public educational, promotional, and safety programs for using such facilities. CMAQ and STP funds may be used for the Federal share of the cost of the position.

The position is a critical one for the development of bicycle and pedestrian policies and programs at the State level. In most States, the Coordinator is a full-time position with sufficient responsibility to deal effectively with other agencies, State offices, and divisions within the State DOT. Many States have established bicycle and pedestrian offices or teams to deal with the growing interest in these issues, and some have separated the bicycle and pedestrian responsibilities and have program coordinators or managers for each area. See [State DOT Bicycle and Pedestrian Coordinator Contact Information](#).

FHWA's January 28, 1992, [Memorandum on the Designation of Bicycle and Pedestrian Coordinators within State DOTs](#) lists the typical duties and qualities necessary for the position. Experience shows that the coordinator typically acts as an advocate within the agency for bicycle and pedestrian issues, a vital technical resource, and an important point of contact for local agencies and user groups seeking to improve conditions for the two modes.



## Conclusion

Bicycling and walking are important elements of an integrated, intermodal transportation system. Constructing sidewalks, installing bicycle parking at transit, teaching children to ride and walk safely, installing curb cuts and ramps for wheelchairs, striping bike lanes, and building trails all contribute to our national transportation goals of safety, mobility, economic growth and trade, enhancement of communities and the natural environment, and national security.

All of these activities are eligible for funding as part of the Federal Highway Program. Federal surface transportation law continues to confirm the place of bicycling and walking in the mainstream of transportation decisionmaking at the State and local level, and enables communities to encourage more people to bicycle and walk safely.

## Appendix 1

### 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 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.--
  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. [See the [Framework for Considering Motorized Use on Nonmotorized 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:

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. --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.
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.

**See also:** [Bicycle and Pedestrian Legislation in Title 23 United States Code \(U.S.C.\)](#).



## Appendix 2

### Funding Sources: Federal Highway Administration

#### *Interstate Maintenance*

Interstate Maintenance (IM) funding is targeted at maintaining and improving the 46,000 mile Interstate highway system.

*Eligibility-* IM funds may be used for resurfacing, restoration, rehabilitation, and reconstruction (4R) projects. TEA-21 also expanded eligibility of these funds to allow certain additions to the system to be funded.

*Matching funds-* 90 percent Federal, 10 percent State, subject to [sliding scale](#).

*Transferability-* States may transfer no more than 50 percent of their IM apportionments to the NHS, STP, CMAQ, Bridge, and Recreational Trails Program. In addition, States that have Interstate Construction funds may transfer them to the NHS program.

*Discussion-* Prior to SAFETEA-LU, IM fund eligibility was limited to 3R work plus reconstruction of interchanges and overpasses. Section 1107(a) of TEA-21 modified 23 U.S.C. 119 and expanded IM eligibility to include the 4th R - "reconstruction." As a result, other reconstruction work, such as new interchanges, new rest areas, additional noise walls, and other new features may now be funded with IM funds. For instance, "new features" which may involve pedestrian safety and bicycle facilities that are incorporated in the design of new interchanges and overcrossings may be considered eligible for IM funding under the 4th R category. In other words, there are no funds under the IM program which would specifically be set aside for pedestrian and/or bicycle improvements but if included in the design of "new features" on an existing Interstate, these improvements may be eligible for IM funds.

In most western States (and certain Interstate sections in New Jersey and Pennsylvania), bicyclists may use Interstate shoulders. Thus, shoulder reconstruction projects may benefit bicyclists. In addition, the "improvement" and reconstruction of Interstates may involve work on intersections and local road which cross Interstates (e.g. bridges or underpasses) where bicyclists and pedestrians currently have access. In both cases, projects should address the continued safety and convenience of bicyclists and pedestrians on the surface street system and may be used to fund specific bicycle and pedestrian improvements.

Further Information: Implementing Guidance, Interstate Maintenance Program TEA-21 Provisions. August 7, 1998.

### **National Highway System**

The National Highway System (NHS) is composed of 163,000 miles of urban and rural roads serving major population centers, major travel destinations, international border crossings, and intermodal transportation facilities. The Interstate System is part of the National Highway System.

*Eligibility-* Bicycle and pedestrian facilities within NHS corridors are eligible activities for NHS funds, including projects within Interstate rights-of-way. (23 U.S.C. 103(b)(6))

*Matching funds-* 80 percent Federal, 20 percent State, subject to [sliding scale](#).

*Transferability-* A State may transfer up to 50 percent of its NHS funds to the Interstate Maintenance, Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement Program, Bridge Replacement and Rehabilitation (Bridge) Program, and/or the Recreational Trails Program. If approved by the Secretary of Transportation, and if sufficient notice and opportunity for public comment is given, 100 percent of NHS funds may be transferred to the STP.

*Discussion-* Shared use paths along Interstate corridors are eligible for the use of NHS funds, as are bike lane, shoulder and sidewalk improvements on major arterial roads that are part of the NHS, and bicycle and/or pedestrian bridges and tunnels that cross NHS facilities. Examples of paths alongside Interstate facilities include I-90 in Seattle, WA; I-70 in Glenwood Canyon, CO; and I-66 in Arlington, VA. [See Shared Use Paths Along or Near Freeways](#).

Bicyclists and pedestrians can be expected to use NHS facilities, especially in urban and suburban areas, and thus should be accommodated in the design and operation of these facilities. Opportunities to improve conditions for the nonmotorized modes should be taken whenever resurfacing, reconstruction, or expansion projects on NHS routes are undertaken.

Each State has designated its segments of the National Highway System. A map of the NHS is available on-line at <http://www.fhwa.dot.gov/planning/nhs/index.html>, or may be obtained from the FHWA Division Office in each State or the State Department of Transportation.

### **Bridge Program**

The [Highway Bridge Replacement and Rehabilitation Program](#) enables States to replace or rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when those bridges are unsafe.

*Eligibility-* Highway bridges, located on any public road, that are either "functionally obsolete" or "structurally deficient" are eligible for replacement or rehabilitation using Bridge Program funds (23 U.S.C. 144).

In any case where a highway bridge deck is being replaced or rehabilitated with Federal financial participation, and bicyclists are permitted to operate at each end of such bridge, and the safe accommodation of 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 ([23 U.S.C. 217](#)).

*Matching funds-* 80 percent Federal, 20 percent State, subject to [sliding scale](#).

*Transferability-* A State may transfer up to 50 percent of its Bridge program funds to the Interstate Maintenance, National Highway System, Surface Transportation Program (STP), and/or Congestion Mitigation and Air Quality Improvement program.

*Discussion-* Bicyclists and pedestrians are impacted greatly by diversions and obstacles which add even relatively short distances to a trip - the average walking trip is just half a mile - so the lack of access or safe facilities on a bridge can mean trips are not made or short trips are made by car instead. The safety and convenience of bridge crossings of rivers, Interstates, major highways, railway lines, and other corridors are critical for bicyclist and pedestrian mobility as there are often limited opportunities to overcome these obstacles. Bicycle and pedestrian improvements on bridges are usually carried out as an incidental part of a larger replacement or rehabilitation project and funds can be used to provide a range of on-street, sidewalk, and trail facilities depending on the appropriate design for the bridge and the location.

### **Surface Transportation Program**

The Surface Transportation Program (STP) provides States with flexible funds which may be used for a wide variety of projects on any Federal-aid Highway including the NHS, bridges on any public road, and transit facilities.

*Eligibility-* Bicycle and pedestrian improvements are eligible activities under the STP. This covers a wide variety of projects such as on-road facilities, off-road trails, sidewalks, crosswalks, bicycle and pedestrian signals, parking, and other ancillary facilities. The modification of sidewalks to comply with the requirements of the Americans with Disabilities Act is an eligible activity.

As an exception to the general rule described above, STP-funded bicycle and pedestrian facilities may be located on local and collector roads which are not part of the Federal-aid Highway System. In addition, bicycle-related non-construction projects, such as maps, coordinator positions, and encouragement programs, are eligible for STP funds.

NOTE: There is a set-aside program within the STP, funded with 10 percent of STP's total funding. The Transportation Enhancement Activities set-aside is dealt with in later sections.

*Matching funds-* 80 percent Federal, 20 percent State, subject to [sliding scale](#).

*Transferability-* Funds transferred into the STP from the Interstate Maintenance, National Highway System, Congestion Mitigation and Air Quality Improvement, and Bridge programs are not subject to the 10 percent set-asides for the Enhancements and Safety programs. Funds that are sub-allocated to metropolitan areas may not be transferred.

*Discussion-* STP funds are eligible to be spent on a wide variety of improvements for bicycling and walking including, but not limited to, on- and off-road facilities, bicycle parking, planning studies, State and local bicycle and pedestrian coordinator positions, spot improvement programs, sidewalks, crosswalks, and traffic calming projects. As the category of funding with probably the broadest eligibility, the STP should be considered by States and MPOs as a primary source of funds for both independent and incidental bicycle and pedestrian projects, as well as non-construction projects.

### **Transportation Enhancement Activities**

Ten percent of a State's STP apportionment must be set-aside for [Transportation Enhancement](#) (TE) activities.

*Eligibility-* The list of 12 eligible activities includes three which relate specifically to bicycle and pedestrian transportation:

- provision of facilities for bicyclists and pedestrians
- provision of safety and educational activities for pedestrians and bicyclists
- preservation of abandoned railroad corridors (including the conversion and use for pedestrian or bicycle trails).

The category of "safety and educational activities for pedestrians and bicyclists", was added by TEA-21 even though non-construction bicycle and pedestrian projects were already eligible activities under this program by virtue of their inclusion in the overall STP. It is not intended to replace or duplicate existing funding opportunities for bicycle and pedestrian safety training and other educational activities currently available from the National Highway Traffic Safety Administration. Activities such as bicycle safety training for children, pedestrian safety publicity campaigns, and enforcement activities related to bicycle and pedestrian safety are still more appropriately funded under the Section 402 State and Community Traffic Safety Program. However, project sponsors under the Transportation Enhancement Activities are encouraged to integrate safety messages and educational opportunities for bicyclists and pedestrians into enhancement projects through the development of maps, brochures, and other interpretive devices. States may also consider funding stand-alone projects that, through safety messages and educational opportunities, enhance the traveling experience of bicyclists and pedestrians. Examples might include route marking, maps, and interpretive materials.

As with all bicycle and pedestrian activities under the STP, projects using TE funds need not be located on the Federal-aid Highway System and may be non-construction activities. However, enhancement projects should "relate to surface

transportation" and have typically been limited by States to construction projects, planning activities, and related publications rather than salaries and administrative costs.

*Matching funds-* The [TE guidance](#) describes several flexibility provisions.

*Discussion-* As more than half of bicycle and pedestrian improvements using Federal-aid funds come were funded from this source, the range of exemplary projects is wide. Among the most commonly funded activities have been rail-trails, bike lanes, sidewalks, crosswalks, streetscaping, the renovation of train depots to become transportation centers with bike parking and pedestrian access improvements, and bike route signing.

Despite the popularity of the TE activities for bicycle and pedestrian projects, States and MPOs are encouraged to consider other, perhaps more appropriate, sources of funding for these activities. TE supports activities that are not, or have not been, part of the routine design of streets and highways. Many bicycle and pedestrian facilities funded under this program *should* be part of the routine design of streets and highways and would therefore be more appropriately funded as part of STP, NHS, or other projects. TE funds should be reserved for projects that retrofit poorly designed facilities which were completed before the ISTEA/TEA-21 era and for projects that go above and beyond traditional highway designs and projects.

Streamlined Procedures for Enhancement Projects. Numerous provisions have been enacted to streamline the administrative and regulatory procedures surrounding TE project development and implementation. See the [TE Guidance on Streamlining Measures](#).

States are encouraged to use [qualified youth conservation or service corps](#) for construction and maintenance activities under this program.

### **Highway Safety Improvement Program (HSIP)**

SAFETEA-LU established the Highway Safety Improvement Program (HSIP) in 2005. It replaced the previous setaside of each State's STP apportionment for infrastructure safety activities. See <http://safety.fhwa.dot.gov/hsip/> for program information and reporting requirements. HSIP funds can be used for pedestrian and bicycle safety improvements. States may obligate funds under the HSIP to carry out-

1. Any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or
2. As provided under Flexible Funding for States With a Strategic Highway Safety Plan, other safety projects.

### **Safe Routes to School Program**

The [Safe Routes to Schools Program](#) was created by [Section 1404](#) of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act* (SAFETEA-LU). The SRTS Program is funded at \$612 million over five Federal fiscal years (FY 2005-2009) and is to be administered by State Departments of Transportation (DOTs).

The Program provides funds to the States to substantially improve the ability of primary and middle school students to walk and bicycle to school safely. The purposes of the program are:

1. to enable and encourage children, including those with disabilities, to walk and bicycle to school
2. to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
3. to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and middle schools (Grades K-8).

Each State administers its own program and develops its own procedures to solicit and select projects for funding. The program establishes two distinct types of funding opportunities: infrastructure projects (engineering improvements) and non-infrastructure related activities (such as education, enforcement, and encouragement programs). More detail on eligible projects, as well as program set-up is provided in the [SRTS Program Guidance](#) document.

### **Congestion Mitigation and Air Quality Improvement Program**

The [Congestion Mitigation and Air Quality Improvement](#) (CMAQ) Program assists areas designated as nonattainment or maintenance under the Clean Air Act Amendments of 1990 to achieve and maintain healthful levels of air quality by funding transportation projects and programs.

*Eligibility-* Projects funded under the CMAQ program must be located in areas that were designated as a non-attainment area Section 107(d) of the Clean Air Act and classified pursuant to Sections 181(a), 186(a), or 188(a) or (b) of the Clean Air Act.

Projects must be likely to contribute to the attainment of national ambient air quality standards (or the maintenance of such standards where this status has been reached) based on an emissions analysis. Eligible activities include:

- a. Transportation Control Measures published pursuant to Section 108(f) of the Clean Air Act, which includes "limiting portions of the road surface or sections of a metropolitan area to the use of nonmotorized vehicles"; "employer participation in programs to encourage bicycling"; and "programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists in both public and private places."
- b. projects in an approved State Implementation Plan and which will have air quality benefits.
- c. a determination by the Secretary of Transportation, in consultation with the EPA Administrator, that the project or program is likely to contribute to the attainment of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors.
- d. a determination that a traffic monitoring, management, and control facility or program is likely to contribute to the attainment of a national ambient air quality standard.
- e. FHWA's 1996 Guidance on the CMAQ program, which identifies:
  - construction of bicycle and pedestrian facilities
  - nonconstruction projects related to safe bicycle use, and
  - establishment and funding of State bicycle/pedestrian coordinator positions, as established by ISTEA, for the promoting and facilitating the increased use of nonmotorized modes of transportation. This includes public education, promotional, and safety programs for using such facilities.
- f. The 1996 Guidance also identifies a variety of "Newly Eligible Activities" for the CMAQ program that includes outreach activities (with no limit on the number of years for which support may be given), fare and fee subsidy programs and innovative financing mechanisms. Each of these may have direct application to potential bicycle and pedestrian-related activities.

States may allocate CMAQ funds to private and nonprofit entities, under public-private partnership agreements with public agencies, for land, facilities, vehicles, and other expenses.

*Matching funds-* The Federal share for most eligible activities and projects is 80 percent; or 90 percent if used on certain activities on the Interstate System; or up to 100 percent for certain identified activities such as traffic control signalization and carpooling projects.

*Transferability-* Up to 50 percent of the amount by which a State's CMAQ apportionment for the fiscal year exceeds the amount that would have been apportioned for that fiscal year if the CMAQ program had been funded at an annual level of \$1.35 billion may be transferred to the STP, NHS, IM, and/or the Bridge programs. Transferred funds may only be used in nonattainment and maintenance areas.

*Discussion-* the CMAQ program has funded numerous bicycle and pedestrian improvements including bikeway networks in cities such as Philadelphia, Houston, and New York City, pedestrian and bicycle spot improvement programs, bicycle parking, bicycle racks on buses, sidewalks, trails, and promotional programs such as bike-to-work events. CMAQ funds have also been used to fund bicycle and pedestrian coordinator positions at the State and local level.

Further information: FHWA Guidance and other information on the Congestion Mitigation and Air Quality Improvement Program are available on line at <http://www.fhwa.dot.gov/environment/cmaqpgs/index.htm>

### **Recreational Trails Program**

The [Recreational Trails Program](#) provides funds to States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. Each State administers its own program - usually through a State resource or park agency - and develops its own application and project selection process. Each State has a Recreational Trail Advisory Committee to assist with the program.

*Eligibility-* Recreational Trails Program (RTP) funds may be used for:

- maintenance and restoration of existing trails
- development and rehabilitation of trailside and trailhead facilities and trail linkages
- purchase and lease of trail construction and maintenance equipment
- construction of new trails (with restrictions for new trails on Federal lands)
- acquisition of easements or property for trails
- assessment of trail conditions for accessibility and maintenance
- operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.
- State administrative costs related to the program (up to 7 percent of a State's funds)

States must use 30 percent of their funds for motorized trail uses, 30 percent for nonmotorized trail uses and 40 percent for diverse trail uses. The RTP is intended to fund recreational trails and may not be used to improve roads for general passenger vehicle use or to provide shoulders or sidewalks along roads.

*Matching funds-* In general, the maximum Federal share for each project is 80 percent; however, see [RTP Matching Share](#) for more information.

*Transferability-* Up to 50 percent of RTP funds may be transferred to NHS, IM, CMAQ, STP, and/or Bridge programs. Transfers in States where the program is administered by a non-DOT agency will require the concurrence of the administering agency.

*Project sponsors-* States may make grants to private organizations, or to any government entity.

*Discussion-* The RTP provides funds for projects that are primarily for recreational rather than transportation purposes. In most States the RTP is administered by a State resource agency rather than the State DOT. However, projects funded by the Recreational Trails Program are not necessarily ineligible for other Federal-aid highway funds (for example for a second or subsequent phase of a project) and other Federal-aid highway funds may be used to make up the matching fund requirements for RTP projects.

States are encouraged to use qualified youth conservation or service corps for construction and maintenance activities under this program.

Further information on the [Recreational Trails Program](#)

### **Federal Lands Highways Program**

The [Federal Lands Highway Program](#) (FLHP) provides funding for a coordinated program of public roads and transit facilities serving Federal and Indian lands.

*Eligibility-* Provision for pedestrians and bicycles are eligible activities in conjunction with projects on each of the classes of Federal Lands Highways: Forest Highways, Indian Reservation Roads, Park Roads and Parkways, Refuge Roads, and Public Lands Highways.

Project selection is determined by the appropriate Federal Land Agency or tribal government.

*Matching funds-* The Federal share is 100 percent. In addition, FLHP funds may be used as matching funds for other Federal-aid Highway funds including STP, IM, NHS, and CMAQ.

*Transferability-* FLHP funds are not transferable to other programs.

*Discussion-* Bicyclists and pedestrians are legitimate and frequent users of highways on Federal lands and provision for their safety, comfort, and convenience should be integrated into all FLHP projects. Nonmotorized travel to and within Federal lands can help reduce the impact of visitors on the resource and transportation infrastructure, can significantly enhance the enjoyment of Federal lands for users, and can better serve the needs of the residents of communities in and around our public lands.

### **National Scenic Byways Program**

The [National Scenic Byways Program](#) recognizes roads having outstanding scenic, historic, cultural, natural, recreational and archaeological qualities by designating them as National Scenic Byways or All-American Roads.

*Eligibility-* Funds may be spent on a variety of activities including "construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement passing lane, overlook, or interpretive facility." Projects must be either associated with a National Scenic Byway, All-American Road, or a State Scenic Byway.

*Matching funds-* The Federal share is 80 percent.

*Transferability-* No funds are transferable to other programs.

*Discussion-* Bicyclists and pedestrians are likely to be drawn to and use roads designated as Scenic Byways because the very qualities (natural, scenic, cultural, historic, recreational and archaeological) that support their designation are appealing to nonmotorized travelers. Improvements for bicyclists and pedestrians might include the provision of paved shoulders, striped bike lanes, bicycle and pedestrian information signing, parallel shared-use paths, crosswalks and sidewalks, rest stops, and bicycle parking - provided that such facilities do not destroy the qualities inherent in the Scenic Byway and are consistent with the Corridor Management Plan required for such routes.

Further information: [National Scenic Byways](#)

### **High Priority Projects**

*Eligibility-* [High Priority Project](#) funds may be used only for the projects identified in the law.

### **Statewide Planning funds**

*Eligibility-* Two percent of the funds States receive for the IM, NHS, STP, CMAQ and Bridge programs are available only for planning, research, and technology transfer activities. This list includes the Statewide Long Range Transportation Plan and Transportation Improvement Program, and may include bicycle- and pedestrian-related plans, research, and technology transfer activities.

*Matching funds-* Federal share is 80 percent, but this may be increased by the Secretary of Transportation.

*Transferability-* The funds may not be transferred to other programs.

*Discussion-* States are encouraged to use SPR funds to develop the nonmotorized element of the Long Range Transportation Plan, either as a separate planning document or as an integral part of the overall plan. In addition, States are encouraged to fund research and technology transfer activities that will improve conditions for bicyclists and pedestrians in their State.

### **Metropolitan Planning funds**

*Eligibility-* One percent of the funds authorized for the IM, NHS, STP, CMAQ, and Bridge programs are available only for metropolitan transportation planning. The funds are allocated to each State based on the population of urbanized areas in each State. Funds may be used for bicycle- and pedestrian-related plans that are part of the metropolitan transportation planning process.

*Matching funds-* Federal share is 80 percent, but this may be increased by the Secretary of Transportation.

*Transferability-* The funds may not be transferred to other programs.

*Discussion-* Metropolitan Planning Organizations are encouraged to use PL funds to develop the nonmotorized element of the Long Range Transportation Plan, either as a separate planning document or as an integral part of the overall plan.

## **Funding Sources: National Highway Traffic Safety Highway Administration**

### **State and Community Highway Safety Grant Program (Section 402)**

The State and Community Highway Safety Grant Program supports State highway safety programs designed to reduce traffic crashes and resulting deaths, injuries, and property damage.

*Eligibility-* States are eligible for these funds (known as "Section 402 funds") by submitting a Performance Plan, with goals and performance measures, and a Highway Safety Plan describing actions to achieve the Performance Plan. Grant funds are provided to States, the Indian Nations, and Territories each year according to a statutory formula based on population and road mileage.

Funds may be used for a wide variety of highway safety activities and programs including those that improve pedestrian and bicycle safety. States are to consider highly effective programs (previously known as National Priority Program Areas), including bicycle and pedestrian safety, when developing their programs, but are not limited to this list of activities.

*Matching funds-* Federal share is 80 percent.

*Transferability-* Funds are not transferrable to other programs.

*Discussion-* States may determine the kinds of activities on which they spend these funds. States are encouraged to consider bicycle and pedestrian safety initiatives as these are areas of national concern where effective countermeasures have been identified.

States have funded a wide variety of enforcement and educational activities with Section 402 funds including safety brochures; "Share the Road" materials; bicycle training courses for children, adults, and police departments; training courses for traffic engineers; helmet promotions; and safety-related events.

## **Funding Sources: Federal Transit Administration**

### **Urbanized Area Formula Grants (transit)**

The Urbanized Area Formula Grants program provides transit capital and operating assistance to urbanized areas with populations of more than 50,000.

*Eligibility-* Capital projects are defined as including "pedestrian and bicycle access to a mass transportation facility."

*Matching funds-* Federal share is typically 80 percent. However, bicycle projects may be funded at up to a 90 percent Federal share.

*Transferability-* Urbanized Area Formula funds apportioned to Transportation Management Areas (over 200,000 population) which cannot be used for the payment of transit operating expenses may be made available for highway projects if a) such use is approved by the MPO, b) funds are not needed for capital transit investments required by the Americans with Disabilities Act, and c) State and local matching funds are also eligible to be used for either highway or transit projects.

*Discussion -*Urban areas with between 50,000 and 200,000 population may use their allocation of Urbanized Area Formula Grants for capital or operating costs. Urban areas with more than 200,000 may not spend these funds on operating costs but can cover the costs of preventive maintenance as well as other capital costs. These funds may be spent to provide stand-alone bicycle and pedestrian improvements such as bicycle parking and pedestrian access to transit stations, and on larger projects that include bicycle and pedestrian elements, such as the purchase of new buses with bicycle racks.

At least one percent of Urbanized Area Formula funds appropriated to areas with more than 200,000 population must be used for transit enhancement activities, as described below.

### ***Transit Enhancements***

One percent of the Urbanized Area Formula Grants apportioned to urban areas of at least 200,000 population are set aside for a new category of transit enhancements. This program is distinct from the Transportation Enhancement Program.

*Eligibility-* The list of nine eligible activities under the Transit Enhancement Program includes pedestrian access and walkways, and bicycle access, including bicycle storage facilities and installing equipment transporting bicycles on mass transportation vehicles.

*Matching funds-* Federal share for bicycle-related transit enhancements is 95 percent. Federal share for all other transit enhancements is 80 percent.

*Transferability-* One percent of Urbanized Area Formula Grant funds remaining after any transfer of those funds to other sources (see above) must be spent on transit enhancement activities.

*Discussion-* MPOs, in collaboration with transit operators, have the responsibility to determine how the funds in this new category will be allocated to transit projects, and to ensure that one percent of the urbanized area's apportionment (as opposed to one percent of each transit agency's funds) is expended on projects and project elements that qualify as enhancements. The one percent figure is not a maximum or cap on the amount of funding that can be spent on enhancement activities, except for those activities (in particular operating costs for historic facilities) that are only eligible as enhancement activities.

Recipients of transit enhancement funding must submit a report to the relevant FTA Regional Office listing the projects or elements of projects carried out during the previous fiscal year, together with the amount expended.

### ***Formula Program for Other than Urbanized Areas***

The Formula Program for Other than Urbanized Areas provides transit capital and operating assistance to urbanized areas with populations of less than 50,000.

*Eligibility-* Capital projects are defined as including "pedestrian and bicycle access to a mass transportation facility."

*Matching funds-* Federal share is typically 80 percent. However, bicycle projects may be funded at up to a 90 percent Federal share.

*Transferability-* Formula Program for Other than Urbanized Areas funds are not transferable.

*Discussion-* The FTA encourages States to use these funds to expand the coverage of transit service into rural and small urban areas currently unserved, and to improve levels of service in those areas with minimal service. These funds may be spent to provide stand-alone bicycle and pedestrian improvements such as bicycle racks on buses and pedestrian access to transit stations, and on larger projects that include bicycle and pedestrian elements, such as the purchase of new buses with bicycle racks.

### ***Capital Program Grants and Loans***

The renamed Capital Investment Grants and Loans Program (formerly Discretionary Grants) provides transit capital assistance for new fixed guideway systems and extensions to existing fixed guideway systems (New Starts), fixed guideway modernization, and bus and bus related facilities.

*Eligibility-* Capital projects are defined as including "pedestrian and bicycle access to a mass transportation facility."

*Matching funds-* Federal share is typically 80 percent. However, bicycle projects may be funded at up to a 90 percent Federal share.

*Transferability-* Capital program grants are not transferable.

*Discussion-* Transit agencies are encouraged to include facilities and access for bicycles and pedestrians in the design of new transit systems. The purchase of new buses can specify the attachment of bicycle racks, new rolling stock can be ordered to accommodate bicycles on-board, and passenger facilities can be designed to include safe pedestrian access, secure bicycle parking, and convenient access.

### **Funding Sources: Miscellaneous other sources**

#### *Access to Jobs*

The Access to Jobs Program provides competitive grants to local governments and non-profit organizations to develop transportation services to connect welfare recipients and low-income persons to employment and support services. Programs, which must be approved by a transit agency, may include activities that encourage bicycling. Project selection is made by States in communities under 200,000 and MPOs in urban areas with more than 200,000 population. The Federal share for Access to Jobs projects is 50 percent.

#### *Transportation and Community and System Preservation (TCSP) Pilot Program*

The TCSP is a competitive grant program designed to support exemplary or innovative projects that show how transportation projects and plans, community development, and preservation activities can be integrated to create communities with a higher quality of life. The annual grant program is administered by the FHWA, in partnership with the FTA and Environmental Protection Agency, and may be used to fund State, MPO, or local government agencies. Bicycling, walking, and traffic calming projects are eligible activities and may well feature as an integral part of many proposed projects that address larger land use and transportation issues.

#### *Emergency Relief*

An emergency relief fund is available for the reconstruction of highways, roads, and trails in any part of the United States that the Secretary finds has suffered serious damage as a result of natural disaster over a wide area (e.g. flood, hurricane, tidal wave, earthquake) or catastrophic failure from any external cause. The restoration of bicycle and pedestrian facilities, including shared-use paths, is an eligible activity for Emergency Relief funds.

#### *Safety Incentive Programs*

1. **Seat Belt Use:** An incentive program to encourage States to increase seat belt wearing rates rewards those States with higher than average rates with a greater percentage of funding from a \$500 million funding category created by TEA-21. The funds may be used for any project eligible for funding under Title 23 - this includes a range of bicycle and pedestrian projects, both construction and non-construction. The incentive program makes \$82 million available for FY 1999 and this gradually increases to \$112 million by 2002 and 2003. (Section 1404, TEA-21)
2. **0.08 BAC Law.** An incentive program to reward those States that have enacted and are enforcing a 0.08 Blood Alcohol Content law (WA, OR, CA, ID, UT, NM, KS, IL, AL, FL, NC, VA, VT, NH, ME, HI) makes grants available for any project eligible under Title 23 - this includes a wide range of bicycle and pedestrian projects, both construction and non-construction. \$500 million is available over the six years of TEA-21. (Section 1405, TEA-21)
3. **Open Container Law.** In FY 2001 and 2002, States that have not passed a law prohibiting open containers of alcohol in motor vehicles must transfer one and one half percent of their National Highway System, Interstate Maintenance, and Surface Transportation Program funds into their Section 402 State and Community Highway Safety Grant Program fund (for alcohol-impaired driver countermeasures and enforcement) OR they may elect to use some or all of those transferred funds for their Hazard Elimination Program. The Federal share for these transferred funds will be 100 percent. If a State has still not passed such a law by FY 2003, the percentage of funds to be transferred rises to 3 percent. (Section 1406, TEA-21)
4. **Minimum Penalties for DWI and DUI Repeat Offenders.** In FY 2001 and 2002, States that have not passed or are not enforcing a repeat intoxicated driver law must transfer one and one half percent of their National Highway System, Interstate Maintenance, and Surface Transportation Program funds into their Section 402 State and Community Highway Safety Grant Program fund (for alcohol-impaired driver countermeasures and enforcement) OR they may elect to use some or all of those transferred funds for their Hazard Elimination Program. The Federal share for these transferred funds will be 100 percent. If a State has still not passed such a law by FY 2003, the percentage of funds to be transferred rises to 3 percent. (Section 1407, TEA-21)

#### *Discretionary Programs*

Some Federal-aid funds under several programs (including some of those mentioned above) are set aside each fiscal year for distribution at the discretion of the Secretary. These are among the few funds over which FHWA has direct control of

project selection, and different application procedures are established for each. The programs with discretionary set asides are listed below. See also [Discretionary Programs](#).

- Bridge
- Corridor Planning and Development and Border Infrastructure (Corridors & Borders)
- Delta Region Transportation Development Program
- Ferry Boats
- Highways for LIFE
- Innovative Bridge Research and Construction
- Innovative Bridge Research and Deployment Program
- National Historic Covered Bridge Program
- Interstate Maintenance
- Public Lands Highways
- Scenic Byways
- Transportation and Community and System Preservation Program
- Transportation Infrastructure Finance and Innovation Act (TIFIA)
- Truck Parking
- Value Pricing Pilot Program



## Appendix 3

### Planning Guidance

The inclusion of the bicycle and pedestrian elements in transportation plans and programs may be accomplished by addressing bicycle and pedestrian issues throughout the transportation planning process and integrating bicycle and pedestrian elements as appropriate in the transportation plan and programs. A separate section on bicycle and pedestrian specific issues in addition to or in place of an integrated element may be appropriate. This approach would address the Federal planning mandate of developing transportation facilities that will function as an intermodal transportation system.

The bicycle and pedestrian plan elements should contain policy statements, goals and, whenever possible, specific projects and programs. The plan and TIP should identify the financial resources necessary to implement the bicycle and pedestrian projects and programs.

Bicycle and pedestrian projects may be on- or off-road facilities. For off-road trails, all such facilities that serve a transportation function must be consistent with the planning process.

A trail serves a valid transportation purpose if it serves as a connection between origins and destinations. Trails funded through programs requiring FHWA or FTA approval, except for the Recreational Trails Program (RTP), are determined to serve primarily a transportation purpose. These must be included in Statewide and MPO plans and programs.

Bicycle and pedestrian projects using Federal-aid transportation funds must be included in the Statewide and metropolitan area Transportation Improvement Programs (STIPs and TIPs).

Projects using other Federal funds or non-Federal funds may be included in the STIP and TIP for informational purposes only, or in the case of a TIP in an air quality nonattainment or maintenance area, for the purposes of air quality analysis.

If a bicycle and/or pedestrian project is deemed to be regionally significant (as defined in CFR 23 Section 450.104) it must be included in the STIP or TIP if it is in a nonattainment or maintenance area, and in attainment areas such projects should be included for informational purposes. Bicycle and pedestrian projects are, however, exempt from transportation conformity requirements (40 CFR Parts 51 and 93).

### Bicycle and Pedestrian Considerations in a Transportation Planning Process

As is the case for the broader transportation plans, the bicycle and pedestrian element of transportation plans should include:

#### 1. Vision and Goal Statements, and Performance Criteria:

The vision statements express concisely what the plan is expected to accomplish. For example:

The vision of this program is a nation of travellers with new opportunities to walk or ride a bicycle as part of their everyday life. The vision of this program is the creation of a changed transportation system that offers not only choices among travel modes for specific trips, but more importantly presents these options in a way that they are real choices that meet the needs of individuals and society as a whole.

The goals to reach the vision, and the time frame for reaching each goal should be spelled out. They should be clear and objectively measurable. For example, some goals would be:

To double the percentage of trips taken by bicycling and walking for all transportation purposes, and to reduce by 10 percent the number of bicyclist injuries and fatalities by 2015.

To increase the number of bicyclists and pedestrians or to increase facility mileage by a certain amount by a given year.

To improve the connections among bicycle, pedestrian, and transit systems.

To allow people to bicycle safely, conveniently, and pleasurably within 8 km (5 mi) of their homes, and to make streets and roads "bicycle friendly" and well-designed to accommodate both motorized and nonmotorized modes of transportation.

Network performance criteria also should be developed. Some applicable criteria would be accessibility, directness, continuity, route attractiveness, low numbers of conflicts with other route users, number of bicycle links with transit, cost, ease of implementation, etc.

Specific State and MPO goals and performance criteria should be developed to support locally determined bicycle and pedestrian program implementation efforts.

## *2. Assessment of Current Conditions and Needs:*

A baseline of information should be collected on which to base strategies and actions necessary to reach the vision and goal statements. The information collected in this step should determine the extent to which the existing transportation system meets the needs of bicyclists and pedestrians. The Intermodal Management System should provide information on existing and needed bicycle and pedestrian access to major intermodal transportation terminals such as commuter rail stations.

Specifically, this assessment could include:

Determination of current levels of use for bicycling and walking transportation trips, and current numbers of injuries and fatalities involving bicyclists and pedestrians. Evaluation of the existing transportation infrastructure (including on- and off-road facilities) to determine current conditions and capacities and to identify gaps or deficiencies in terms of accommodating potential and existing bicycle and pedestrian travel.

Determination of the capacities and the type and security level of bicycle parking offered at intermodal connections such as transit facilities and destination points.

Identification of desired travel corridors for bicycle and pedestrian trips.

Examination of existing land use and zoning, and the patterns of land use in the community.

Planning, design standards, and agency policies and the extent to which they affect the accessibility of the transportation system for bicyclists and pedestrians, e.g., do they meet policies and design guidance issued by the American Association of State Highway and Transportation Officials (AASHTO) for bicycle and pedestrian facilities? State and local laws and regulations affecting the vision and goals, e.g., growth management and trip reduction laws, or constitutional restraints on expending highway funds on bicycle and pedestrian facilities.

Availability of bike-on-bus or bike-on-rail access; including hours service is available, routes where available, and incentives and barriers to using the service (i.e., training, permit, or additional charges required).

## *3. Identification of activities required to meet the vision and goals developed above. These activities or strategies could include:*

Basis of the need for modifications to the transportation system through surveys, origin destination studies, public input, or other data collection techniques.

Needed modifications to the existing transportation system of on- and off-road facilities to meet the vision and goal statements.

Development and application of criteria to prioritize and to identify specific facility-related improvements.

Identification of changes required to planning, design standards, agency policies, and/or State or local legislation.

Specification of education, encouragement, and law enforcement components to support facility development.

Identification of nonconstruction activities such as mapping, parking facilities, etc., that are needed to reach the vision and goals developed above.

Investigation of the effects on bicyclist and pedestrian safety.

The relationship of Statewide, MPO, and local plans for bicyclists and pedestrians, i.e., ensuring that such plans are coordinated among the involved jurisdictions.

The inclusion of recreational bicycling and walking facilities such as recreational trails is encouraged, but not required. Nevertheless, the coordination of transportation and recreational bicycle and pedestrian facilities and programs is essential. Provide a mechanism for evaluating the performance of the transportation system containing implemented projects against the performance of the original system.

#### *4. Implementation of the bicycle and pedestrian elements in the Statewide and MPO transportation plans and transportation improvement programs:*

Inclusion in the Plans: The bicycle and pedestrian elements as a set of policy statements and/or a list of projects will be included in Statewide and metropolitan transportation plans and will be updated appropriately as Statewide and MPO plans are updated.

Inclusion in the TIPs: The bicycle and pedestrian element of transportation plan should be implemented by including identified projects in the TIP/STIP in accordance with priorities established by MPOs, States, and transit operators, and in accordance with 23 CFR Part 450, sections 216 and 324.

#### *5. Evaluation of progress:*

Using the performance measures developed previously, regularly determine progress in reaching the identified vision and goals. Appropriate changes to either the vision and goals or to the strategies and proposed projects should be made.

#### *6. Public Involvement:*

Public involvement is essential in the development of transportation plans and programs including the bicycle and pedestrian components. Public involvement should include, to the extent possible, input from individuals who will be affected by the transportation plan and programs. This involvement must meet the requirements for Statewide planning spelled out in the regulations in 23 CFR Section 450.212, and those for MPO planning spelled out in 23 CFR Section 450.316(b). Any subsequent policy statements and guidance provided by the FHWA and FTA also needs to be considered.

The regulations require that State departments of transportation and MPOs have public involvement processes which are followed in preparing transportation plans and programs. Bicycle and pedestrian groups should be aware of the opportunity to participate in the development of these public involvement processes and to comment on them before they are adopted. This is in addition to the opportunity to participate according to the public involvement processes in the development of transportation plans and programs. Public involvement will occur at key decision points as described in the public involvement procedures for the planning process.

#### *7. Transportation Conformity Requirements for Air Quality:*

Per 40 CFR Parts 51 and 93, bicycle and pedestrian facilities are exempt from transportation conformity requirements. Their inclusion as part of a larger project that does not meet the conformity requirements could result in delay while the requirements for the larger project are satisfied.

To provide Feedback, Suggestions, or Comments for this page contact Gabe Rousseau at [gabe.rousseau@dot.gov](mailto:gabe.rousseau@dot.gov).



[FHWA Home](#) | [HEP Home](#) | [Feedback](#)

United States Department of Transportation - **Federal Highway Administration**