

REFERENCE TITLE: highways; bicycle paths; walkways; prohibition

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1697**

Introduced by  
Senator Hoffman

AN ACT

AMENDING SECTION 28-334, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-508; RELATING TO TRANSPORTATION PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-334, Arizona Revised Statutes, is amended to  
3 read:

4 28-334. Acceptance and expenditure of federal monies;  
5 limitations

6 A. The department may accept and expend grants, donations, aid or  
7 other monies received from the federal government or any agency of the  
8 federal government for any transportation purpose, EXCEPT THAT THE  
9 DEPARTMENT MAY NOT ACCEPT FEDERAL MONIES TO PAY FOR THE CONSTRUCTION,  
10 MAINTENANCE OR EXPANSION OF A HIGHWAY OR STATE ROUTE IF THE ACCEPTANCE OF  
11 THE FEDERAL MONIES IS CONDITIONED ON THE DESIGN AND CONSTRUCTION OF A  
12 BICYCLE PATH OR PEDESTRIAN WALKWAY AS A COMPONENT OF THE HIGHWAY OR STATE  
13 ROUTE.

14 B. The department may contract and do all things necessary to  
15 secure the full benefits available to this state for transportation  
16 purposes under federal law and, in doing so, may cooperate with federal,  
17 state and local government agencies, Indian tribes, private and public  
18 organizations and private individuals. The department may exchange  
19 federal funds with local governments in order to receive local funds and  
20 may include additional federal funds in the exchange to offset matching  
21 costs required of local governments.

22 C. The department may:

23 1. Assume the responsibility of the United States department of  
24 transportation with respect to highway projects with this state under the  
25 national environmental policy act of 1969 (P.L. 91-190; 83 Stat. 852; 42  
26 United States Code sections 4321 through 4347) and with respect to related  
27 responsibility for environment review, consultation or other action  
28 required under any federal environmental law pertaining to review or  
29 approval of a highway project in this state.

30 2. Assume responsibility under 23 United States Code sections 326  
31 and 327 and enter into one or more agreements, including memoranda of  
32 understanding with the United States secretary of transportation related  
33 to the state assumption of responsibility for categorical exclusions as  
34 provided by 23 United States Code section 326 and the federal surface  
35 transportation project delivery program for the delivery of highway  
36 projects as provided by 23 United States Code section 327. Sovereign  
37 immunity from civil suit in federal court is waived consistent with 23  
38 United States Code sections 326 and 327 and limited to the compliance,  
39 discharge or enforcement of a responsibility assumed by the department  
40 under this paragraph.

41 D. This chapter does not affect the authority of other agencies or  
42 boards of this state or political subdivisions from accepting, receiving  
43 or expending grants or other monies from the federal government or any  
44 agency of the federal government for transportation purposes pursuant to  
45 other provisions of law or charter.

1           Sec. 2. Title 28, chapter 2, article 7, Arizona Revised Statutes,  
2 is amended by adding section 28-508, to read:

3           28-508. Bicycle paths; pedestrian walkways; prohibition

4           THE DEPARTMENT MAY NOT PLAN, DESIGN OR CONSTRUCT BICYCLE PATHS OR  
5 PEDESTRIAN WALKWAYS THAT ARE PARALLEL TO AND SEPARATE FROM A HIGHWAY OR  
6 STATE ROUTE. THIS SECTION APPLIES TO A HIGHWAY OR STATE ROUTE THAT EXISTS  
7 BEFORE, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.