

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 774

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

S774-ABG-61 [v.11]

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Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2022

Senator Sawyer

1 moves to amend the bill on page 3, lines 2-13, by rewriting those lines to read:

2 **"INCLUDE NEVI AND CRP FEDERAL FUNDS WITHIN STI FORMULA**

3 **SECTION 6.** G.S. 136-189.11, as amended by Section 3.5 of S.L. 2021-185, reads  
4 as rewritten:

5 **"§ 136-189.11. Transportation Investment Strategy Formula.**

6 ...

7 (b) Funds Excluded From Formula. – The following funds are not subject to this section:

8 (1) Federal congestion mitigation and air quality improvement program funds  
9 appropriated to the State by the United States pursuant to 23 U.S.C. §  
10 104(b)(2) and 23 U.S.C. § 149.

11 (1a) Federal Carbon Reduction Program formula funds appropriated to the State.

12 (2) Funds received through competitive awards or discretionary grants through  
13 federal appropriations either for local governments, transportation authorities,  
14 transit authorities, or the Department.

15 (3) Funds received from the federal government that under federal law may only  
16 be used for Appalachian Development Highway System projects.

17 (4) Funds used in repayment of "GARVEE" bonds related to Phase I of the  
18 Yadkin River Veterans Memorial Bridge project.

19 (5) Funds committed to gap funding for toll roads funded with bonds issued  
20 pursuant to G.S. 136-176.

21 (6) Funds obligated for projects in the State Transportation Improvement  
22 Program that are scheduled for construction as of October 1, 2013, in State  
23 fiscal year 2012-2013, 2013-2014, or 2014-2015.

24 (7) Toll collections from a turnpike project under Article 6H of this Chapter and  
25 other revenue from the sale of the Authority's bonds or notes or project loans,  
26 in accordance with G.S. 136-89.192.

27 (8) Toll collections from the State-maintained ferry system collected under the  
28 authority of G.S. 136-82.

29 (9) Federal State Planning and Research Program funds (23 U.S.C. § 505) and  
30 Metropolitan Planning funds (23 U.S.C. §§ 104 and 134).

31 (10) Federal Lands Access Program funds received by the State pursuant to 23  
32 U.S.C. § 204.



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- 1 (11) Funds advanced pursuant to G.S. 136-186.
- 2 (12) Funds appropriated to the North Carolina State Ports Authority for the
- 3 purposes described in G.S. 136-176(b3).

4 ...

5 (c) Funds With Alternate Criteria. – The following federal program activities shall be

6 included in the applicable category of the Transportation Investment Strategy Formula set forth

7 in subsection (d) of this section but shall not be subject to the prioritization criteria set forth in

8 that subsection:

- 9 (1) Bridge replacement.
- 10 (2) Interstate maintenance.
- 11 (3) Highway safety improvement.
- 12 (4) State funds used to match federal Congestion Mitigation and Air Quality
- 13 Improvement (CMAQ) program funds apportioned to the State pursuant to 23
- 14 U.S.C. § 104(b)(2) and 23 U.S.C. § 149 for projects on the State highway
- 15 system that improve the safety, mobility, and operational characteristics of the
- 16 State highway system for motorists.
- 17 (5) State funds used to match federal Carbon Reduction Program formula funds
- 18 appropriated to the State for projects on the State highway system that
- 19 improve the safety, mobility, and operational characteristics of the State
- 20 highway system for motorists.

21 ...

22 (d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be

23 distributed as follows:

- 24 ...
- 25 (3) Division Need Projects. – Thirty percent (30%) of the funds subject to this
- 26 section shall be allocated in equal share to each of the Department divisions,
- 27 as defined in G.S. 136-14.1, and used for Division Need Projects.

28 ...

29 b. Alternate criteria. – Funding from the following programs shall be

30 included in the computation of each of the Department division equal

31 shares but shall be subject to alternate quantitative criteria:

- 32 1. Federal Surface Transportation Program-Direct Attributable
- 33 funds expended on eligible projects in the Division Need
- 34 Projects category.
- 35 2. Federal Transportation Alternatives funds appropriated to the
- 36 State.
- 37 3. Federal Railway-Highway Crossings Program funds
- 38 appropriated to the State.
- 39 3a. Federal National Electric Vehicle Infrastructure (NEVI)
- 40 Program formula funds appropriated to the State.
- 41 4. Projects requested from the Department in support of a
- 42 time-critical job creation opportunity, provided that (i) the
- 43 Department investment for all projects funded under this

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1 sub-sub-subdivision in any five-year period shall not exceed  
2 one hundred million dollars (\$100,000,000) in the aggregate,  
3 (ii) the amount of funding associated with a project under this  
4 sub-sub-subdivision does not exceed the lesser of ten million  
5 dollars (\$10,000,000) and the greater of ten thousand dollars  
6 (\$10,000) per job created or ten percent (10%) of the amount  
7 of private investment associated with the project, (iii) the  
8 Department ensures that funding under this  
9 sub-sub-subdivision, when combined with any other grants,  
10 does not result in the costs of the project to the State  
11 outweighing its total benefits and determines that the funding  
12 is necessary for completion of the project in this State. Upon  
13 the release of a State Transportation Improvement Program,  
14 the Department shall submit a report to the Joint Legislative  
15 Transportation Oversight Committee detailing the projects  
16 funded under this sub-sub-subdivision.

17 5. Federal funds for municipal road projects.  
18 ...."

19  
20 **STI REPRIORITIZATION DELAY FOR CERTAIN PROJECTS WITH ROUTE**  
21 **REDESIGNATIONS**

22 **SECTION 6.5.(a)** G.S. 136-189.11 is amended by adding a new subsection to read:  
23 "(d2) Reprioritization Delay for Certain Projects with Route Redesignations. – After  
24 redesignation of an existing or proposed secondary route to a primary highway route, a project  
25 shall not be eligible for evaluation in a newly-designated funding category under G.S. 136-  
26 189.10 until (i) the new route designation is reflected in the transportation plan that has been  
27 approved by the appropriate governing body and the Board of Transportation, and (ii) the  
28 Department has commenced its second subsequent prioritization after the date of final route  
29 redesignation approval. This subsection does not apply to a project that includes a route  
30 redesignation initiated by the Department to meet intrastate or interstate connectivity needs."

31 **SECTION 6.5.(b)** The Secretary of Transportation may waive, in the discretion of  
32 the Secretary, a project reprioritization delay required by G.S. 136-189.11(d2), as enacted by  
33 subsection (a) of this section, upon the request of an affected Metropolitan Planning Organization  
34 or Rural Transportation Planning Organization. The Secretary shall submit a report, by December  
35 31, 2023, to the Joint Legislative Transportation Oversight Committee and Fiscal Research  
36 Division of the North Carolina General Assembly on waivers requested under this subsection.  
37 The information in the report required by this subsection shall summarize reasons for granting or  
38 denying each requested waiver.

39 **SECTION 6.5.(c)** In accordance with G.S. 136-189.11(h), the Department shall  
40 initiate a workgroup evaluation of potential Department policy and rule changes, potential  
41 conflicts with federal laws or regulations, effects to State Transportation Improvement Program  
42 prioritization processes, and any additional matter the Department deems relevant that relate to  
43 the implementation of G.S. 136-189.11(d2), as enacted by subsection (a) of this section. The

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1 Department shall submit a report of those findings with legislative recommendations, by  
2 December 1, 2022, to the Joint Legislative Transportation Oversight Committee and Fiscal  
3 Research Division of the North Carolina General Assembly.

4 **SECTION 6.5.(d)** This section is effective when it becomes law, and applies to State  
5 Transportation Improvement Program plan updates on or after that date. Subsection (b) of this  
6 section expires December 31, 2023."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
Senate Principal Clerk's Office**