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H.693

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Introduced by Representatives Coffey of Guilford, Burke of Brattleboro, et al.

Recommendations from the Vermont Agency of Transportation 1/31/2024

1

* * * Municipal Resiliency * * *

2

Sec. 4. BETTER ROADS PROGRAM; MUNICIPAL HIGHWAY AND

3

**STORMWATER MITIGATION PROGRAM (MHSMP);
APPROPRIATIONS**

[The Better Roads program is already supplemented by Clean Water funds and based on the types of projects that are funded through this program, would only benefit from the addition of state funds for the replacement of in-stream culverts.

The MHSMP was created during the passing of the clean water bill and this language is contradictory and essentially a net zero gain from Section 13 below.

Use of federal funding for small scale projects is an inefficient application of these funds due to the funding requirements. The current Governor's Budget proposal does not support this investment as this time due to constraints on federally available funding.]

4

~~(a) The sums of \$1,000,000.00 from the Clean Water Fund and~~

5

~~\$2,000,000.00 from the Transportation Fund are appropriated to the Agency of~~

6

~~Transportation in fiscal year 2025 for the Better Roads Program within the~~

7

~~Municipal Mitigation Assistance Program.~~

8

~~(b) The sum of \$3,000,000.00 is appropriated from the Transportation Fund~~

9

~~to the Agency of Transportation in fiscal year 2025 for the Municipal Highway~~

10

~~and Stormwater Mitigation Program within the Municipal Mitigation~~

11

~~Assistance Program.~~

12 ~~(e) The appropriations from the Transportation Fund required under~~
13 ~~Subsection (b) of this section shall, if possible, fully utilize federal monies~~
14 ~~available to Vermont under the Promoting Resilient Operations for~~
15 ~~Transformative, Efficient, and Cost-Saving Transportation (PROTECT)~~
16 ~~Formula Program, established through the Infrastructure Investment and Jobs~~
17 ~~Act, Pub. L. No. 117-58 (IIJA) and codified as 23 U.S.C. § 176.~~

5 * * * Electric Vehicles * * *

6 * * * eBike Incentive Program * * *

7 Sec. 5. EBIKE INCENTIVE PROGRAM; APPROPRIATION

8 **[The current Governor's Budget proposal does not support this investment as this**
9 **time due to downgrades in the Transportation Fund.]**

9 ~~(a) Appropriation. The sum of \$250,000.00 is appropriated from the~~
10 ~~Transportation Fund to the Agency of Transportation in fiscal year 2025 to~~
11 ~~continue the eBike Incentive Program established pursuant to 2021 Acts and~~
12 ~~Resolves No. 55, Sec. 28, as amended by 2022 Acts and Resolves No. 184,~~
13 ~~Sec. 23 and further modified by 2023 Acts and Resolves No. 62, Sec. 22.~~
14 ~~(b) Modifications. The eBike Incentive Program shall be administered in~~
15 ~~accordance with the modifications in 2023 Acts and Resolves No. 62, Sec. 22.~~
16 ~~Electrify Your Fleet Program created under 2023 Acts and Resolves No. 62,~~
17 ~~Sec. 21 pursuant to the requirements of 2023 Acts and Resolves No. 62,~~
18 ~~Sec. 21 except as modified in subsection (c) of this section.~~

19 ~~(c) Carryforward; deployment in fiscal year 2025.~~

20 ~~(1) Notwithstanding any other provision of law and subject to the~~

21 ~~approval of the Secretary of Administration, appropriations to support the~~
22 ~~expenditures under this section remaining unexpended on June 30, 2025 shall~~
1 ~~be carried forward and designated for the same expenditures in the subsequent~~
2 ~~fiscal year.~~

3 ~~(2) Every reasonable effort shall be made to obligate and deploy the~~
4 ~~monies appropriated for expenditure under this section in fiscal year 2025 in~~
5 ~~order to achieve a pace of electric vehicle adoption and transition away from~~
6 ~~personal vehicle ownership necessary to meet the emissions reduction~~
7 ~~requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate~~
8 ~~Action Plan (CAP) issued under 10 V.S.A. § 592.~~

9 ~~(d) Administrative costs. Up to 15 percent of the appropriation in~~
10 ~~subsection (a) of this section may be used for any costs associated with~~
11 ~~administering and promoting the eBike Incentive Program.~~

12 ~~(e) Reporting. The Agency of Transportation shall address incentives for~~
13 ~~electric bicycles, electric cargo bicycles, and adaptive electric cycles provided~~
14 ~~pursuant to this section in the January 31, 2025 report required under~~
15 ~~19 V.S.A. § 2905 including:~~

16 ~~(1) the demographics of who received an incentive under the eBike~~
17 ~~Incentive Program;~~

18 ~~(2) a breakdown of where vouchers were redeemed;~~

19 ~~(3) a breakdown, by manufacturer and type, of electric bicycles, electric~~
20 ~~cargo bicycles, and adaptive electric cycles incentivized;~~

~~1 (4) a detailed summary of information provided in the self-certification
2 forms; and~~

~~3 (5) a detailed summary of information collected through participant
4 surveys.~~

5 * * * Electric Vehicle Supply Equipment (EVSE) * * *

6 Sec. 6. 19 V.S.A. chapter 29 is amended to read:

7 CHAPTER 29. VEHICLE INCENTIVE PROGRAMS; ELECTRIC
8 VEHICLE SUPPLY EQUIPMENT

9 § 2901. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
13 supply equipment available to the public” have the same meanings as in
14 30 V.S.A. § 201.

15 (5) “Plug-in electric vehicle (PEV),” “battery electric vehicle (BEV),”
16 and “plug-in hybrid electric vehicle (PHEV)” have the same meanings as in
17 23 V.S.A. § 4(85).

18 * * *

19 § 2905. ANNUAL REPORTING; VEHICLE INCENTIVE PROGRAMS

20 (a) The Agency shall annually evaluate the programs established under
21 sections 2902–2904 of this chapter to gauge effectiveness and shall submit a

1 written report on the effectiveness of the programs and the State's marketing
2 and outreach efforts related to the programs to the House and Senate
3 Committees on Transportation, the House Committee on Environment and
4 Energy, and the Senate Committee on ~~Finance~~ Natural Resources and Energy
5 on or before the 31st day of January in each year following a year that an
6 incentive was provided through one of the programs.

7 (b) The report shall also include:

8 (1) any intended modifications to program guidelines for the upcoming
9 fiscal year along with an explanation for the reasoning behind the
10 modifications and how the modifications will yield greater uptake of PEVs and
11 other means of transportation that will reduce greenhouse gas emissions; ~~and~~

12 (2) any recommendations on statutory modifications to the programs,
13 including to income and vehicle eligibility, along with an explanation for the
14 reasoning behind the statutory modification recommendations and how the
15 modifications will yield greater uptake of PEVs and other means of
16 transportation that will reduce greenhouse gas emissions; and

17 (3) any recommendations for how to better conduct outreach and
18 marketing to ensure the greatest possible uptake of incentives under the
19 programs.

20 (c) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this
21 section shall continue to be required if an incentive is provided through one of

1 the programs unless the General Assembly takes specific action to repeal the
2 report requirement.

3 **§ 2906. ELECTRIC VEHICLE SUPPLY EQUIPMENT GOALS**

[The Goals outlined in this section were already incorporated into a prior Transportation Bill; reconsideration of the strict limits outlined here may be appropriate given the on the ground experience the Agency has gained since the adoption of these goals. The Agency does not have access to the data of charging systems implemented by private entities or other State Agencies across the state, and therefore would be unable to report upon the full deployment of EVSE. The Agency can report on EVSE installations undertaken solely by the Agency. The Agency of Agriculture would have to testify as to the ability to report on stations which are inoperable or not meeting public disclosure requirements.]

4 ~~It shall be the goal of the State to have, as practicable, a level 3 EVSE~~

5 ~~charging port available to the public within:~~

6 ~~(1) one driving mile of every exit of the Dwight D. Eisenhower National~~

7 ~~System of Interstate and Defense Highways within the State; and~~

8 ~~(2) 25 driving miles of another level 3 EVSE charging port available to~~

9 ~~the public along a State highway, as defined in subdivision 1(20) of this title.~~

10 **§ 2907. ANNUAL REPORTING; ELECTRIC VEHICLE SUPPLY**

11 **EQUIPMENT**

12 ~~(a) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall:~~

13 ~~(1) file an up-to-date map showing the locations of all level 3 EVSE~~

14 ~~available to the public within the State with the House and Senate Committees~~

15 ~~on Transportation not later than January 15 each year until the goal identified~~

16 ~~in section 2906 of this chapter is met;~~

17 ~~(2) file a report on the State's efforts to meet its federally required~~

18 ~~Electric Vehicle Infrastructure Deployment Plan, as updated, with the House~~

19 ~~and Senate Committees on Transportation not later than January 15 each year~~
20 ~~until the Deployment Plan is met;~~

1 ~~(3) file a report on additional efforts to deploy EVSE through any State~~
2 ~~EVSE grant programs, including grant programs to increase Vermonters'~~
3 ~~access to charging at workplaces, multiunit dwellings, and community~~
4 ~~attractions with the House and Senate Committees on Transportation not later~~
5 ~~than January 15 each year in a year following a calendar year where a State~~
6 ~~EVSE grant program provides funding for EVSE; and~~

7 ~~(4) file a report, in consultation with the Agency of Agriculture, Food~~
8 ~~and Markets, on the frequency that EVSE available to the public is broken or~~
9 ~~unavailable and includes recommendations on how best to minimize the~~
10 ~~frequency that EVSE available to the public is broken or unavailable with the~~
11 ~~House and Senate Committees on Transportation not later than January 15~~
12 ~~each year.~~

13 ~~(b) The reports required under subsection (a) of this section can be~~
14 ~~combined when filing with the House and Senate Committees on~~
15 ~~Transportation and shall prominently be posted on the Agency of~~
16 ~~Transportation and Agency of Commerce and Community Development's~~
17 ~~websites, as applicable.~~

18 **Sec. 7. REPEAL OF CURRENT EVSE MAP REPORT**

19 2021 Acts and Resolves No. 55, Sec. 30, as amended by 2022 Acts and
20 Resolves No. 184, Sec. 4 (EVSE network in Vermont; report of annual map) is

21

1 **Sec. 8. EVSE COMPLAINT FORM**

The Agency of Transportation is not in a position to receive complaints regarding inoperable EVSE across the state. We have requirements in our grant agreements for EVSE installations we have funded to assure operability.

2 ~~Not later than January 1, 2024, the Agency of Transportation, in~~
3 ~~consultation with the Agency of Agriculture, Food and Markets, shall develop~~
4 ~~and utilize a complaint form for consumers to report when EVSE available to~~
5 ~~the public is broken or unavailable. The complaint form shall be available on~~
6 ~~the Agency of Transportation's and the Agency of Agriculture, Food and~~
7 ~~Markets' websites and the data shall be analyzed and presented in the report~~
8 ~~required under 19 V.S.A. § 2907(a)(4), as added by Sec. 6 of this act.~~

9 **Sec. 9. EVSE PLAN; REPORT**

10 **[Information regarding the estimated number of EVSE units required to support the GHG reduction targets under the GWSA is already available and can be provided to the Committee. Likely funding sources can be shared as well]. Maintenance of EVSE will be a shared responsibility between public and private entities and will vary over time as upgrades are required. This information is not accessible at this time.]**

11 ~~The Agency of Transportation, in consultation with the Agencies~~
12 ~~Agriculture, Food and Markets and of Commerce and Community~~
13 ~~Development, shall prepare a written plan, which may incorporate other plans~~
14 ~~that have been prepared to secure federal funding under the National Electric~~
15 ~~Vehicle Infrastructure Formula Program, for how to fund and maintain the~~
16 ~~EVSE necessary for Vermont to meet that portion of the goals of the~~
17 ~~Comprehensive Energy Plan and the Vermont Climate Action Plan. The~~

18 ~~written plan shall be filed with the House and Senate Committees on~~

19 ~~Transportation not later than November 15, 2024.~~

20 **Sec. 10. EVSE GRANT PROGRAM; APPROPRIATION**

21 **[The current Governor's Budget proposal does not support this investment as
this time due to downgrades in the Transportation Fund.]**

22 ~~(a) Appropriation. The sum of \$3,000,000.00 is appropriated from the~~

23 ~~Transportation Fund to the Agency of Commerce and Community~~

1 ~~Development in fiscal year 2025 for a continuation of the EVSE Grant~~

2 ~~Program created under 2022 Acts and Resolves No. 185, Sec. E.903.~~

3 ~~(b) Eligibility. Grants shall be awarded to persons for projects that meet~~

4 ~~the requirements in 2022 Acts and Resolves No. 185, Sec. E.903(b)(1)(A) (C).~~

5 ~~(c) Administrative costs. The Agency of Commerce and Community~~

6 ~~Development may use up to 15 percent of the appropriation in subsection (a) of~~

7 ~~this section for administrative costs associated with installing EVSE at~~

8 ~~multiunit housing, workplaces, and public venues and attractions.m~~

9 ~~(d) Carryforward; deployment in fiscal year 2025.~~

10 ~~(1) Notwithstanding any other provision of law and subject to the~~

11 ~~approval of the Secretary of Administration, appropriations to support the~~

12 ~~expenditures under this section remaining unexpended on June 30, 2025 shall~~

13 ~~be carried forward and designated for the same expenditures in the subsequent~~

14 ~~fiscal year.~~

15 ~~(2) Every reasonable effort shall be made to obligate and deploy the~~

16 ~~monies appropriated for expenditure under this section in fiscal year 2025 in~~

17 ~~order to achieve a pace of EVSE deployment necessary to meet the emissions~~
18 ~~reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the~~
19 ~~Climate Action Plan (CAP) issued under 10 V.S.A. § 592.~~
20 ~~(e) Outreach and marketing. The Agency of Commerce and Community~~
21 ~~Development shall ensure that there is sufficient outreach and marketing,~~
1 ~~including the use of translation and interpretation services, of the EVSE Grant~~
2 ~~Program implemented pursuant to subsection (b) of this section and such costs~~
3 ~~shall be considered administrative costs for purposes of subsection (c) of this~~
4 ~~section.~~

5 **Sec. 11. RECOMMENDATION ON EVSE REGULATION**

6 **[The PUC would need to weigh in on this section.]**

7 The Public Utility Commission, in consultation with the Agencies of
8 Agriculture, Food and Markets and of Transportation and the Office of the
9 Attorney General, Consumer Protection Division, shall prepare written
10 recommendations on what level of regulation, if any, should be placed on
11 EVSE available to the public that is not owned and operated by an electric
12 distribution utility. The written recommendations shall be filed with the House
13 and Senate Committees on Transportation, the House Committee on
14 Environment and Energy, and the Senate Committees on Finance and on
15 Natural Resources and Energy not later than November 15, 2024.

16 ***** Right to Install Electric Vehicle Supply Equipment (EVSE) *****

17 **[AOT has no comment on this section, it does not apply to our programs. ACCD may want to weigh in on this. Distribution Utilities should also be asked to weigh in with regards to the installation of time of use meters.]**

18 Sec. 12. 9 V.S.A. chapter 137, subchapter 2 is amended to read:

19 Subchapter 2. Residential Rental Agreements

18 * * *

19 § 4469. ELECTRIC VEHICLE SUPPLY EQUIPMENT

20 (a) As used in this section:

1 (1) “Electric vehicle supply equipment (EVSE)” means a device or
2 system designed and used specifically to transfer electrical energy to a plug-in
3 electric vehicle.

4 (2) “EVSE time-of-use (TOU) meter” means an electric meter supplied
5 and installed by an electric distribution utility that is separate from, and in
6 addition to, any other electric meter and is devoted exclusively to the charging
7 of plug-in electric vehicles and that tracks the TOU when charging occurs. An
8 EVSE TOU meter includes any wiring or conduit necessary to connect the
9 meter to an EVSE, regardless of whether it is supplied or installed by an
10 electric utility.

11 (b) For any rental agreement executed, extended, or renewed on and after
12 January 1, 2025, a lessor of a dwelling unit shall approve a written request of a
13 tenant to install an EVSE at a parking space allotted for the tenant that meets
14 the requirements of this section and complies with the lessor’s procedural
15 approval process for modification to the property.

16 (c) This section does not apply to residential rental properties where:

17 (1) EVSE already exist for lessees in a ratio that is equal to or greater

18 than 10 percent of the designated parking spaces;

19 (2) parking is not provided as part of the lease agreement; or

20 (3) there are fewer than five parking spaces.

1 (d) A lessor shall not be obligated to provide an additional parking space to
2 a tenant in order to accommodate EVSE.

3 (e) If the EVSE has the effect of providing the tenant with a reserved
4 parking space, the lessor may charge a monthly rental amount for that parking
5 space.

6 (f) The EVSE or EVSE TOU meter, or both, and all modifications and
7 improvements to the property shall comply with federal, State, and local law,
8 and all applicable zoning requirements, land use requirements, and covenants,
9 conditions, and restrictions.

10 (g) A tenant's written request to make a modification to the property in
11 order to install and use EVSE shall include the tenant's consent to enter into a
12 written agreement that includes the following:

13 (1) Compliance with the lessor's requirements for the installation, use,
14 maintenance, and removal of the EVSE or both the EVSE and EVSE TOU
15 meter and installation, use, and maintenance of the infrastructure for the EVSE
16 or both the EVSE and EVSE TOU meter.

17 (2) Compliance with the lessor's requirements for the tenant to provide a
18 complete financial analysis and scope of work regarding the installation of the
19 EVSE or both the EVSE and EVSE TOU meter and its infrastructure.

20 (3) Obligation of the tenant to pay the lessor all costs associated with the
21 lessor's installation of the EVSE or both the EVSE and EVSE TOU meter and
1 related infrastructure prior to any modification or improvement being made to
2 the leased property. The costs associated with modifications and
3 improvements shall include the cost of permits, supervision, construction, and,
4 solely if required by the contractor and consistent with its past performance of
5 work for the lessor, performance bonds.

6 (4) Obligation of the tenant to pay as part of rent for the costs associated
7 with the electrical usage, whether or not through an EVSE TOU meter, of the
8 EVSE, and cost for damage, maintenance, repair, removal, and replacement of
9 the EVSE or both the EVSE and EVSE TOU meter, and modifications or
10 improvements made to the property associated with the EVSE or both the
11 EVSE and EVSE TOU meter.

12 (h) The tenant and each successor tenant shall obtain personal liability
13 coverage in an amount not to exceed 10 times the annual rent charged for the
14 dwelling unit covering property damage and personal injury proximately
15 caused by the installation or operation of the EVSE or both the EVSE and
16 EVSE TOU meter. The policy shall be maintained in full force and effect from
17 the time of installation of the EVSE or both the EVSE and EVSE TOU meter
18 until the EVSE or the EVSE and EVSE TOU meter is removed or the tenant
19 forfeits possession of the dwelling unit to the lessor.

1 (i) Notwithstanding subsection (h) of this section, no insurance shall be
2 required of a tenant installing an EVSE or both an EVSE and EVSE TOU
3 meter if the following are satisfied:

4 (1) the EVSE has been certified by a Nationally Recognized Testing
5 Laboratory that is approved by the Occupational Safety and Health
6 Administration of the U.S. Department of Labor; and

7 (2) the EVSE and any associated alterations to the dwelling's electrical
8 system are performed by a licensed electrician and the EVSE TOU meter, if
9 applicable, is installed by the electric distribution utility providing service.

10 (j) A lessor that intentionally violates this section shall be liable to the
11 tenant or other party for actual damages and shall pay a civil penalty to the
12 tenant or other party in an amount not to exceed \$1,000.00.

13 (k) In any action by a tenant requesting to have an EVSE installed and
14 seeking to enforce compliance with this section, the prevailing plaintiff shall
15 be awarded reasonable attorney's fees.

16 Sec. 13. 27A V.S.A. § 1-204 is amended to read:

17 § 1-204. PREEXISTING COMMON INTEREST COMMUNITIES

18 (a)(1) Unless excepted under section 1-203 of this title, the following
19 sections and subdivisions of this title apply to a common interest community
20 created in this State before January 1, 1999: sections 1-103, 1-105, 1-106, 1-
21 107, 2-103, 2-104, and 2-121, subdivisions 3-102(a)(1) through (6) and (11)

1 through (16), and sections 3-111, 3-116, 3-118, 3-125, 4-109, and 4-117 to the
2 extent necessary to construe the applicable sections. The sections and
3 subdivisions described in this subdivision apply only to events and
4 circumstances occurring after December 31, 1998 and do not invalidate
5 existing provisions of the declarations, bylaws, plats, or plans of those
6 common interest communities.

7 * * *

8 Sec. 14. 27A V.S.A. § 3-125 is added to read:

9 § 3-125. ELECTRIC VEHICLE SUPPLY EQUIPMENT

10 (a) Definitions. As used in this section:

11 (1) “Electric vehicle supply equipment (EVSE)” means a device or
12 system designed and used specifically to transfer electrical energy to a plug-in
13 electric vehicle.

14 (2) “EVSE owner” means the unit owner who applies to install an EVSE
15 and each successive unit owner associated with the initial application to install
16 the EVSE unless there is a specific change in ownership of the EVSE, in which
17 case the EVSE owner shall be the owner specified in a conveying document
18 memorializing the change in ownership of the EVSE.

19 (3) “EVSE time-of-use (TOU) meter” means an electric meter supplied
20 and installed by an electric distribution utility that is separate from, and in
21 addition to, any other electric meter and is devoted exclusively to the charging

1 of plug-in electric vehicles and that tracks the TOU when charging occurs. An
2 EVSE TOU meter includes any wiring or conduit necessary to connect the
3 meter to an EVSE, regardless of whether it is supplied or installed by an
4 electric utility.

5 (4) “Plug-in electric vehicles” has the same meaning as in 23 V.S.A.
6 § 4(85).

7 (5) “Reasonable restrictions” are restrictions that do not significantly
8 increase the cost of the EVSE or EVSE TOU meter, or both, or significantly
9 decrease the efficiency or specified performance of the EVSE or EVSE TOU
10 meter, or both.

11 (b) Protected uses.

12 (1) Any covenant, restriction, or condition contained in any deed,
13 contract, security instrument, or other instrument affecting the transfer or sale
14 of any interest in a common interest community, and any provision of a
15 governing document associated with a common interest community, such as a
16 declaration or bylaws, that either effectively prohibits or unreasonably restricts
17 the installation or use of an EVSE or EVSE TOU meter, or both, within a unit
18 owner’s unit or in a designated parking space, including a deeded parking
19 space, a parking space in a unit owner’s exclusive use common element, or a
20 parking space that is specifically designated for use by a particular unit owner,
21 or is in conflict with this section is void and unenforceable.

1 (2) This subsection (b) does not apply to provisions that impose
2 reasonable restrictions on EVSE or EVSE TOU meters, or both. However, it is
3 the policy of the State to promote, encourage, and remove obstacles to the use
4 of plug-in electric vehicles, including access to EVSE at home.

5 (3) The EVSE or EVSE TOU meter, or both, and all modifications and
6 improvements to the common interest community shall comply with federal,
7 State, and local law, and all applicable zoning requirements, land use
8 requirements, and covenants, conditions, and restrictions.

9 (4) If approval is required for the installation or use of EVSE or EVSE
10 TOU meters, or both, the application for approval shall be processed and
11 approved by the association in the same manner as an application for approval
12 of an architectural modification to the common interest community and shall
13 not be intentionally avoided or delayed. The approval or denial of an
14 application shall be in writing. If an application is not denied in writing within
15 60 days from the date of receipt of the application, the application shall be
16 deemed approved, unless that delay is the result of a reasonable request for
17 additional information.

18 (5) If the EVSE or EVSE TOU meter, or both, is to be placed in a
19 common element or a limited common element, as designated in the common
20 interest community's declaration, the following provisions apply:

1 (A) The unit owner first shall obtain approval from the association to
2 install the EVSE or EVSE TOU meter, or both, and the association shall
3 approve the installation if the unit owner agrees in writing to do all of the
4 following:

5 (i) comply with the association’s architectural standards for the
6 installation of the EVSE or EVSE TOU meter, or both;

7 (ii) engage a licensed contractor to install the EVSE and, if
8 necessary, to install wiring or conduit necessary to connect the EVSE to an
9 EVSE TOU meter;

10 (iii) engage the electric distribution utility providing service to
11 install the EVSE TOU meter, if applicable;

12 (iv) provide a certificate of insurance that names the association as
13 an additional insured under the unit owner’s insurance policy within 14 days
14 after approval; and

15 (v) pay for both the costs associated with the installation of the
16 EVSE or both the EVSE and EVSE TOU meter and the electricity usage
17 associated with the EVSE.

18 (B) The unit owner and each successive owner of the EVSE or both
19 the EVSE and EVSE TOU meter shall be responsible for all of the following:

20 (i) costs for damage to the EVSE or EVSE TOU meter, or both;
21 common element; or limited common element resulting from the installation,

1 maintenance, repair, removal, or replacement of the EVSE or EVSE TOU
2 meter, or both;

3 (ii) costs for the maintenance, repair, and replacement of the
4 EVSE or EVSE TOU meter, or both, until the EVSE has been removed and for
5 the restoration of the common element or limited common element after
6 removal;

7 (iii) cost of electricity associated with the EVSE; and

8 (iv) disclosing to prospective buyers of the unit the existence of
9 any EVSE or EVSE TOU meters, or both, and the related responsibilities of
10 the unit owner under this section.

11 (C) The owner of EVSE, whether the EVSE is located within a unit
12 or within a common element or a limited common element, shall, at all times,
13 maintain a liability coverage policy that names the association as an additional
14 insured. The unit owner that submitted the application to install the EVSE or
15 EVSE TOU meter, or both, shall provide the association with the
16 corresponding certificate of insurance within 14 days following approval of the
17 application. That unit owner and each successor EVSE owner shall annually
18 provide the association with the certificate of insurance.

19 (D) An EVSE owner shall not be required to maintain a homeowner
20 liability coverage policy for an existing National Electrical Manufacturers
21 Association standard alternating current power plug.

1 (6) Installation of an EVSE or both EVSE and EVSE TOU meter for the
2 exclusive use of a unit owner in a common element or limited common
3 element shall be authorized by the association only if installation in the unit
4 owner's unit or designated parking space is impossible or unreasonably
5 expensive. In such cases, the association shall enter into a license agreement
6 with the unit owner for the use of the space in a common element or limited
7 common element and the unit owner shall comply with all of the requirements
8 in subdivision (5) of this subsection.

9 (7) The association may install an EVSE or both an EVSE and EVSE
10 TOU meter in the common element or limited common element for the use of
11 all unit owners in the association and, in that case, the association shall develop
12 appropriate terms of use for the EVSE.

13 (8) Subject to subdivision (3) of this subsection, an association may
14 create a new parking space where one did not previously exist to facilitate the
15 installation of an EVSE.

16 (9) An association that intentionally violates this subsection shall be
17 liable to the applicant unit owner or other party for actual damages and shall
18 pay a civil penalty to the applicant unit owner or other party in an amount not
19 to exceed \$1,000.00.

19 including the California Advanced Clean Cars II rule and the Advanced Clean
20 Trucks rule, as part of the Vermont Low Emission Vehicle and Zero Emission
21 Vehicle Rules (CVR 12-30-40).

1 (4) High customer charges for utility line extensions and service
2 upgrades associated with beneficial electrification and EV charging are a
3 barrier to implementation of these policies.

4 (5) This barrier to customer participation in beneficial electrification
5 initiatives is especially significant in rural Vermont.

6 (b) The standard level of service to the meter, as defined in each regulated
7 electric utility's tariffs for line extensions and service upgrades, shall enable
8 residential customers at existing locations who so request to participate in
9 substantial domestic electrification including managed level 2 charging
10 capability for electric vehicles without additional customer-specific charges.

11 (c) On or before December 31, 2024, the Public Utility Commission shall
12 by rule or order ensure this standard level of service shall be available to the
13 customers of all regulated electric distribution utilities. Utility tariffs shall
14 conform to the Public Utility Commission rule or order on or before December
15 31, 2025.

16 * * * Expansion of Public Transit Service * * *

17 * * * Nonprofit Mobility Services Organizations; Car Sharing * * *

18 **Sec. 16. EXPANSION OF NONPROFIT CARSHARING; REPORT**

[The transit program has supported CarShare services for over a decade (roughly \$30k per year). Expansion efforts into Montpelier were unsuccessful, and many of the elements listed here were, indeed, challenges. We do not have the planning funds in our budget to cover this plan. Consultation with CarShare VT is recommended].

~~19 (a) The Agency of Transportation, in consultation with existing nonprofit
20 mobility services organizations incorporated in the State of Vermont for the
21 purpose of providing Vermonters with transportation alternatives to personal
1 vehicle ownership, such as through carsharing, and other nonprofit
2 organizations working to achieve the goals of the Comprehensive Energy Plan,
3 the Vermont Climate Action Plan, and the Agency of Transportation's
4 community engagement plan for environmental justice, shall develop a written
5 plan to determine what programmatic elements need to be in place to allow for
6 the expansion of carsharing in Vermont.~~

~~7 (b) At a minimum, the written plan required under subsection (a) of this
8 section shall identify the following:~~

~~9 (1) the feasibility and desire of existing nonprofit carsharing operators to
10 begin expanding carsharing services to Vermont municipalities through
11 subgrant agreements and operating contracts with one or more of the
12 following: Vermont municipalities, nonprofit organizations, and for-profit
13 service providers;~~

~~14 (2) the development of criteria to determine where carsharing is feasible,
15 recognizing that it will not be viable in all Vermont communities;~~

~~16 (3) how to determine the ongoing financial support necessary and
17 financial sources available to expand and subsidize carsharing services for a~~

18 ~~minimum of three years;~~

19 ~~(4) a list of potential nonprofit entities or for-profit entities, or both, that~~

20 ~~would undertake the operating responsibilities in carsharing satellite locations~~

21 ~~outside of the main service area of a nonprofit car sharing operator;~~

1 ~~(5) the estimated costs for expansion of carsharing in Vermont, which~~

2 ~~shall include:~~

3 ~~(A) plug-in electric vehicle acquisition;~~

4 ~~(B) electric vehicle supply equipment;~~

5 ~~(C) vehicle operating costs;~~

6 ~~(D) administrative costs to oversee and manage a statewide~~

7 ~~carsharing program; and~~

8 ~~(E) cost to meet annual expansion goals or targets within the capacity~~

9 ~~of the nonprofit carsharing operator or operators; and~~

10 ~~(6) metrics that measure costs for service, impact on carbon emission~~

11 ~~reductions, and services provided.~~

12 ~~(c) The written plan required under subsection (a) of this section shall be~~

13 ~~filed with the House and Senate Committees on Transportation not later than~~

14 ~~November 15, 2024.~~

15 * * * Mobility and Transportation Innovation (MTI) Grant Program * * *

16 **Sec. 17. MOBILITY AND TRANSPORTATION INNOVATION (MTI)**

17 **GRANT PROGRAM; APPROPRIATION**

18 **(a) Appropriation. ~~The sum of \$750,000.00~~ **\$3,000,000 (in Carbon Reduction****

19 Program Funding proposed in Agency FY25 budget) is appropriated from the
20 Transportation Fund to the Agency of Transportation in fiscal year 2025 for a
21 continuation of the Mobility and Transportation Innovation (MTI) Grant
1 Program, which was created pursuant to 2020 Acts and Resolves No. 121,
2 Sec. 16.

3 (b) Implementation. The Program shall continue to support projects that
4 improve both mobility and access to services for transit-dependent
5 Vermonters, reduce the use of single-occupancy vehicles, and reduce
6 greenhouse gas emissions but shall be expanded as follows:

7 (1) Grant awards shall be made available for both capital and
8 operational costs.

9

10 **[90% of all MTI grants already go to support Rural communities. Having a special**
focus would limit the use of these funds. Having an earlier grant application is
possible.]

11 ~~(2) The Agency of Transportation shall establish an early application for~~
12 ~~applicants that are seeking a grant award for a project in a rural community.~~
13 ~~The early application shall allow applicants that are seeking a grant award for a~~
14 ~~project in a rural community to have at least two months to work with the~~
15 ~~Agency of Transportation to present a grant application that, to the greatest~~
16 ~~extent practicable, shall meet any grant requirements established by the~~
17 ~~Agency of Transportation. Applicants that are seeking a grant award for a~~
18 ~~project in a rural community shall have the opportunity to resubmit an~~
19 ~~application after receiving feedback from the Agency.~~

18 ~~2024 and March 1, 2025.~~

19 * * * Support Walkable and Bikeable Communities * * *

20 Sec. 19. 19 V.S.A. § 38 is amended to read:

21 **§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM**

22 **[This statute was put in place during the time the clean water bill was enacted as a way to direct FHWA funds to clean water projects, including salt/sand sheds which are specifically called out in 19 V.S.A. § 38. There are other potential water quality protection measures which may be important to support going forward, in particular related to the salt TMDL which ANR will be advancing. Municipalities may need to move beyond simply building salt sheds to protect water supplies, they may be forced to implement new practices such as brine application to reduce salt utilization.]**

21 * * *

1 ~~(f)(1) In fiscal year 2024 and thereafter, 50 percent of Grant Program~~
2 ~~funds, or such lesser sum if all eligible applications amount to less than 50~~
3 ~~percent of Grant Program funds, shall be reserved for municipalities for~~
4 ~~environmental mitigation projects relating to stormwater and highways,~~
5 ~~including eligible salt and sand shed projects, and the balance of Grant~~
6 ~~Program funds shall be awarded for any eligible activity and in accordance~~
7 ~~with the priorities established in subdivision (2) of this subsection. [Repealed.]~~

8 (2) In evaluating applications for Transportation Alternatives grants, the
9 Agency shall give preferential weighting to projects involving as a primary
10 feature a bicycle or pedestrian facility. The degree of preferential weighting
11 and the circumstantial factors sufficient to overcome the weighting shall be in
12 the complete discretion of the Agency.

13

* * *

14 **Sec. 20. BICYCLE AND PEDESTRIAN FACILITIES; APPROPRIATION**

15 **[The existing Bike/Ped grant program is a discretionary grant program that**
16 **VTrans established and always managed without statutory language, based on**
17 **fiscal constraints and available formula funding. It is not a federally funded set-**
18 **aside program like the Transportation Alternatives Program. The proposed**
19 **budget is detailed in the white book, the language here should direct the Agency**
20 **to award \$4M in CRP funds for municipal BP projects, in addition to the**
21 **existing grant programs.]**

16 ~~(a) In order to promote more walkable and bikeable communities, the sum~~
17 ~~of \$20,000,000.00 is appropriated from the Transportation Fund to the Agency~~
18 ~~of Transportation in fiscal year 2025 to provide grants for bicycle and~~
19 ~~pedestrian facilities projects.~~

20 ~~(b) The appropriation in subsection (a) of this section shall be used to~~
21 ~~maximize grants provided to federal aid and large scale projects, with the~~
1 ~~balance of the appropriation used for the 50 percent State portion of small~~
2 ~~scale grant awards.~~

3 **Sec. 21. DOWNTOWN TRANSPORTATION FUND; BETTER**

4 **CONNECTIONS PROGRAM; APPROPRIATIONS**

[The current Governor's Budget proposal does not include increases outlined here
due to downgrades in the Transportation Fund. Increases to Bike/Ped investments
through the Carbon Reduction Program are accessible to all Vermont communities.]

5 ~~In order to provide additional grant support to municipalities for resiliency~~
6 ~~planning, redesign, and building of transportation infrastructure that better~~

~~7 supports multimodal transportation, complete streets, and climate adaptation;~~

~~8 (1) the sum of \$1,000,000.00 is transferred from the Transportation~~

~~9 Fund to the Downtown Transportation and Related Capital Improvement Fund~~

~~10 (21575) established by 24 V.S.A. § 2796 to be used by the Vermont~~

~~11 Downtown Development Board for the purposes of the Fund in State fiscal~~

~~12 year 2025; and~~

~~13 (2) the sum of \$600,000.00 is appropriated from the Transportation~~

~~14 Fund to the Agency of Transportation in fiscal year 2025 to provide grants to~~

~~15 municipalities, which shall be required to provide a 10 percent local match,~~

~~16 under the Better Connections Program in State fiscal year 2025.~~

17 Sec. 22. COMPLETE STREETS; VERMONT STATE STANDARDS

18 [This project is already advancing as expeditiously as possible. A presentation was
provided to the Committee regarding the status and timeline on January 12th by
Erin Sisson. Funding is programmed through the statutory directed prioritization
process and through discretionary grant funds available to municipalities through
various programs supporting complete streets principles. Budget investment levels
are determined on an annual basis through the budget process. The Agency can
report on our progress on January 15, 2025.]

~~19 (a) The Agency of Transportation shall complete the following not later~~

~~20 than July 1, 2025:~~

~~21 (1) incorporate complete streets standards that are consistent with~~

~~22 19 V.S.A. chapter 24 into the replacement to the Vermont State Standards;~~

~~1 (2) develop a way to target funding for complete streets projects within~~

~~2 State-designated centers under 24 V.S.A. chapter 76A;~~

~~3 (3) develop a pattern book or other design guidelines that identify best~~

~~4 management practices to provide safer bicycle and pedestrian~~

~~5 accommodations; and~~

~~6 (4) establish clear standard treatment guidance for providing safer~~

~~7 bicycle facilities on State highways.~~

~~8 (b) In meeting the requirements under subsection (a) of this section the~~

~~9 Agency of Transportation shall:~~

~~10 (1) release a draft of the replacement to the Vermont State Standards~~

~~11 and related documents not later than January 1, 2025;~~

~~12 (2) conduct not less than five public hearings across the State~~

~~13 concerning the replacement to the Vermont State Standards and related~~

~~14 documents;~~

~~15 (3) provide a publicly available written explanation of the Agency of~~

~~16 Transportation's reasons for why it decided to overrule substantial arguments~~

~~17 and considerations raised for or against the draft of the replacement to the~~

~~18 Vermont State Standards and related documents, as applicable; and~~

~~19 (4) consult directly with the Vermont chapter of the American~~

~~20 Association of Retired Persons (AARP), the Vermont League of Cities and~~

~~21 Towns, the Vermont Community Development Program within the Agency of~~

~~1 Commerce and Community Development, regional planning commissions, and~~

~~2 Transportation for Vermonters.~~

3 (c) The Agency shall provide written updates on its progress in meeting the

4 requirements under subsection (a) of this section not later than November 15,

5 2024 and March January 15, 2025.

6 Sec. 23. 23 V.S.A. § 1007 is amended to read:

7 **§ 1007. LOCAL SPEED LIMITS**

8 **[The Agency does not support the changes outlined in this section due to the requirements of the revised MUTCD; Highway Division staff can provide additional testimony as to the implications of the recommended changes.]**

9 (a)(1) The legislative body of a municipality may establish, on the basis of
10 an engineering and traffic investigation, a speed limit on all or a part of any
11 city, town, or village highway within its jurisdiction, ~~which~~ that is not:

12 (A) ~~is not more than 50 miles per hour; however, after considering~~
13 ~~neighborhood character, abutting land use, bicycle and pedestrian use, and~~
14 ~~physical characteristics of the highways, the legislative body of a municipality~~
14 ~~may vote to set the maximum speed limit, without an engineering and traffic~~
15 ~~investigation, at not more than 50 miles per hour nor less than 35 miles per~~
16 ~~hour, on all or a portion of unpaved town highways within its boundaries,~~
17 ~~unless otherwise posted in accordance with the provisions of this section; or~~

18 (B) ~~is not less than 25 miles per hour.~~

19 (2) Notwithstanding subdivision (1) of this subsection, the legislative
20 body of a municipality may, after considering neighborhood character, abutting
21 land use, bicycle and pedestrian use, and physical characteristics of the
1 highways, vote to set the maximum speed limit without an engineering and
2 traffic investigation at not more than 50 miles per hour or less than 35 miles
3 per hour on all or a portion of unpaved town highways within its boundaries,
4 unless otherwise posted in accordance with the provisions of this section.

5 (3) If the legislative body of a municipality votes to set the speed limit

6 on all unpaved town highways in its boundaries at ~~no~~ not more than 50 miles
7 per hour ~~nor~~ or less than 35 miles per hour as provided for in ~~subdivision (a)(1)~~
8 ~~of this section~~ subsection, signs shall be located at points of change from one
9 speed limit to another.

10 * * *

11 (g) Notwithstanding any requirements of section 1025 of this title,
12 ~~downtown development districts designated~~ all State-designated centers under
13 24 V.S.A. chapter 76A may have posted speed limits of less than 25 miles per
14 hour.

15 * * * Sustainability of Vermont's Transportation System * * *

16 **[ANR/AOT will be collaborating to engage a consultant to examine the WCI and
NYCI programs using EPA Planning funding of ~\$250K – replacement language will
be provided to the Committee. By creating language which is highly prescriptive and
tied to the passage of the T Bill, there will be delays in starting the effort, which will
delay inputs for the update of the Climate Plan.]**

17 ~~Sec. 24. REPORT ON SUSTAINABILITY OPTIONS~~

18 ~~(a) The State Treasurer, in consultation with the Agencies of~~
19 ~~Transportation and of Natural Resources and the Departments of Finance and~~
20 ~~Management, of Motor Vehicles, and of Taxes, shall develop a written~~
21 ~~proposal for new revenue sources for dedicated and ongoing funding to~~
22 ~~preserve, improve, and expand existing transportation infrastructure; to~~
1 ~~develop the modernized infrastructure needed to support the widespread~~
2 ~~adoption of plug-in electric vehicles and electric vehicle supply equipment;~~
3 ~~and to mitigate environmental and health impacts of the transportation sector in~~
4 ~~Vermont.~~

~~5 (b) At a minimum, the written plan required under subsection (a) of this
6 section shall address the feasibility of the following:~~

~~7 (1) Vermont participating in regional or cap and invest program, such as
8 the Transportation and Climate Initiative (TCI) Program or the Western
9 Climate Initiative (WCI), or a cap and reduce program;~~

~~10 (2) Vermont adopting a clean transportation fuel standard, which would
11 be a performance standard or performance based regulatory approach covering
12 transportation fuels; and~~

~~13 (3) Vermont implementing a tax or fee for on-delivery services or
14 vehicles for hire, or both.~~

~~15 (c) The written plan shall include an estimate of the amount of revenue to
16 be generated from each proposed revenue source analyzed under subsection (b)
17 of this section and a summary of how assessment of the proposed revenue
18 source analyzed under subsection (b) will be administered, collected, and
19 enforced.~~

~~1 (d) The written plan shall also include a legislative proposal to implement
2 each of the proposed revenue sources analyzed under subsection (b) of this
3 section that the State Treasurer determines is a viable revenue source.~~

~~4 (e) The State Treasurer shall file the written plan required under subsection
5 (a) of this section with the House and Senate Committees on Transportation,
6 the House Committee on Ways and Means, and the Senate Committee on
7 Finance not later than November 15, 2024.~~

~~8 (f) The State Treasurer shall retain a consultant, as necessary, to develop~~

9 ~~the written plan required under subsection (a) of this section.~~

10 ~~(g)(1) If the costs of the consultant that may be required under subsection~~
11 ~~(f) of this section are eligible expenditures under the U.S. Environmental~~
12 ~~Protection Agency's (EPA) Climate Pollution Reduction Grants (CPRG)~~
13 ~~program, then the sum of \$100,000.00 is appropriated from the \$3,000,000.00~~
14 ~~that the State was awarded by the EPA under the EPA's CPRG program to the~~
15 ~~State Treasurer in fiscal year 2025 to cover the costs of the consultant that may~~
16 ~~be required under subsection (f) of this section.~~

17 ~~(2) If the costs of the consultant that may be required under subsection~~
18 ~~(f) of this section are not eligible expenditures under the EPA's CPRG~~
19 ~~program, then the State Treasurer shall consult with the Vermont Climate~~
20 ~~Action Office and the Agency of Transportation on whether the costs of the~~
1 ~~consultant that may be required under subsection (f) of this section are eligible~~
2 ~~for other federal grant funds.~~

3 * * * Effective Date * * *

4 Sec. 25. EFFECTIVE DATE

5 This act shall take effect on July 1, 2024.