

1 **[VTRANS PROPOSALS AS MODIFIED BY LEG. COUNSEL AND**  
2 **LEG. COUNSEL AND JFO TECHNICAL AMENDMENTS AS**  
3 **SUPPORTED BY VTRANS]**

4 Introduced by Committee on Transportation

5 Date:

6 Subject: Transportation; annual Transportation Program; surety bonds;  
7 transportation planning; appropriations calculations; Central Garage  
8 Fund; town highway aid; right-of-way permit fees; vehicle incentive  
9 programs

10 Statement of purpose of bill as introduced: This bill proposes to adopt the  
11 State’s annual Transportation Program and make miscellaneous changes to  
12 laws related to transportation.

13 An act relating to the fiscal year 2025 Transportation Program and  
14 miscellaneous changes to laws related to transportation

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 \* \* \* Transportation Program Adopted as Amended;

17 Definitions \* \* \*

18 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

19 (a) Adoption. The Agency of Transportation’s Proposed Fiscal Year 2025

20 Transportation Program appended to the Agency of Transportation’s proposed

1 fiscal year 2025 budget, as amended by this act, is adopted to the extent  
2 federal, State, and local funds are available.

3 (b) Definitions. As used in this act, unless otherwise indicated:

4 (1) “Agency” means the Agency of Transportation.

5 (2) “Candidate project” means a project approved by the General  
6 Assembly that is not anticipated to have significant expenditures for  
7 preliminary engineering or right-of-way expenditures, or both, during the  
8 budget year and funding for construction is not anticipated within a predictable  
9 time frame.

10 (3) “Development and evaluation (D&E) project” means a project  
11 approved by the General Assembly that is anticipated to have preliminary  
12 engineering expenditures or right-of-way expenditures, or both, during the  
13 budget year and that the Agency is committed to delivering to construction on  
14 a timeline driven by priority and available funding.

15 (4) “Front-of-book project” means a project approved by the General  
16 Assembly that is anticipated to have construction expenditures during the  
17 budget year or the following three years, or both, with expected expenditures  
18 shown over four years.

19 (5) “Secretary” means the Secretary of Transportation.

20 (6) “TIB funds” means monies deposited in the Transportation  
21 Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.



1 liquidation, and discharge of the claims of all creditors for material,  
2 merchandise, labor, rent, hire of vehicles, power shovels, rollers, concrete  
3 mixers, tools, and other appliances, professional services, premiums, and other  
4 services used or employed in carrying out the terms of the contract between the  
5 contractor and the State and further conditioned for the following accruing  
6 during the term of performance of the contract: the payment of taxes, both  
7 State and municipal, and contributions to the Vermont Commissioner of Labor,  
8 ~~accruing during the term of performance of the contract.~~ However, in order to  
9 obtain the benefit of the security, the claimant shall file with the Secretary a  
10 sworn statement of the claimant's claim, within 90 days after the final  
11 acceptance of the project by the State or within 90 days from the time the taxes  
12 or contributions to the Vermont Commissioner of Labor are due and payable,  
13 and, within one year after the filing of the claim, shall bring a petition in the  
14 Superior Court in the name of the Secretary, with notice and summons to the  
15 principal, surety, and the Secretary, to enforce the claim or intervene in a  
16 petition already filed. The Secretary may, if the Secretary determines that it is  
17 in the best interests of the State, accept other good and sufficient surety in lieu  
18 of a bond and, in cases involving contracts for \$100,000.00 or less, may waive  
19 the requirement of a surety bond.

20 \* \* \*

1           \* \* \* Transportation Program Statute; Technical Corrections \* \* \*

2           Sec. 3. 19 V.S.A. § 10g is amended to read:

3           § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

4                   ADVANCEMENTS, CANCELLATIONS, AND DELAYS

5           (a) Proposed Transportation Program. The Agency of Transportation shall  
6           annually present to the General Assembly for adoption a multiyear  
7           Transportation Program covering the same number of years as the Statewide  
8           Transportation Improvement Program (STIP), consisting of the recommended  
9           budget for all Agency activities for the ensuing fiscal year and projected  
10          spending levels for all Agency activities for the following fiscal years. The  
11          Program shall include a description and year-by-year breakdown of  
12          recommended and projected funding of all projects proposed to be funded  
13          within the time period of the STIP and, in addition, a description of all projects  
14          that are not recommended for funding in the first fiscal year of the proposed  
15          Program but that are scheduled for construction during the time period covered  
16          by the STIP. The Program shall be consistent with the planning process  
17          established by 1988 Acts and Resolves No. 200, as codified in 3 V.S.A.  
18          chapter 67 and 24 V.S.A. chapter 117, the statements of policy set forth in  
19          sections 10b–10f of this title, and the long-range systems plan, corridor studies,  
20          and project priorities developed through the capital planning process under  
21          section 10i of this title.

1 (b) Projected spending. Projected spending in future fiscal years shall be  
2 based on revenue estimates as follows:

3 \* \* \*

4 (c) Systemwide performance measures. The Program proposed by the  
5 Agency shall include systemwide performance measures developed by the  
6 Agency to describe the condition of the Vermont transportation network. The  
7 Program shall discuss the background and utility of the performance measures,  
8 track the performance measures over time, and, where appropriate, recommend  
9 the setting of targets for the performance measures.

10 (d) [Repealed.]

11 (e) Prior expenditures and appropriations carried forward.

12 \* \* \*

13 (f) Adopted Transportation Program. Each year following ~~enactment~~  
14 adoption of a Transportation Program under this section, the Agency shall  
15 prepare and make available to the public the Transportation Program  
16 ~~established~~ adopted by the General Assembly. The resulting document shall  
17 be entered in the permanent records of the Agency ~~and of the Board~~, and shall  
18 constitute the State's official Transportation Program.

19 (g) Project updates. The Agency's annual proposed Transportation  
20 Program shall include project updates referencing this section and listing the  
21 following:

1           (1) all proposed projects in the Program that would be new to the State  
2           Transportation Program ~~if adopted~~;

3           (2) all projects for which total estimated costs have increased by more  
4           than \$8,000,000.00 or by more than 100 percent from the estimate in the prior  
5           fiscal year's ~~approved~~ adopted Transportation Program; and

6           (3) all projects funded for construction in the prior fiscal year's  
7           ~~approved~~ adopted Transportation Program that are no longer funded in the  
8           proposed Transportation Program submitted to the General Assembly, the  
9           projected costs for such projects in the prior fiscal year's ~~approved~~ adopted  
10          Transportation Program, and the total costs incurred over the life of each such  
11          project.

12          (h) ~~Should~~ Project delays; emergency and safety issues; additional funding;  
13          cancellations.

14           (1) If capital projects in the Transportation Program ~~be~~ are delayed  
15          because of unanticipated problems with permitting, right-of-way acquisition,  
16          construction, local concern, or availability of federal or State funds, the  
17          Secretary is authorized to advance other projects in the ~~approved~~ adopted  
18          Transportation Program for the current fiscal year.

19           (2) The Secretary is further authorized to undertake projects to resolve  
20          emergency or safety issues that are not included in the adopted Transportation  
21          Program for the current fiscal year. Upon authorizing a project to resolve an

1 emergency or safety issue, the Secretary shall give prompt notice of the  
2 decision and action taken to the Joint Fiscal Office and to the House and  
3 Senate Committees on Transportation when the General Assembly is in  
4 session; and ~~when the General Assembly is not in session~~, to the Joint  
5 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint  
6 Fiscal Committee when the General Assembly is not in session. ~~Should an~~  
7 ~~approved~~

8 (3) If a project in the current adopted Transportation Program require for  
9 the current fiscal year requires additional funding to maintain the ~~approved~~  
10 schedule in the adopted Transportation Program for the current fiscal year, the  
11 Agency is authorized to allocate the necessary resources. However, the  
12 Secretary shall not delay or suspend work on ~~approved~~ projects in the adopted  
13 Transportation Program for the current fiscal year to reallocate funding for  
14 other projects except when other funding options are not available. In such  
15 case, the Secretary shall notify the Joint Transportation Oversight Committee,  
16 the Joint Fiscal Office, and the Joint Fiscal Committee when the General  
17 Assembly is not in session and the House and Senate Committees on  
18 Transportation and the Joint Fiscal Office when the General Assembly is in  
19 session. With respect to projects in the approved Transportation Program, the  
20 Secretary shall notify, ~~in the district affected~~, the regional planning  
21 commission for the district where the affected project is located, the



1 municipality where the affected project is located, the legislators for the district  
2 where the affected project is located, the House and Senate Committees on  
3 Transportation, and the Joint Fiscal Office of any change that likely will affect  
4 the fiscal year in which the project is planned to go to construction.

5 (4) No project shall be canceled without the approval of the General  
6 Assembly, except that the Agency may cancel a municipal project upon the  
7 request or concurrence of the municipality, provided that notice of the  
8 cancellation is included in the Agency's annual proposed Transportation  
9 Program.

10 (i) Economic development proposals. For the purpose of enabling the  
11 State, without delay, to take advantage of economic development proposals  
12 that increase jobs for Vermonters, a transportation project certified by the  
13 Governor as essential to the economic infrastructure of the State economy, or a  
14 local economy, may, if approval is required by law, be approved for  
15 construction by a committee comprising the Joint Fiscal Committee meeting  
16 with the ~~Chairs~~ chairs of the ~~Transportation~~ House and Senate Committees on  
17 Transportation or their designees without explicit project authorization through  
18 an ~~enacted~~ adopted Transportation Program, ~~in the event that such~~  
19 ~~authorization is otherwise required by law~~.

20 (j) Plan for advancing projects. The Agency of Transportation, in  
21 coordination with the Agency of Natural Resources and the Division for

1 Historic Preservation, shall prepare and implement a plan for advancing  
2 ~~approved~~ projects contained in the ~~approved~~ adopted Transportation Program  
3 for the current fiscal year. The plan shall include the assignment of a project  
4 manager from the Agency of Transportation for each project. The Agency of  
5 Transportation, the Agency of Natural Resources, and the Division for Historic  
6 Preservation shall set forth provisions for expediting the permitting process  
7 and establishing a means for evaluating each project during concept design  
8 planning if more than one agency is involved to determine whether it should be  
9 advanced or deleted from the Program.

10 (k) Definition. ~~For purposes of~~ As Used in subsection (h) of this section,  
11 “emergency or safety issues” ~~shall mean~~ means:

12 (1) serious damage to a transportation facility caused by a natural  
13 disaster over a wide area, such as a flood, hurricane, earthquake, severe storm,  
14 or landslide; ~~or~~

15 (2) catastrophic or imminent catastrophic failure of a transportation  
16 facility from any cause; ~~or~~

17 (3) any condition identified by the Secretary as hazardous to the  
18 traveling public; or

19 (4) any condition evidenced by fatalities or a high incidence of crashes.

20 (l) Numerical grading system; priority rating. The Agency shall develop a  
21 numerical grading system to assign a priority rating to all Program

1 Development Paving, Program Development Roadway, Program Development  
2 Safety and Traffic Operations, Program Development State and Interstate  
3 Bridge, Town Highway Bridge, and Bridge Maintenance projects. The rating  
4 system shall consist of two separate, additive components as follows:

5 (1) One component shall be limited to asset management- and  
6 performance-based factors that are objective and quantifiable and shall  
7 consider, ~~without limitation,~~ the following:

8 \* \* \*

9 (2) The second component of the priority rating system shall consider,  
10 ~~without limitation,~~ the following factors:

11 \* \* \*

12 (m) Inclusion of priority rating. The annual proposed Transportation  
13 Program shall include an individual priority rating pursuant to subsection (l) of  
14 this section for each highway paving, roadway, safety and traffic operations,  
15 and bridge project in the ~~program~~ Program along with a description of the  
16 system and methodology used to assign the ratings.

17 (n) Development and evaluation projects; delays. The Agency's annual  
18 proposed Transportation Program shall include a project-by-project description  
19 in each program of all proposed spending of funds for the development and  
20 evaluation of projects. ~~In the approved annual Transportation Program, these~~  
21 These funds shall be reserved to the identified projects subject to the discretion

1 of the Secretary to reallocate funds to other projects within the program when  
2 it is determined that the scheduled expenditure of the identified funds will be  
3 delayed due to permitting, local decision making, the availability of federal or  
4 State funds, or other unanticipated problems.

5 (o) Year of first inclusion. For projects initially ~~approved by the General~~  
6 ~~Assembly for inclusion in the State~~ included in a Transportation Program  
7 adopted after January 1, 2006, the Agency’s proposed Transportation Program  
8 prepared pursuant to subsection (a) of this section and the ~~official~~ adopted  
9 Transportation Program prepared pursuant to subsection (f) of this section shall  
10 include the year in which ~~such~~ the projects were first ~~approved by the General~~  
11 ~~Assembly~~ included in an adopted Transportation Program.

12 (p) Lamoille Valley Rail Trail. The Agency shall include the annual  
13 maintenance required for the Lamoille Valley Rail Trail (LVRT), running from  
14 Swanton to St. Johnsbury, in the Transportation Program it presents to the  
15 General Assembly under subsection (a) of this section. The proposed  
16 authorization for the maintenance of the LVRT shall be sufficient to cover:

17 \* \* \*

18 \* \* \* Appropriation Calculations \* \* \*

19 \* \* \* Central Garage Fund \* \* \*

20 Sec. 4. 19 V.S.A. § 13(c) is amended to read:

1 (c)(1) For the purpose specified in subsection (b) of this section, the  
2 following amount, at a minimum, shall be transferred from the Transportation  
3 Fund to the Central Garage Fund:

4 (A) ~~in fiscal year 2021, \$1,355,358.00; and~~

5 ~~(B) in subsequent fiscal years, at a minimum, the amount specified in~~  
6 ~~subdivision (A) of this subdivision (1) as adjusted annually by increasing~~  
7 ~~transferred for the previous fiscal year's amount by the percentage increase in~~  
8 ~~the year increased by the percentage change in the Bureau of Labor Statistics~~  
9 ~~Consumer Price Index for All Urban Consumers (CPI-U) during the two most~~  
10 ~~recently closed State fiscal years if the percentage change is positive; or~~

11 (B) the amount transferred for the previous fiscal year if the  
12 percentage change is zero or negative.

13 \* \* \*

14 (3) For purposes of subdivision (1) of this subsection, the percentage  
15 change in the CPI-U is calculated by determining the increase or decrease, to  
16 the nearest one-tenth of a percent, in the CPI-U for the month ending on June  
17 30 in the calendar year one year prior to the first day of the fiscal year for  
18 which the transfer will be made compared to the CPI-U for the month ending  
19 on June 30 in the calendar year two years prior to the first day of the fiscal year  
20 for which the transfer will be made.

21 \* \* \* Town Highway Aid \* \* \*

1 Sec. 5. 19 V.S.A. § 306(a) is amended to read:

2 (a) General State aid to town highways.

3 (1) An annual appropriation to class 1, 2, and 3 town highways shall be  
4 made. This appropriation shall increase over the previous fiscal year's  
5 appropriation by the same percentage change as the following, whichever is  
6 less, or shall remain at the previous fiscal year's appropriation if either of the  
7 following are negative or both are zero:

8 (A) ~~the year-over-year increase in the two most recently closed fiscal~~  
9 ~~years in~~ percentage change of the Agency's total appropriations funded by  
10 Transportation Fund revenues, excluding appropriations for town highways  
11 under this subsection (a), for the most recently closed fiscal year as compared  
12 to the fiscal year immediately preceding the most recently closed fiscal year; or

13 (B) the percentage ~~increase~~ change in the Bureau of Labor Statistics  
14 Consumer Price Index for All Urban Consumers (CPI-U) ~~during the same~~  
15 ~~period in subdivision (1)(A) of this subsection.~~

16 (2) ~~If the year-over-year change in appropriations specified in either~~  
17 ~~subdivision (1)(A) or (B) of this subsection is negative, then the appropriation~~  
18 ~~to town highways under this subsection shall be equal to the previous fiscal~~  
19 ~~year's appropriation~~ For purposes of subdivision (1)(B) of this subsection, the  
20 percentage change in the CPI-U is calculated by determining the increase or  
21 decrease, to the nearest one-tenth of a percent, in the CPI-U for the month

1 ending on June 30 in the calendar year one year prior to the first day of the  
2 fiscal year for which the appropriation will be made compared to the CPI-U for  
3 the month ending on June 30 in the calendar year two years prior to the first  
4 day of the fiscal year for which the appropriation will be made.

5 \* \* \*

6 \* \* \* Right-of-Way Permits; Fees \* \* \*

7 Sec. 6. 19 V.S.A. § 1112 is amended to read:

8 § 1112. DEFINITIONS; FEES

9 (a) As used in this section:

10 (1) “Major commercial development” means a commercial development  
11 for which the Agency requires the applicant to submit a traffic impact study in  
12 support of its application under section 1111 of this ~~title~~ chapter.

13 (2) “Minor commercial development” means a commercial development  
14 for which the Agency does not require the applicant to submit a traffic impact  
15 study in support of its application under section 1111 of this ~~title~~ chapter.

16 \* \* \*

17 (b) The Secretary shall collect the following fees for each application for  
18 the following types of permits issued pursuant to section 1111 of this ~~title~~  
19 chapter:

20 \* \* \*





