

VTrans Involvement in Act 250 & Act 145 - Transportation Impact Fees

February 14, 2024

House Environment & Energy Committee

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VT Agency of Transportation
Policy, Planning & Research Bureau

VTrans Participation in Act 250

- VTrans reviews all Act 250 applications, holds weekly internal collaboration meetings with staff representing all transportation modes.
- At weekly meetings we discuss pending Act 250 applications that contain VTrans comment letters (Entries of Appearance) and any new applications.
- We seek input from the applicable Regional Planning Commission or host municipality, when necessary.
- Applications are reviewed for items relating to development access, traffic congestion, safety, bike/pedestrian facilities, transit and proximity to state airports, railroads and rail trails.
- The proposed development is also reviewed for assessment of the Act 145 Transportation Impact Fee. If there are comments on any items, or if an Act 145 fee is assessed, a comment letter (Entry of Appearance) is composed.
- VTrans also participates in formal Act 250 hearings, as necessary.

VTrans Act 250 Statistics

- In 2023 VTrans reviewed 251 Act 250 Applications
- Of those 251 applications, 40 required a comment letter (Entry of Appearance) from VTrans
- Of those 40 applications, 18 had an Act 145 Transportation Impact Fee assessed.

Act 145 of 2014

◎ Purpose

- Creates a mechanism by which developers pay a “fair share” cost into VTrans transportation capital project (s).
- Reduces “Last one in pays” obstacle often stated by developers

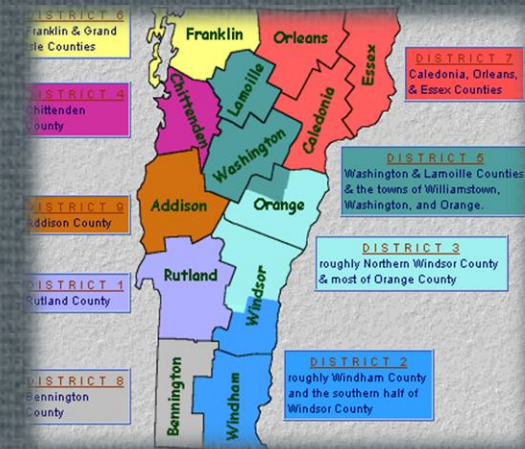
◎ Authorizes:

- Act 250 District Commission to Establish Act 145 Fees

◎ Effective July 1, 2014

Act 250 District Commission Established Fees

- Triggered by Act 250 land use permit application
- Based on transportation project(s):
 - **In VTrans Capital Program,**
 - Municipal Capital Project, or
 - Built by developer (relief to the “last one in”)
- Project must mitigate transportation impacts, or benefit proposed land use
- For Projects in VTrans Capital Program, VTrans will calculate and “recommend” a fee to the District Commission



Basic Act 145 Transportation Impact Fee Formula

$$\frac{\text{Total Project Cost}}{\text{Total Vehicular Peak Hour Capacity}} = \frac{\text{\$ \$ \$ \$}}{\text{Peak Hour Trip (vehicles per hour)}}$$

Fee Adjustments for Specific Development Projects


- Traffic allocations from existing permits
- Net Change in Traffic/Trips
 - Pass-by Trips
 - Existing site traffic
- Location in designated center or neighborhood
- Transportation Demand Management (TDM)
- Developer built projects



Act 145 Guidance Document and Online Map

Located at: <https://vtrans.vermont.gov/planning/>

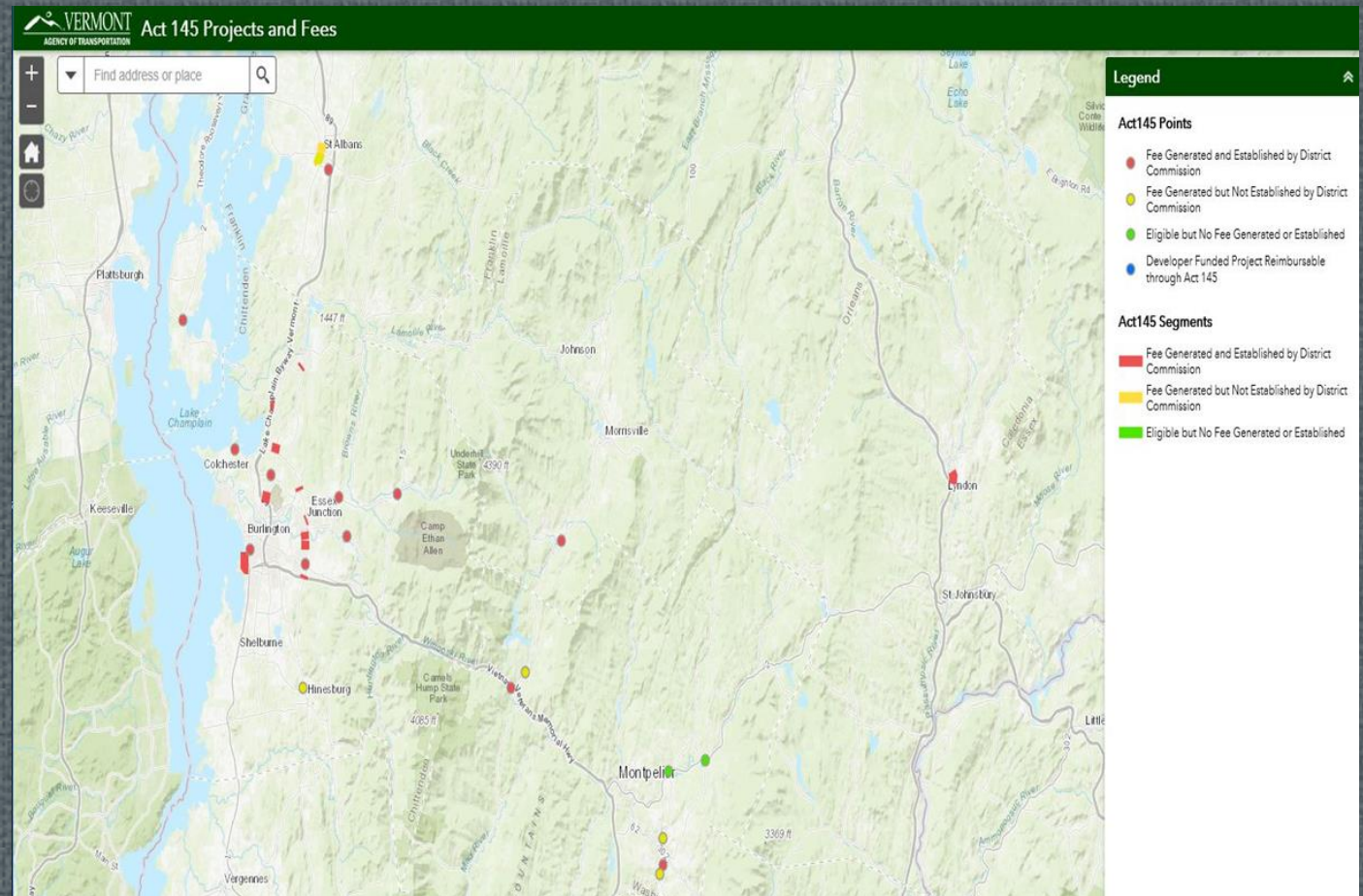
**Act 145
Transportation Impact Fee
Guidance**



Vermont Agency of Transportation
Development Review and Permitting Services

One National Life Drive
Montpelier, VT 05633-5001
802-828-2784
www.aot.state.vt.us

April 3, 2018
Revised February 22, 2019



Act 145 Statistics

- Total Program Collection Over 10 Years: Approximately \$1.4 Million
- Average \$140,000 annually
- 150 Act 250 projects have been assessed Act 145 fees
 - 33 Projects had a Designated Center Deduction
 - 60 Projects had Transportation Demand Management Deductions
- Example Projects:
 - Colchester, Exit 16 Diverging Diamond Interchange – Act 145 Fees = \$300K
 - St. Albans Town, Exit 19 Roundabout - Act 145 Fees = \$61K
 - Hartford, US5 / Sykes Ave Roundabout- Act 145 Fees = \$56K