

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.)

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 sec-

tion 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 section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for safety improvement projects.

(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program (including but not limited to any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

(h) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.

(Added Pub. L. 93-87, title II, §209(a), Aug. 13, 1973, 87 Stat. 286; amended Pub. L. 94-280, title I, §131, May 5, 1976, 90 Stat. 441; Pub. L. 95-599, title I, §168(a), Nov. 6, 1978, 92 Stat. 2722; Pub. L. 96-106, §10(b), Nov. 9, 1979, 93 Stat. 798; Pub. L. 97-375, title II, §210(b), Dec. 21, 1982, 96 Stat. 1826; Pub. L. 97-424, title I, §125, Jan. 6, 1983, 96 Stat. 2113; Pub. L. 100-17, title I, §133(b)(12), Apr. 2, 1987, 101 Stat. 172; Pub. L. 104-59, title III, §325(c), Nov. 28, 1995, 109 Stat. 592; Pub. L. 105-178, title I, §1401, June 9, 1998, 112 Stat. 235.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178, §1401(1), inserted subsec. heading, designated existing provisions as par. (1) and inserted par. heading, realigned margins, substituted "motorists, bicyclists, and pedestrians" for "motorists and pedestrians", and added par. (2).

Subsec. (b). Pub. L. 105-178, §1401(2), substituted "safety improvement project, including a project described in subsection (a)" for "highway safety improvement project".

Subsec. (c). Pub. L. 105-178, §1401(3), substituted "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" for "on any public road (other than a highway on the Interstate System)".

Subsec. (e). Pub. L. 105-178, §1401(4), struck out "apportioned to the States as provided in section 402(c) of this title. Such funds shall be" before "available for obligation" and substituted "section 104(b)" for "section 104(b)(1)".

Subsecs. (f), (g). Pub. L. 105-178, §1401(5), substituted "safety improvement projects" for "highway safety improvement projects" wherever appearing.

1995—Subsec. (g). Pub. L. 104-59 substituted "Committee on Transportation and Infrastructure" for "Committee on Public Works and Transportation".

1987—Subsec. (g). Pub. L. 100-17 substituted "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives" for "the Congress".

1983—Subsec. (c). Pub. L. 97-424 substituted provision that funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System), for provision that funds authorized to carry out this section would be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

1982—Subsec. (g). Pub. L. 97-375 inserted "(including but not limited to any projects for pavement marking)" after "implementing the hazard elimination program".

1979—Subsec. (g). Pub. L. 96-106 substituted "December 30" for "September 30" and "April 1" for "January 1".

1978—Subsec. (a). Pub. L. 95-599 substituted "public roads" for "highways" and inserted provisions relating to identification of hazardous sections and elements.

Subsec. (b). Pub. L. 95-599 substituted provisions relating to approval of highway safety improvement projects by the Secretary for provisions authorizing appropriations for fiscal years ending June 30, 1974 through June 30, 1976.

Subsec. (c). Pub. L. 95-599 reenacted subsec. (c) without substantive change.

Subsec. (d). Pub. L. 95-599 substituted provisions prescribing the Federal share payable on account of any project under this section for provisions relating to apportionment of funds made available under subsec. (b) to the States. See subsec. (e) of this section.

Subsec. (e). Pub. L. 95-599 substituted provisions relating to apportionment of funds to the States under this section for provisions relating to progress reports required of the States under this section. See subsec. (g).

Subsecs. (f) to (h). Pub. L. 95-599 added subsecs. (f) and (g) and redesignated former subsec. (f) as (h).

1976—Subsec. (f). Pub. L. 94-280 added subsec. (f).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (g) of this section relating to the requirement that the Secretary of Transportation submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 135 of House Document No. 103-7.

§ 153. Use of safety belts and motorcycle helmets

(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year—

(1) a law which makes unlawful throughout the State the operation of a motorcycle if any