

(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.)

#### 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

Section 1203(a) of Pub. L. 112-141, which directed the general amendment of section 150 of Title 23, was executed by adding this section to Title 23 to reflect the probable intent of Congress and the prior repeal of section 150 by Pub. L. 105-178, title I, §1103(I)(5), as added Pub. L. 105-206, title IX, §9002(c)(1), July 22, 1998, 112 Stat. 834.

#### 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(I)(5), as added Pub. L. 105-206, title IX, §9002(c)(1), July 22, 1998, 112 Stat. 834.

#### 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.

#### [§ 151. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 100-17, title I, §125(a), Apr. 2, 1987, 101 Stat. 166; amended Pub. L. 105-178, title I, §1212(a)(2)(A)(ii), title V, §5119(e), June 9, 1998, 112 Stat. 193, 452, related to a national bridge inspection program.

A prior section 151, added Pub. L. 93-87, title II, §205(a), Aug. 13, 1973, 87 Stat. 284; amended Pub. L. 94-280, title II, §207, May 5, 1976, 90 Stat. 454; Pub. L. 95-599, title I, §127, Nov. 6, 1978, 92 Stat. 2707; Pub. L. 96-470, title II, §209(c), Oct. 19, 1980, 94 Stat. 2245; Pub. L. 97-375, title I, §111(a), Dec. 21, 1982, 96 Stat. 1821, related to a pavement marking demonstration program, prior to repeal by Pub. L. 100-17, title I, §125(a), Apr. 2, 1987, 101 Stat. 166.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

#### § 152. Hazard elimination program

(a) IN GENERAL.—

(1) PROGRAM.—Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists, bicyclists, and pedestrians, assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement.

(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion—

(A) identify, through a survey, hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

(B) develop and implement projects and programs to address the hazards.

(b) The Secretary may approve as a project under this section any safety improvement project, including a project described in subsection (a).

(c) Funds authorized to carry out this section shall be available for expenditure on—

- (1) any public road;
- (2) any public surface transportation facility or any publicly owned bicycle or pedestrian pathway or trail; or
- (3) any traffic calming measure.

(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

(e) Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by safety improvement projects carried out in accordance with procedures and criteria established by this sec-