

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45147-NBa-135

Short Title: Transportation Resiliency Fund Mods./Disaster. (Public)

Sponsors: Senator Corbin (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE TRANSPORTATION INFRASTRUCTURE RESILIENCY
3 FUND GRANT PROGRAM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 5.9(h) of S.L. 2021-180 reads as rewritten:

6 "SECTION 5.9.(h) Transportation Infrastructure Resiliency Fund Grant Program. – The
7 Division of Emergency Management shall administer a grant program using funds appropriated
8 to the Transportation Infrastructure Resiliency Fund, as established in subsection (g) of this
9 section, that allows State agencies, units of local government, metropolitan planning
10 organizations, rural planning organizations, councils of governments, and nonprofit corporations
11 to apply for funds to ensure transportation resilience against natural disasters. Of the funds
12 available in the Fund, no individual grant shall account for more than ten percent (10%) of the
13 available funds, or twenty percent (20%) of the total available funds for awards of regional
14 significance. For the purposes of this section, the term "regional significance" means a
15 transportation project that serves regional transportation needs, including access to and from (i)
16 the area outside the region, (ii) major activity centers in the region, and (iii) major planned
17 developments, and would normally be included in the modeling of the metropolitan area's
18 transportation network. The Division of Emergency Management shall consult with the
19 Department of Transportation prior to awarding grants to State agencies, units of local
20 government, and nonprofit corporations. Funds may be used for any of, and activities consistent
21 with, the following:

- 22 (1) Projects that update and prepare transportation infrastructure for storms,
23 mudslides, rock slides, and flooding events taking projections of future risk
24 into consideration. To account for future risk, applicants for funding may
25 incorporate the following considerations into the design of the project:
26 a. Forward-looking data or modeling that incorporates future weather
27 event occurrence and severity.
28 b. Additional elevation of the project above base-flood elevation or the
29 regulatory flood protection elevation required by State law or local
30 floodplain management regulations or design standards, including the
31 North Carolina State Building Code.
32 c. Whether the location of the project is in or adjacent to a floodplain.
33 ~~(2) Risk assessments for critical transportation routes, building on existing and~~
34 ~~future reports such as the I-95 and I-40 Flood Resilience Feasibility Study.~~
35 (3) Creating community-informed flood risk and vulnerability assessments that
36 identify resilience gaps and project opportunities for transportation routes in



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1 North Carolina to help maintain vital transportation functions following
2 flooding events.

3 (4) Funds may be utilized as part of a nonfederal match when incorporating flood
4 resilience into federally funded transportation infrastructure projects."

5 **SECTION 2.(a)** There is appropriated from the State Emergency Response and
6 Disaster Relief Reserve to the Transportation Infrastructure Resiliency Fund, as established in
7 Section 5.9(g) of S.L. 2021-180, the nonrecurring sum of fifty million dollars (\$50,000,000) to
8 be administered by the Department of Public Safety, Division of Emergency Management, for
9 purposes consistent with Section 5.9(h) of S.L. 2021-180, as amended by Section 1 of this act.

10 **SECTION 2.(b)** The reporting requirements set forth in Section 5.9(t) of S.L.
11 2021-180, and the limitations set forth in Section 5.9(u) of S.L. 2021-180, apply to funds
12 appropriated in this act.

13 **SECTION 3.** This act becomes effective July 1, 2023.