

(C) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under subparagraph (A) shall expire 48 months after such date of enactment.

(D) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (B) or (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.

(2) COMMITTEE.—

(A) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.

(B) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

(C) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

(3) Effect.—The lack of promulgated regulations shall not limit the effect of this section.

(4) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.

(Added Pub. L. 114-94, div. A, title I, §1121(a), Dec. 4, 2015, 129 Stat. 1359; amended Pub. L. 115-235, §1, Aug. 14, 2018, 132 Stat. 2443; Pub. L. 117-58, div. A, title I, §11525(o), Nov. 15, 2021, 135 Stat. 608.)

**Editorial Notes**

REFERENCES IN TEXT

The date of enactment of MAP-21, referred to in subsec. (d)(2)(C)(ii)(II)(aa)(BB), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

The date of enactment of the FAST Act, referred to in subsecs. (d)(2)(C)(ii)(II)(bb) and (n)(1)(A), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (l), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 207, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 908; Pub. L. 93-87, title I, §150, Aug. 13, 1973, 87 Stat. 275, provided for use of funds for construction and

improvement of parkways, including acquisition of rights-of-way and related scenic easements, administration of such funds according to regulations jointly approved by the Secretary and the Secretary of the Interior, and that parkway projects on a Federal-aid system be subject to all requirements of this title and of any other law applicable to highways on such system, prior to repeal by Pub. L. 97-424, title I, §126(d), Jan. 6, 1983, 96 Stat. 2115.

AMENDMENTS

2021—Subsec. (g). Pub. L. 117-58, §11525(o)(1), substituted “(25 U.S.C. 5325)” for “(25 U.S.C. 450j-1)” and “(25 U.S.C. 5325(f))” for “(25 U.S.C. 450j-1(f))”.

Subsec. (l)(1). Pub. L. 117-58, §11525(o)(2)(A), substituted “(25 U.S.C. 5386)” for “(25 U.S.C. 458aaa-5)”.

Subsec. (l)(2). Pub. L. 117-58, §11525(o)(2)(B), substituted “(25 U.S.C. 5387)” for “(25 U.S.C. 458aaa-6)”.

Subsec. (l)(3). Pub. L. 117-58, §11525(o)(2)(C), substituted “(25 U.S.C. 5388)” for “(25 U.S.C. 458aaa-7)”.

Subsec. (l)(4). Pub. L. 117-58, §11525(o)(2)(D), substituted “(25 U.S.C. 5390)” for “(25 U.S.C. 458aaa-9)”.

Subsec. (l)(5). Pub. L. 117-58, §11525(o)(2)(E), substituted “(25 U.S.C. 5391)” for “(25 U.S.C. 458aaa-10)”.

Subsec. (l)(6). Pub. L. 117-58, §11525(o)(2)(F), substituted “(25 U.S.C. 5392)” for “(25 U.S.C. 458aaa-11)”.

Subsec. (l)(7). Pub. L. 117-58, §11525(o)(2)(G), substituted “(25 U.S.C. 5395)” for “(25 U.S.C. 458aaa-14)”.

Subsec. (l)(8). Pub. L. 117-58, §11525(o)(2)(H), substituted “(25 U.S.C. 5396)” for “(25 U.S.C. 458aaa-15)”.

Subsec. (l)(9). Pub. L. 117-58, §11525(o)(2)(I), substituted “(25 U.S.C. 5398)” for “(25 U.S.C. 458aaa-17)”.

Subsec. (m)(2). Pub. L. 117-58, §11525(o)(3), substituted “501” for “505” and “(25 U.S.C. 5304; 5381)” for “(25 U.S.C. 450b; 458aaa)”.

2018—Subsec. (n)(1)(B). Pub. L. 115-235, §1(1), substituted “42 months” for “21 months”.

Subsec. (n)(1)(C). Pub. L. 115-235, §1(2), substituted “48 months” for “30 months”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

**§ 208. Safe routes to school**

(a) DEFINITIONS.—In this section:

(1) IN THE VICINITY OF SCHOOLS.—The term “in the vicinity of schools”, with respect to a school, means the approximately 2-mile area within bicycling and walking distance of the school.

(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term “primary, middle, and high schools” means schools providing education from kindergarten through 12th grade.

(b) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

(c) PURPOSES.—The purposes of the program established under subsection (b) shall be—

(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 al-

ternative, 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 of schools.

(d) APPORTIONMENT OF FUNDS.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts made available to carry out this section for a fiscal year shall be apportioned among the States so that each State receives the amount equal to the proportion that—

(A) the total student enrollment in primary, middle, and high schools in each State; bears to

(B) the total student enrollment in primary, middle, and high schools in all States.

(2) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this section for a fiscal year of less than \$1,000,000.

(3) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Before apportioning under this subsection amounts made available to carry out this section for a fiscal year, the Secretary shall set aside not more than \$3,000,000 of those amounts for the administrative expenses of the Secretary in carrying out this section.

(4) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection relating to student enrollments shall be made by the Secretary.

(e) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State department of transportation.

(f) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this section shall be used by the State to provide financial assistance to State, local, Tribal, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section.

(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) INFRASTRUCTURE-RELATED PROJECTS.—

(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be

used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

(B) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this section for a fiscal year shall be used for noninfrastructure-related activities under this paragraph.

(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State shall use a sufficient amount of the apportionment of the State for each fiscal year to fund a full-time position of coordinator of the safe routes to school program of the State.

(h) CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools—

(A) to operate a national safe routes to school clearinghouse;

(B) to develop information and educational programs on safe routes to school; and

(C) to provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

(2) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (d)(3).

(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1.

(Added Pub. L. 117-58, div. A, title I, § 11119(a), Nov. 15, 2021, 135 Stat. 495.)

#### Editorial Notes

#### PRIOR PROVISIONS

A prior section 208, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 908; Pub. L. 87-282, Sept. 22, 1961, 75 Stat. 584; Pub. L. 93-643, § 102(c), Jan. 4, 1975, 88 Stat. 2281, provided for use of funds for construction and improvement of Indian reservation roads and bridges, supervision of such projects by the Secretary, that such funds be only supplementary to funds apportioned under section 104 of this title, for use of Indian labor in such projects, and for cooperation with States and localities, prior to repeal by Pub. L. 97-424, title I, § 126(d), Jan. 6, 1983, 96 Stat. 2115.

#### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as an Effective Date of 2021 Amendment note under section 101 of this title.

#### [§ 209. Repealed. Pub. L. 97-424, title I, § 126(d), Jan. 6, 1983, 96 Stat. 2115]

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 908; Pub. L. 88-423, § 4(b), Aug. 13, 1964, 78 Stat. 397, provided for use of funds for construction and maintenance of public lands highways, cooperation with State agencies, the