

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 313

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

Sponsors: Representative Pless.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 9, 2023

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE TRANSPORTATION INFRASTRUCTURE RESILIENCY
FUND GRANT PROGRAM.

The General Assembly of North Carolina enacts:

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

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

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



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1 (3) Creating community-informed flood risk and vulnerability assessments that
2 identify resilience gaps and project opportunities for transportation routes in
3 North Carolina to help maintain vital transportation functions following
4 flooding events.

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

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

12 **SECTION 2.(b)** The reporting requirements set forth in Section 5.9(t) of S.L.
13 2021-180, and the limitations set forth in Section 5.9(u) of S.L. 2021-180, apply to funds
14 appropriated in this act.

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