

**Resolution of the
Northeast Association of State Transportation Officials (NASTO)**

**Increasing the Flexibility of the Federal-Aid Transportation Program to Mitigate
the Impacts of Sea-Level Rise/Extreme Weather Events**

WHEREAS, changes in sea-levels and the increased frequency and severity of extreme weather events have adversely impacted the Northeast and every region of the United States; and

WHEREAS, many states and cities are implementing bold initiatives to improve transportation infrastructure resiliency

WHEREAS, even without considering the impacts of climate change, the American Society of Civil Engineers estimates that failure to make necessary investments in infrastructure will cost the United States 2.5 million jobs and \$4 trillion in Gross Domestic Product between the period of 2016 through 2025; and

WHEREAS, according to the National Oceanic and Atmospheric Administration, in 2017, there were 16 weather and climate disaster events across the United States totaling \$306 billion in cumulative losses; and

WHEREAS, the current and future economic security of the Northeast and every region of the United States is contingent upon climate-resilient infrastructure; and

NOW, THEREFORE BE IT RESOLVED, Congress is urged to amend existing federal-aid highway programs to provide states the flexibility to address resilience; and

BE IT FURTHER RESOLVED, Congress should amend 23 USC 119 by inserting a new subdivision (d)(2)(Q), to be used at a state's discretion, as follows:

"Q) Construction, reconstruction, restoration, rehabilitation, and preservation of a Federal-aid highway or bridge not on the National Highway System provided the activity supports measures to increase the resiliency of critical transportation infrastructure from the impacts of sea-level rise and extreme weather events;" and

BE IT FURTHER RESOLVED, Congress should amend 23 USC 119 to strike the performance penalties that adversely impact measures to increase the resiliency of federal-aid eligible highway or bridge infrastructure not on the National Highway System.

BE IT FURTHER RESOLVED, Congress should amend 23 USC 125 (a)(1) to insert *"sea-level rise"* after *"severe storm,"* and before *"landslide,"* specifically making damages caused by sea-level rise eligible for Emergency Relief program funding; and

BE IT FURTHER RESOLVED, Congress should amend 23 USC 125 to strike subdivision (b)(2)(B), to remove the prohibition of Emergency Relief program funding for damaged facilities on an approved Transportation Improvement Program; and

BE IT FURTHER RESOLVED, Congress should amend 23 USC 125 to strike subdivision (c)(2)(A) and (C)(2)(B) and insert a new (c)(2)(A) as follows:

“(A) notwithstanding any existing law, regulation or rule, at the states discretion, the addition of protective features such as the following are eligible expenses under this section:

- (i) raising roadway grades*
- (ii) relocating roadways to higher ground or away from slide prone areas or away from natural threats*
- (iii) stabilizing slide areas*
- (iv) stabilizing slopes*
- (v) installing riprap*
- (vi) lengthening or raising bridges to increase waterway openings*
- (vii) increase channel cross-section and maintain channel conveyance toward stream equilibrium (i.e. vertical channel stability)*
- (viii) maximize adjacent floodplain function with benching, berm removal, and/or increases in channel bed elevation*
- (ix) increasing the size of number of drainage structures*
- (x) replacing culverts with bridges and replacing bridges with bridges with increased flow capacity*
- (xi) installing seismic retrofits on bridges*
- (xii) adding scour protection at bridges*
- (xiii) adding spur dikes*
- (xiv) installing air convection embankments, thermosiphons, or insulation to delay or prevent thawing of permafrost*
- (xv) adaptive engineering*
- (xvi) material modifications*
- (xvii) other as approved by the Secretary,” and*

BE IT FURTHER RESOLVED, Congress should amend 23 USC 120 by inserting a new subdivision (I) as follows:

“(I) Use of funds to harden and enhance the resiliency of transportation-related infrastructure - The Federal share payable for any project for the construction, reconstruction, restoration, rehabilitation, and preservation of a Federal-aid highway or bridge to increase the resiliency of transportation infrastructure from the impacts of sea-level rise and extreme weather events, at the discretion of the state may be up to 100 percent of the total project cost thereof.”

BE IT FURTHER RESOLVED, that a copy of this resolution, as approved, shall be sent to the American Association of State Highway and Transportation Officials' Transportation Policy Forum and Board of Directors for review and action.

**NOTE: Only the NASTO Members from the United States voted on this resolution.*