

VALUE PRICING PILOT PROGRAM

Pub. L. 102-240, title I, §1012(b), Dec. 18, 1991, 105 Stat. 1938, as amended by Pub. L. 104-59, title III, §325(e), Nov. 28, 1995, 109 Stat. 592; Pub. L. 105-178, title I, §1216(a), June 9, 1998, 112 Stat. 211; Pub. L. 105-206, title IX, §9006(b), July 22, 1998, 112 Stat. 848; Pub. L. 109-59, title I, §1604(a), Aug. 10, 2005, 119 Stat. 1249, provided that:

“(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more value pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 such State or local governments or public authorities to establish, maintain, and monitor value pricing programs.

“(2) Notwithstanding section 129 of title 23, United States Code, the Federal share payable for such programs shall be 80 percent. The Secretary shall fund all preimplementation costs and project design, and all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least 1 year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation, except that the Secretary may not fund the preimplementation or implementation costs of any project for more than 3 years.

“(3) Revenues generated by any pilot project under this subsection must be applied to projects eligible under such title.

“(4) Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of any value pricing pilot program under this subsection.

“(5) The Secretary shall monitor the effect of such programs for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives every 2 years on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, and availability of funds for transportation programs.

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102(a) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.

“(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any value pricing pilot program under this subsection shall include, if appropriate, an analysis of the potential effects of the pilot program on low-income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.

“(8) FUNDING.—

“(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

“(i) for fiscal year 2005, \$11,000,000; and

“(ii) for each of fiscal years 2006 through 2009, \$12,000,000.

“(B) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—Of the amounts made available to carry out this subsection, \$3,000,000 for each of fiscal years 2006 through 2009 shall be available only for congestion pricing pilot projects that do not involve highway tolls.

“(C) AVAILABILITY.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(D) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund to carry out this subsection for fiscal year 1998 and fiscal years thereafter but not allocated exceeds \$8,000,000 as of September 30 of any year, the excess amount—

“(i) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with [former] section 104(b)(3) of title 23, United States Code;

“(ii) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of such title; and

“(iii) shall be available for any purpose eligible for funding under section 133 of such title.

“(C) [probably should be (E)] CONTRACT AUTHORITY.—Funds authorized to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized to carry out this subsection shall be determined in accordance with this subsection.”

§ 150. National goals and performance management measures

(a) DECLARATION OF POLICY.—Performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decisionmaking through performance-based planning and programming.

(b) NATIONAL GOALS.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

(1) SAFETY.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

(2) INFRASTRUCTURE CONDITION.—To maintain the highway infrastructure asset system in a state of good repair.

(3) CONGESTION REDUCTION.—To achieve a significant reduction in congestion on the National Highway System.

(4) SYSTEM RELIABILITY.—To improve the efficiency of the surface transportation system.

(5) FREIGHT MOVEMENT AND ECONOMIC VITALITY.—To improve the National Highway Freight Network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

(6) ENVIRONMENTAL SUSTAINABILITY.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(7) REDUCED PROJECT DELIVERY DELAYS.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

(c) ESTABLISHMENT OF PERFORMANCE MEASURES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of the MAP-21, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, shall promulgate a rulemaking that establishes performance measures and standards.

(2) **ADMINISTRATION.**—In carrying out paragraph (1), the Secretary shall—

(A) provide States, metropolitan planning organizations, and other stakeholders not less than 90 days to comment on any regulation proposed by the Secretary under that paragraph;

(B) take into consideration any comments relating to a proposed regulation received during that comment period; and

(C) limit performance measures only to those described in this subsection.

(3) **NATIONAL HIGHWAY PERFORMANCE PROGRAM.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), for the purpose of carrying out section 119, the Secretary shall establish—

(i) minimum standards for States to use in developing and operating bridge and pavement management systems;

(ii) measures for States to use to assess—
(I) the condition of pavements on the Interstate system;

(II) the condition of pavements on the National Highway System (excluding the Interstate);

(III) the condition of bridges on the National Highway System;

(IV) the performance of the Interstate System; and

(V) the performance of the National Highway System (excluding the Interstate System);

(iii) minimum levels for the condition of pavement on the Interstate System, only for the purposes of carrying out section 119(f)(1); and

(iv) the data elements that are necessary to collect and maintain standardized data to carry out a performance-based approach.

(B) **REGIONS.**—In establishing minimum condition levels under subparagraph (A)(iii), if the Secretary determines that various geographic regions of the United States experience disparate factors contributing to the condition of pavement on the Interstate System in those regions, the Secretary may establish different minimum levels for each region.

(4) **HIGHWAY SAFETY IMPROVEMENT PROGRAM.**—For the purpose of carrying out section 148, the Secretary shall establish measures for States to use to assess—

(A) serious injuries and fatalities per vehicle mile traveled; and

(B) the number of serious injuries and fatalities.

(5) **CONGESTION MITIGATION AND AIR QUALITY PROGRAM.**—For the purpose of carrying out section 149, the Secretary shall establish measures for States to use to assess—

(A) traffic congestion; and

(B) on-road mobile source emissions.

(6) **NATIONAL FREIGHT MOVEMENT.**—The Secretary shall establish measures for States to use to assess freight movement on the Interstate System.

(d) **ESTABLISHMENT OF PERFORMANCE TARGETS.**—

(1) **IN GENERAL.**—Not later than 1 year after the Secretary has promulgated the final rule-making under subsection (c), each State shall set performance targets that reflect the measures identified in paragraphs (3), (4), (5), and (6) of subsection (c).

(2) **DIFFERENT APPROACHES FOR URBAN AND RURAL AREAS.**—In the development and implementation of any performance target, a State may, as appropriate, provide for different performance targets for urbanized and rural areas.

(e) **REPORTING ON PERFORMANCE TARGETS.**—Not later than 4 years after the date of enactment of the MAP-21 and biennially thereafter, a State shall submit to the Secretary a report that describes—

(1) the condition and performance of the National Highway System in the State;

(2) the effectiveness of the investment strategy document in the State asset management plan for the National Highway System;

(3) progress in achieving performance targets identified under subsection (d); and

(4) the ways in which the State is addressing congestion at freight bottlenecks, including those identified in the national freight strategic plan, within the State.

(Added Pub. L. 112-141, div. A, title I, §1203(a), July 6, 2012, 126 Stat. 524, amended Pub. L. 114-94, div. A, title I, §1446(a)(4)–(6), (d)(2)(A), Dec. 4, 2015, 129 Stat. 1437, 1438.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the MAP-21, referred to in subsecs. (c)(1) and (e), 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.

CODIFICATION

Pub. L. 114-94, div. A, title I, §1446(d)(2)(A), Dec. 4, 2015, 129 Stat. 1438, amended directory language of Pub. L. 112-141, div. A, title I, §1203(a), July 6, 2012, 126 Stat. 524, which enacted this section.

PRIOR PROVISIONS

A prior section 150, added Pub. L. 93-87, title I, §157(a), Aug. 13, 1973, 87 Stat. 277; amended Pub. L. 97-424, title I, §124, Jan. 6, 1983, 96 Stat. 2113, related to allocation of urban system funds, prior to repeal by Pub. L. 105-178, title I, §1103(f)(5), as added Pub. L. 105-206, title IX, §9002(c)(1), July 22, 1998, 112 Stat. 834.

AMENDMENTS

2015—Subsec. (b)(5). Pub. L. 114-94, §1446(a)(4), substituted “National Highway Freight Network” for “national freight network”.

Subsec. (c)(3)(B). Pub. L. 114-94, §1446(a)(5), substituted period for semicolon at end.

Subsec. (e)(4). Pub. L. 114-94, §1446(a)(6), substituted “national freight strategic plan” for “National Freight Strategic Plan”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L.

114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Pub. L. 114–94, div. A, title I, §1446(d), Dec. 4, 2015, 129 Stat. 1438, provided that the amendment made by section 1446(d)(2)(A) is effective as of July 6, 2012, and as if included in Pub. L. 112–141 as enacted.

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM

Pub. L. 114–94, div. A, title VI, §6028, Dec. 4, 2015, 129 Stat. 1587, as amended by Pub. L. 117–58, div. A, title III, §13003, Nov. 15, 2021, 135 Stat. 628, provided that:

“(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

“(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—

“(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

“(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

“(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

“(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

“(5) developing tools—

“(A) to improve performance analysis; and

“(B) to evaluate the effects of project investments on performance.

“(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator of the Federal Highway Administration may use up to \$10,000,000 for each of fiscal years 2022 through 2026 to carry out this section.”

§ 151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors

(a) IN GENERAL.—The Secretary shall periodically designate national electric vehicle charging and hydrogen, propane, and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure at strategic locations along major national highways to support changes in the transportation sector that help achieve a reduction in greenhouse gas emissions and improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, propane, and natural gas fueling technologies across the United States.

(b) DESIGNATION OF CORRIDORS.—In designating the corridors under subsection (a), the Secretary shall—

(1) solicit nominations from State and local officials for facilities to be included in the corridors;

(2) incorporate existing electric vehicle charging, hydrogen fueling, propane fueling,

and natural gas fueling corridors previously designated by the Federal Highway Administration or designated by a State or group of States; and

(3) consider the demand for, and location of, existing electric vehicle charging stations, hydrogen fueling stations, propane fueling stations, and natural gas fueling infrastructure.

(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

(1) the heads of other Federal agencies;

(2) State and local officials;

(3) representatives of—

(A) energy utilities;

(B) the electric, fuel cell electric, propane, and natural gas vehicle industries;

(C) the freight and shipping industry;

(D) clean technology firms;

(E) the hospitality industry;

(F) the restaurant industry;

(G) highway rest stop vendors; and

(H) industrial gas and hydrogen manufacturers; and

(4) such other stakeholders as the Secretary determines to be necessary.

(d) REDESIGNATION.—

(1) INITIAL REDESIGNATION.—Not later than 180 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall update and redesignate the corridors under subsection (a).

(2) SUBSEQUENT REDESIGNATION.—The Secretary shall establish a recurring process to regularly update and redesignate the corridors under subsection (a).

(e) REPORT.—During designation and redesignation of the corridors under this section, the Secretary shall issue a report that—

(1) identifies electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure and standardization needs for electricity providers, industrial gas providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers;

(2) describes efforts, including through funds awarded through the grant program under subsection (f), that will aid efforts to achieve strategic deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure in those corridors; and

(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure and natural gas fueling infrastructure at the State, Tribal, and local level to allow for the predictable deployment of that infrastructure.

(f) GRANT PROGRAM.—

(1) DEFINITION OF PRIVATE ENTITY.—In this subsection, the term “private entity” means a corporation, partnership, company, or non-profit organization.