

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; annual Transportation Program; surety bonds;

4 transportation planning; appropriations calculations; Central Garage

5 Fund; town highway aid; right-of-way permit fees; vehicle incentive

6 programs; electric vehicle supply equipment (EVSE); beneficial

7 electrification; electric distribution utilities; public transit; mobility

8 services; Mobility and Transportation Innovation (MTI) Grant

9 Program; Vermont Rail Plan; Amtrak; Vermont State Design

10 Standards; complete streets; State-designated centers; **emissions**

11 Statement of purpose of bill as introduced: This bill proposes to adopt the

12 State's annual Transportation Program and make miscellaneous changes to

13 laws related to transportation.

14 An act relating to the fiscal year 2025 Transportation Program and

15 miscellaneous changes to laws related to transportation

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

17 * * * Transportation Program Adopted as Amended;

18 Definitions * * *

19 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

1 (a) Adoption. The Agency of Transportation’s Proposed Fiscal Year 2025
2 Transportation Program appended to the Agency of Transportation’s proposed
3 fiscal year 2025 budget (Revised February 15, 2024), as amended by this act,
4 is adopted to the extent federal, State, and local funds are available.

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

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

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

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

17 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
18 supply equipment available to the public” have the same meanings as in
19 30 V.S.A. § 201.

20 (5) “Front-of-book project” means a project approved by the General
21 Assembly that is anticipated to have construction expenditures during the

1 budget year or the following three years, or both, with expected expenditures
2 shown over four years.

3 (6) “Secretary” means the Secretary of Transportation.

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

6 (8) The table heading “As Proposed” means the Proposed
7 Transportation Program referenced in subsection (a) of this section; the table
8 heading “As Amended” means the amendments as made by this act; the table
9 heading “Change” means the difference obtained by subtracting the “As
10 Proposed” figure from the “As Amended” figure; the terms “change” or
11 “changes” in the text refer to the project- and program-specific amendments,
12 the aggregate sum of which equals the net “Change” in the applicable table
13 heading; and “State” in any tables amending authorizations indicates that the
14 source of funds is State monies in the Transportation Fund, unless otherwise
15 specified.

16 * * * Agency of Transportation Duties; Bonding * * *

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

18 § 10. DUTIES

19 The Agency shall, except where otherwise specifically provided by law:

20 * * *

1 (9) Require any contractor or contractors employed in any project of the
2 Agency for construction of a transportation improvement to file an additional
3 surety bond to the Secretary and the Secretary’s successor in office, for the
4 benefit of labor, materialmen, and others, executed by a surety company
5 authorized to transact business in this State; The surety bond shall be in such
6 sum as the Agency shall direct, conditioned for the payment, settlement,
7 liquidation, and discharge of the claims of all creditors for material,
8 merchandise, labor, rent, hire of vehicles, power shovels, rollers, concrete
9 mixers, tools, and other appliances, professional services, premiums, and other
10 services used or employed in carrying out the terms of the contract between the
11 contractor and the State and further conditioned for the following accruing
12 during the term of performance of the contract: the payment of taxes, both
13 State and municipal, and contributions to the Vermont Commissioner of Labor;
14 ~~accruing during the term of performance of the contract.~~ However, in order to
15 obtain the benefit of the security, the claimant shall file with the Secretary a
16 sworn statement of the claimant’s claim, within 90 days after the final
17 acceptance of the project by the State or within 90 days from the time the taxes
18 or contributions to the Vermont Commissioner of Labor are due and payable,
19 and, within one year after the filing of the claim, shall bring a petition in the
20 Superior Court in the name of the Secretary, with notice and summons to the
21 principal, surety, and the Secretary, to enforce the claim or intervene in a

1 petition already filed. The Secretary may, if the Secretary determines that it is
2 in the best interests of the State, accept other good and sufficient surety in lieu
3 of a bond and, in cases involving contracts for \$100,000.00 or less, may waive
4 the requirement of a surety bond.

5 * * *

6 * * * Delays; Transportation Program Statute;

7 Increased Estimated Costs; Technical Corrections * * *

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

9 § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

10 ADVANCEMENTS, CANCELLATIONS, AND DELAYS

11 (a) Proposed Transportation Program. The Agency of Transportation shall
12 annually present to the General Assembly for adoption a multiyear
13 Transportation Program covering the same number of years as the Statewide
14 Transportation Improvement Program (STIP), consisting of the recommended
15 budget for all Agency activities for the ensuing fiscal year and projected
16 spending levels for all Agency activities for the following fiscal years. The
17 Program shall include a description and year-by-year breakdown of
18 recommended and projected funding of all projects proposed to be funded
19 within the time period of the STIP and, in addition, a description of all projects
20 that are not recommended for funding in the first fiscal year of the proposed
21 Program but that are scheduled for construction during the time period covered

1 by the STIP. The Program shall be consistent with the planning process
2 established by 1988 Acts and Resolves No. 200, as codified in 3 V.S.A.
3 chapter 67 and 24 V.S.A. chapter 117, the statements of policy set forth in
4 sections 10b–10f of this title, and the long-range systems plan, corridor studies,
5 and project priorities developed through the capital planning process under
6 section 10i of this title.

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

9 * * *

10 (c) Systemwide performance measures. The Program proposed by the
11 Agency shall include systemwide performance measures developed by the
12 Agency to describe the condition of the Vermont transportation network. The
13 Program shall discuss the background and utility of the performance measures,
14 track the performance measures over time, and, where appropriate, recommend
15 the setting of targets for the performance measures.

16 (d) [Repealed.]

17 (e) Prior expenditures and appropriations carried forward.

18 * * *

19 (f) Adopted Transportation Program. Each year following ~~enactment~~
20 adoption of a Transportation Program under this section, the Agency shall
21 prepare and make available to the public the Transportation Program

1 ~~established~~ adopted by the General Assembly. The resulting document shall
2 be entered in the permanent records of the Agency ~~and of the Board~~, and shall
3 constitute the State’s official Transportation Program.

4 (g) Project updates. The Agency’s annual proposed Transportation
5 Program shall include project updates referencing this section and listing the
6 following:

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

9 (2) all projects for which total estimated costs have increased by more
10 than ~~\$8,000,000.00~~ \$5,000,000.00 from the estimate in the adopted
11 Transportation Program for the prior fiscal year or by more than ~~400~~
12 75 percent from the estimate in the ~~prior fiscal year’s approved~~ adopted
13 Transportation Program for the prior fiscal year; and

14 (3) all projects for which the total estimated costs have, for the first
15 time, increased by more than \$8,000,000.00 from the estimate in the adopted
16 Transportation Program for the fiscal year when the project first appears as a
17 development and evaluation (D&E) project or by more than 50 percent from
18 the estimate in the adopted Transportation Program for the fiscal year when the
19 project first appears as a D&E project; and

20 (4) all projects funded for construction in the prior fiscal year’s
21 ~~approved~~ adopted Transportation Program that are no longer funded in the

1 proposed Transportation Program submitted to the General Assembly, the
2 projected costs for such projects in the prior fiscal year's ~~approved~~ adopted
3 Transportation Program, and the total costs incurred over the life of each such
4 project.

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

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

12 (2) The Secretary is further authorized to undertake projects to resolve
13 emergency or safety issues that are not included in the adopted Transportation
14 Program for the current fiscal year. Upon authorizing a project to resolve an
15 emergency or safety issue, the Secretary shall give prompt notice of the
16 decision and action taken to the Joint Fiscal Office and to the House and
17 Senate Committees on Transportation when the General Assembly is in
18 session, and ~~when the General Assembly is not in session,~~ to the Joint
19 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint
20 Fiscal Committee when the General Assembly is not in session. ~~Should an~~
21 ~~approved~~

1 (3) If a project in the ~~current~~ adopted Transportation Program ~~require~~ for
2 the current fiscal year requires additional funding to maintain the ~~approved~~
3 schedule in the adopted Transportation Program for the current fiscal year, the
4 Agency is authorized to allocate the necessary resources. However, the
5 Secretary shall not delay or suspend work on ~~approved~~ projects in the adopted
6 Transportation Program for the current fiscal year to reallocate funding for
7 other projects except when other funding options are not available. In such
8 case, the Secretary shall notify the Joint Transportation Oversight Committee,
9 the Joint Fiscal Office, and the Joint Fiscal Committee when the General
10 Assembly is not in session and the House and Senate Committees on
11 Transportation and the Joint Fiscal Office when the General Assembly is in
12 session. With respect to projects in the approved Transportation Program, the
13 Secretary shall notify, ~~in the district affected~~, the regional planning
14 commission for the district where the affected project is located, the
15 municipality where the affected project is located, the legislators for the district
16 where the affected project is located, the House and Senate Committees on
17 Transportation, and the Joint Fiscal Office of any change that likely will affect
18 the fiscal year in which the project is planned to go to construction.

19 (4) No project shall be canceled without the approval of the General
20 Assembly, except that the Agency may cancel a municipal project upon the
21 request or concurrence of the municipality, provided that notice of the

1 cancellation is included in the Agency’s annual proposed Transportation
2 Program.

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

13 (j) Plan for advancing projects. The Agency of Transportation, in
14 coordination with the Agency of Natural Resources and the Division for
15 Historic Preservation, shall prepare and implement a plan for advancing
16 ~~approved~~ projects contained in the ~~approved~~ adopted Transportation Program
17 for the current fiscal year. The plan shall include the assignment of a project
18 manager from the Agency of Transportation for each project. The Agency of
19 Transportation, the Agency of Natural Resources, and the Division for Historic
20 Preservation shall set forth provisions for expediting the permitting process
21 and establishing a means for evaluating each project during concept design

1 planning if more than one agency is involved to determine whether it should be
2 advanced or deleted from the Program.

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

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

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

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

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

13 (l) Numerical grading system; priority rating. The Agency shall develop a
14 numerical grading system to assign a priority rating to all Program
15 Development Paving, Program Development Roadway, Program Development
16 Safety and Traffic Operations, Program Development State and Interstate
17 Bridge, Town Highway Bridge, and Bridge Maintenance projects. The rating
18 system shall consist of two separate, additive components as follows:

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

1 * * *

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

4 * * *

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

10 (n) Development and evaluation projects; delays. The Agency’s annual
11 proposed Transportation Program shall include a project-by-project description
12 in each program of all proposed spending of funds for the development and
13 evaluation of projects. ~~In the approved annual Transportation Program, these~~
14 These funds shall be reserved to the identified projects subject to the discretion
15 of the Secretary to reallocate funds to other projects within the program when
16 it is determined that the scheduled expenditure of the identified funds will be
17 delayed due to permitting, local decision making, the availability of federal or
18 State funds, or other unanticipated problems.

19 (o) Year of first inclusion. For projects initially ~~approved by the General~~
20 ~~Assembly for inclusion in the State~~ included in a Transportation Program
21 adopted after January 1, 2006, the Agency’s proposed Transportation Program

1 prepared pursuant to subsection (a) of this section and the ~~official~~ adopted
2 Transportation Program prepared pursuant to subsection (f) of this section shall
3 include the year in which ~~such~~ the projects were first ~~approved by the General~~
4 ~~Assembly~~ included in an adopted Transportation Program.

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

10 * * *

11 **Sec. 3a. PLAN FOR REPORTING DELAYS; REPORT**

12 The Agency of Transportation shall file a written report containing a plan
13 for how to provide sufficient notice when projects in the adopted
14 Transportation Program are delayed to the House and Senate Committees on
15 Transportation not later than December 15, 2024.

16 * * * Appropriation Calculations * * *

17 * * * Central Garage Fund * * *

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

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

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

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

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

14 (2) ~~If the year-over-year change in appropriations specified in either~~
15 ~~subdivision (1)(A) or (B) of this subsection is negative, then the appropriation~~
16 ~~to town highways under this subsection shall be equal to the previous fiscal~~
17 ~~year's appropriation~~ For purposes of subdivision (1)(B) of this subsection, the
18 percentage change in the CPI-U is calculated by determining the increase or
19 decrease, to the nearest one-tenth of a percent, in the CPI-U for the month
20 ending on June 30 in the calendar year one year prior to the first day of the
21 fiscal year for which the appropriation will be made compared to the CPI-U for

1 the month ending on June 30 in the calendar year two years prior to the first
2 day of the fiscal year for which the appropriation will be made.

3 * * *

4 * * * Right-of-Way Permits; Fees * * *

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

6 § 1112. DEFINITIONS; FEES

7 (a) As used in this section:

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

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

14 * * *

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

18 * * *

(3) minor commercial development: \$250.00

19 * * *

1 (c) Notwithstanding subdivision (b)(3) of this section, the Secretary may
2 waive the collection of the fee for a permit issued pursuant to section 1111 of
3 this chapter for a minor commercial development if the Governor has declared
4 a state of emergency under 20 V.S.A. chapter 1 and the Secretary has
5 determined that the permit applicant is facing hardship, provided that the
6 permit is applied for during the declared state of emergency or within the six
7 months following the conclusion of the declared state of emergency.

8 * * * Vehicle Incentive Programs * * *

9 Sec. 7. [Deleted.]

10 * * * Replace Your Ride Program * * *

11 Sec. 8. 19 V.S.A. § 2904(d)(2)(B)(i) is amended to read:

12 (B) For purposes of the Replace Your Ride Program:

13 (i) An “older low-efficiency vehicle”:

14 * * *

15 (VI) passed the safety inspection portion, but not necessarily
16 the emissions or on board diagnostic (OBD) systems inspection portion, of the
17 annual inspection required under 23 V.S.A. § 1222 within the prior year.

18 Sec. 9. 19 V.S.A. § 2904a is added to read:

19 § 2904a. REPLACE YOUR RIDE PROGRAM FLEXIBILITY;

20 EMERGENCIES

1 Notwithstanding subdivisions 2904(d)(2)(A) and (d)(2)(B)(i)(IV)–(VI) of
2 this chapter, the Agency of Transportation is authorized to waive or modify the
3 eligibility requirements for the Replace Your Ride Program under subdivisions
4 (d)(2)(B)(i)(IV)–(VI) that pertain to the removal of an eligible vehicle as
5 required under subdivision 2904(d)(2)(A) of this chapter provided that:

6 (1) the Governor has declared a state of emergency under 20 V.S.A.
7 chapter 1 and, due to the event or events underlying the state of emergency,
8 motor vehicles registered in Vermont have been damaged or totaled;

9 (2) the waived or modified eligibility requirements are prominently
10 posted on any websites maintained by or at the direction of the Agency for
11 purposes of providing information on the vehicle incentive programs;

12 (3) the waived or modified eligibility requirements are only applicable:

13 (A) upon a showing that the applicant for an incentive under the
14 Replace Your Ride Program was a registered owner of a motor vehicle that
15 was damaged or totaled due to the event or events underlying the state of
16 emergency at the time of the event or events underlying the state of
17 emergency; and

18 (B) for six months after the conclusion of the state of emergency; and

19 (4) the waiver or modification of eligibility requirements and resulting
20 impact are addressed in the annual reporting required under section 2905 of
21 this chapter.

1 * * * Electrify Your Fleet Program * * *

2 Sec. 10. 2023 Acts and Resolves No. 62, Sec. 21 is amended to read:

3 Sec. 21. ELECTRIFY YOUR FLEET PROGRAM; AUTHORIZATION

4 * * *

5 (d) Program structure. The Electrify Your Fleet Program shall reduce the
6 greenhouse gas emissions of persons operating a motor vehicle fleet in
7 Vermont by structuring purchase and lease incentive payments on a first-come,
8 first-served basis to replace vehicles other than a plug-in electric vehicle (PEV)
9 cycled out of a motor vehicle fleet or avoid the purchase of vehicles other than
10 a PEV for a motor vehicle fleet. Specifically, the Electrify Your Fleet Program
11 shall:

12 * * *

13 (2) provide \$2,500.00 purchase and lease incentives for:

14 * * *

15 (C) electric bicycles and electric cargo bicycles with a base MSRP of
16 ~~\$6,000.00~~ \$10,000.00 or less;

17 (D) adaptive electric cycles with any base MSRP;

18 (E) electric motorcycles with a base MSRP of \$30,000.00 or less; ~~and~~

19 (F) electric snowmobiles with a base MSRP of \$20,000.00 or less;

20 and

1 vehicle incentive program created under 19 V.S.A. §§ 2902–2904 that has less
2 than \$500,000.00 available for distribution as a vehicle incentive.

3 (b) Any transfers made pursuant to subsection (a) of this section shall be
4 reported to the Joint Transportation Oversight Committee and the Joint Fiscal
5 Office within 30 days after the transfer.

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

7 Sec. 13. 19 V.S.A. chapter 29 is amended to read:

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

10 § 2901. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
14 supply equipment available to the public” have the same meanings as in
15 30 V.S.A. § 201.

16 (5) “Plug-in electric vehicle (PEV),” “battery electric vehicle (BEV),”
17 and “plug-in hybrid electric vehicle (PHEV)” have the same meanings as in
18 23 V.S.A. § 4(85).

19 * * *

1 § 2906. ELECTRIC VEHICLE SUPPLY EQUIPMENT GOALS

2 It shall be the goal of the State to have, as practicable, level 3 EVSE
3 charging ports available to the public:

4 (1) within three driving miles of every exit of the Dwight D. Eisenhower
5 National System of Interstate and Defense Highways within the State;

6 (2) within 25 driving miles of another level 3 EVSE charging port
7 available to the public along a State highway, as defined in subdivision 1(20)
8 of this title; and

9 (3) co-located with or within a safe and both walkable and rollable
10 distance of publicly accessible amenities such as restrooms, restaurants, and
11 convenience stores to provide a safe, consistent, and convenient experience for
12 the traveling public along the State highway system.

13 § 2907. ANNUAL REPORTING; ELECTRIC VEHICLE SUPPLY
14 EQUIPMENT

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

16 (1) file a report, with a map, on the State’s efforts to meet its federally
17 required Electric Vehicle Infrastructure Deployment Plan, as updated, with the
18 House and Senate Committees on Transportation not later than January 15
19 each year until the Deployment Plan is met;

20 (2) file a report on additional efforts to deploy EVSE through any State
21 EVSE grant programs, including grant programs to increase Vermonters’

1 access to charging at workplaces, multiunit dwellings, and community
2 attractions with the House and Senate Committees on Transportation not later
3 than January 15 each year in a year following a calendar year in which a State
4 EVSE grant program provides funding for EVSE; and

5 (3) file a report on the current conditions of EVSE available to the
6 public and deployed through the assistance of public, State or federal, funding;
7 how other states or jurisdictions are addressing broken or unavailable EVSE
8 available to the public; and any recommendations on how best to minimize the
9 frequency that EVSE available to the public is broken or unavailable with the
10 House and Senate Committees on Transportation not later than January 15
11 each year.

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

17 Sec. 14. REPEAL OF CURRENT EVSE MAP REPORT AND EXISTING

18 GOALS

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 goals; report of annual
21 map) is repealed.

1 Sec. 15. EVSE PLAN; REPORT

2 The Agency of Transportation, in consultation with the Agencies of
3 Agriculture, Food and Markets and of Commerce and Community
4 Development, shall prepare a written plan, which may incorporate other plans
5 that have been prepared to secure federal funding under the National Electric
6 Vehicle Infrastructure Formula Program, for how to fund and maintain the
7 EVSE necessary for Vermont to meet that portion of the goals of the
8 Comprehensive Energy Plan and the Vermont Climate Action Plan. The
9 written plan shall be filed with the House and Senate Committees on
10 Transportation not later than January 15, 2025.

11 Sec. 16. RECOMMENDATION ON EVSE REGULATION

12 (a) The Agency of Agriculture, Food and Markets, in consultation with the
13 Agencies of Transportation and of Commerce and Community Development,
14 the Department of Public Service, the Public Utility Commission, the Office of
15 the Attorney General, Consumer Protection Division, Drive Electric Vermont,
16 and EVSE industry participants, shall prepare written recommendations on
17 what regulations, if any, should be placed on EVSE available to the public that
18 is not owned and operated by an electric distribution utility and on EVSE
19 available to the public that is owned and operated by an electric distribution
20 utility. The written recommendations shall include clear explanations for
21 regulatory recommendations regarding EVSE, trade professionals, fees,

1 penalties, appeals; the number of affected EVSE and trade professionals;
2 projected revenues and program costs; initial findings regarding EVSE
3 tolerances and noncompliant EVSE; and plans for education and outreach in
4 advance of the implementation of any regulations or enforcement. The written
5 recommendations shall be filed with the House and Senate Committees on
6 Transportation, the House Committees on Commerce and Economic
7 Development and on Environment and Energy, and the Senate Committees on
8 Economic Development, Housing and General Affairs, on Finance, and on
9 Natural Resources and Energy not later than November 15, 2024.

10 (b) Notwithstanding 9 V.S.A. chapter 73 and any State law or rule that may
11 authorize regulation of EVSE not owned by an electric distribution utility, the
12 State shall not implement an EVSE regulatory program or take any
13 enforcement action related to EVSE regulation before the report required under
14 subsection (a) of this section is filed.

15 * * * Beneficial Electrification * * *

16 Sec. 17. **REPORT ON ELECTRIC DISTRIBUTION UTILITY LINE**
17 **EXTENSION COSTS; REPORT**

18 The Public Utility Commission shall include a reporting of line extension
19 tariffs across all electric distribution utilities, which shall also include an
20 analysis and comparison of electric distribution utility practices related to

1 requests for line extensions and service upgrades, in the report due not later
2 than January 15, 2025 pursuant to 2021 Acts and Resolves No. 55, Sec. 33.

3 * * * Expansion of Public Transit Service * * *

4 * * * Mobility Services Guide; Car Share * * *

5 Sec. 18. MOBILITY SERVICES GUIDE; ORAL UPDATE

6 (a) The Agency of Transportation, in consultation with existing nonprofit
7 mobility services organizations incorporated in the State of Vermont for the
8 purpose of providing Vermonters with transportation alternatives to personal
9 vehicle ownership, such as through carsharing, and other nonprofit
10 organizations working to achieve the goals of the Comprehensive Energy Plan,
11 the Vermont Climate Action Plan, and the Agency of Transportation’s
12 community engagement plan for environmental justice, shall develop a web-
13 page-based guide to outline the different mobility service models that could be
14 considered for deployment in Vermont.

15 (b) At a minimum, the web-page-based guide required under subsection (a)
16 of this section shall include the following:

17 (1) definitions of program types or options, such as car sharing, mobility
18 for all, micro-transit, bike sharing, and other types of programs that meet the
19 goals identified in subsection (a) of this section;

20 (2) information related to existing initiatives, including developmental
21 and pilot programs, that meet any of the program types or options defined

1 pursuant to subdivision (1) of this subsection and information related to any
2 pertinent studies or reports, whether completed or ongoing, related to the
3 program types or options defined pursuant to subdivision (1) of this
4 subsection;

5 (3) details of other existing programs that may impact program design,
6 such as fixed-route public transit service, Medicaid transportation service,
7 older adults and persons with disability transportation service, job access
8 transportation service, and other similar programs; and

9 (4) for each possible program type or option defined pursuant
10 subdivision (1) of this subsection, additional details outlining:

11 (A) the range of start-up, capital, facilities, and ongoing operating
12 and maintenance costs;

13 (B) the service area characteristics;

14 (C) the revenue capture options;

15 (D) technical assistance resources; and

16 (E) existing or potential funding resources.

17 (c) The Agency of Transportation shall make itself available to provide an
18 oral update and demonstration of the web-page-based guide required under
19 subsection (a) of this section to the House and Senate Committees on
20 Transportation not later than February 15, 2025.

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

2 Sec. 19. MOBILITY AND TRANSPORTATION INNOVATION (MTI)

3 GRANT PROGRAM; APPROPRIATION

4 (a) Appropriation. The sum of \$XXX.00 is appropriated from the
5 Transportation Fund to the Agency of Transportation in fiscal year 2025 for a
6 continuation of the Mobility and Transportation Innovation (MTI) Grant
7 Program, which was created pursuant to 2020 Acts and Resolves No. 121,
8 Sec. 16.

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

13 (1) Grant awards shall be made available for both capital and
14 operational costs that expand new or existing programs and result in
15 greenhouse gas emissions reductions. Funding under the MTI Grant Program
16 shall not be used to supplant existing State funding.

17 (2) The Agency of Transportation shall expand the application period
18 for the MTI Grant Program, opening the application process in May of each
19 year that grants are offered and providing entities requiring technical assistance
20 or pre-review of a draft application direct assistance between the opening of
21 the application period and August of each year that grants are offered. Final

1 applications shall be due in early September of each year that grants are
2 offered.

3 * * * Vermont Rail Plan; Amtrak * * *

4 Sec. 20. DEVELOPMENT OF NEW VERMONT RAIL PLAN; BICYCLE
5 STORAGE; REPORT

6 (a) As the Agency of Transportation develops the new Vermont Rail Plan,
7 it shall consider and address the following:

8 (1) adding additional daily service on the Vermonter for some or all of
9 the service area; and

10 (2) expanding service on the Valley Flyer to provide increased service
11 on the Vermonter route.

12 (b) The Agency of Transportation shall consult with Amtrak and the State-
13 Amtrak Intercity Passenger Rail Committee (SAIPRC) on passenger education
14 of and sufficient capacity for bicycle storage on Amtrak trains on the
15 Vermonter and Ethan Allen Express routes.

16 (c) The Agency of Transportation shall provide an oral update on the
17 development of the Vermont Rail Plan in general and the requirements of
18 subsection (a) of this section specifically and the consultation efforts required
19 under subsection (b) of this section to the House and Senate Committees on
20 Transportation not later than February 15, 2025.

1 * * * Replacement for the Vermont State Design Standards * * *

2 Sec. 21. REPLACEMENT FOR THE VERMONT STATE DESIGN
3 STANDARDS

4 (a) In preparing the replacement for the Vermont State Design Standards,
5 the Agency of Transportation shall do all of the following:

6 (1) Release a draft of the replacement to the Vermont State Design
7 Standards and related documents not later than January 1, 2026.

8 (2) Conduct not less than four public hearings across the State
9 concerning the replacement to the Vermont State Design Standards and related
10 documents.

11 (3) Provide a publicly available responsiveness summary detailing the
12 public participation activities conducted in developing the final draft of the
13 replacement for the Vermont State Design Standards and related documents, as
14 applicable; a description of the matters on which members of the public or
15 stakeholders, or both, were consulted; a summary of the views of the
16 participating members of the public and stakeholders; and significant
17 comments, criticisms, and suggestions received by the Agency and the
18 Agency’s specific responses, including an explanation of any modifications
19 made in response.

20 (4) Consult directly, through a series of large-group, specialty focus
21 groups and one-on-one meetings, with key stakeholders in order to achieve

1 stakeholder engagement and afford a voice in the development of the
2 replacement for the Vermont State Design Standards and related documents.
3 At a minimum, stakeholders shall include the House and Senate Committees
4 on Transportation, the Federal Highway Administration (FHWA), the Vermont
5 Agency of Commerce and Community Development (ACCD), the Vermont
6 Agency of Natural Resources (ANR), the Vermont Department of Health
7 (VDH), the Vermont Department of Public Service (DPS), the Vermont
8 League of Cities and Towns (VLCT), Vermont’s regional planning
9 commissions (RPCs), the Vermont chapter of the American Association of
10 Retired Persons (AARP), Transportation for Vermonters (T4VT), Local
11 Motion, the Sierra Club, Conservation Law Foundation, the Vermont Natural
12 Resources Council, the Vermont Truck and Bus Association, the Vermont
13 Public Transportation Association (VPTA), the American Council of
14 Engineering Companies (ACEC), the Association of General Contractors
15 (AGC), and Vermont Transportation Equity Framework stakeholders.

16 (b) The Agency shall provide oral updates on its progress preparing the
17 replacement to the Vermont State Design Standards, including the process
18 required under subsection (a) of this section, to the House and Senate
19 Committees on Transportation not later than February 15, 2025 and February
20 15, 2026.

1 * * * Complete Streets; Traffic Calming Measures; Designated Centers * * *

2 Sec. 22. 19 V.S.A. §§ 2402 and 2403 are amended to read:

3 § 2402. STATE POLICY

4 (a) Agency of Transportation funded, designed, or funded and designed
5 projects shall seek to increase and encourage more pedestrian, bicycle, and
6 public transit trips, with the State goal to promote intermodal access to the
7 maximum extent feasible, which will help the State meet the transportation-
8 related recommendations outlined in the Comprehensive Energy Plan (CEP)
9 issued under 30 V.S.A. § 202b and the recommendations of the Vermont
10 Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

11 (b) Except in the case of projects or project components involving unpaved
12 highways, for all transportation projects and project phases managed by the
13 Agency or a municipality, including planning, development, construction, or
14 maintenance, it is the policy of this State for the Agency and municipalities, as
15 applicable, to incorporate complete streets principles that:

16 (1) serve individuals of all ages and abilities, including vulnerable users
17 as defined in 23 V.S.A. § 4(81);

18 (2) follow state-of-the-practice design guidance; ~~and~~

19 (3) are sensitive to the surrounding community, including current and
20 planned buildings, parks, and trails and current and expected transportation
21 needs; and

1 subdivision then the project manager shall provide a supplemental written
2 determination with specific details on costs, needs, and probable uses, as
3 applicable, but shall not need to address, in the supplemental written
4 determination, any design elements desired by the municipality pursuant to
5 subdivision 2402(b)(4)(B) of this chapter.

6 * * *

7 (b) Municipal projects. A municipally managed project shall incorporate
8 complete streets principles unless the municipality managing the project makes
9 a written determination, supported by documentation, that one or more of the
10 following circumstances exist:

11 * * *

12 (2) The cost of incorporating complete streets principles is
13 disproportionate to the need or probable use as determined by factors such as
14 land use, current and projected user volumes, population density, crash data,
15 historic and natural resource constraints, and maintenance requirements. The
16 municipality shall consult local and regional plans, as appropriate, in assessing
17 these and any other relevant factors. If the municipality managing the project
18 bases the written determination required under this subsection in whole or in
19 part on this subdivision then the project manager shall provide a supplemental
20 written determination with specific details on costs, needs, and probable uses,
21 as applicable, but shall not need to address, in the supplemental written

1 determination, any design elements desired by the municipality pursuant to
2 subdivision 2402(b)(4)(B) of this chapter.

3 * * *

4 * * * Sustainability of Vermont’s Transportation System;

5 Emissions Reductions * * *

6 Sec. 23. ANALYSIS AND REPORT ON SUSTAINABILITY OPTIONS;

7 TRANSPORTATION EMISSIONS REDUCTIONS

8 (a) Findings of fact. The General Assembly finds:

9 (1) A majority of the Vermont Climate Council (VCC) voted to
10 recommend participation in the Transportation & Climate Initiative Program
11 (TCI-P), a regional cap-and-invest program, as a lead policy and regulatory
12 approach to reduce emissions from the transportation sector in the Vermont
13 Climate Action Plan (CAP), adopted in December 2021.

14 (2) Shortly before adoption of the CAP in December 2021, participating
15 in TCI-P became unviable and the VCC agreed to include in the CAP that the
16 VCC would continue work on an alternative recommendation to reduce
17 emissions from the transportation sector in Vermont and pursue participating
18 in TCI-P if it again became viable.

19 (3) An addendum to the CAP, supported by a majority of the VCC,
20 stated that: “The only currently known policy options for which there is strong
21 evidence from other states, provinces[,] and countries of the ability to

1 confidently deliver the scale and pace of emissions reductions that are required
2 of the transportation sector by the [Global Warming Solutions Act (GWSA)]
3 are one or a combination of: a) a cap and invest/cap and reduce policy
4 covering transportation fuels and/or b) a performance standard/performance-
5 based regulatory approach covering transportation fuels. Importantly, based on
6 research associated with their potential implementation, these approaches can
7 also be designed in a cost-effective and equitable manner.”

8 (4) The development of the State’s Carbon Reduction Strategy (CRS),
9 which is required by the Federal Highway Administration (FHWA) pursuant to
10 the federal Infrastructure Investment and Jobs Act (IIJA) for states to access
11 federal monies under the Carbon Reduction Program and required by the
12 General Assembly pursuant to 2023 Acts and Resolves No. 62, Sec. 31, and
13 the accompanying planning and public engagement process provided the Cross
14 Section Mitigation Subcommittee of the VCC a timely opportunity to
15 undertake additional analysis required for a potential preferred
16 recommendation or recommendations to fill the gap in reductions of
17 transportation emissions.

18 (5) The CRS, which was filed with the FHWA in November 2023,
19 models that the State may meet its 2025 reduction requirement in the
20 transportation sector, but that, even with additional investments for
21 programmatic, policy, and regulatory options, the modeling shows a gap

1 between projected “business as usual” emissions in the transportation sector
2 and the portion of GWSA emission reduction requirements for 2030 and 2050
3 that are attributable to the transportation sector.

4 (6) The CRS reaffirms that, without adoption of additional polices, the
5 portion of GWSA emission reduction requirements for 2030 and 2050 that are
6 attributable to the transportation sector will not be met and states that: “Of the
7 additional programs, a cap-and-invest and/or Clean Transportation Standard
8 program are likely the two most promising options to close the gap in projected
9 emissions vs. required emissions levels for the transportation sector. . . .”

10 (7) There remains a need for further, more detailed analysis of policy
11 options.

12 (b) Written analysis. The Agency of Natural Resources, specifically the
13 Climate Action Office, and the Agency of Transportation, in consultation with
14 the State Treasurer; the Departments of Finance and Management, of Motor
15 Vehicles, and of Taxes; and the VCC, including those councilors appointed by
16 the General Assembly to provide expertise in energy and data analysis,
17 expertise and professional experience in the design and implementation of
18 programs to reduce greenhouse gas emissions, and representation of a
19 statewide environmental organization as outlined in the adopted January 12,
20 2024 Transportation Addendum to the Climate Action Plan, shall prepare a
21 written analysis of policy and investment scenarios to reduce emissions in the

1 transportation sector in Vermont and meet the greenhouse gas reduction
2 requirements of 10 V.S.A. § 578, as amended by Sec. 3 of the Global Warming
3 Solutions Act (2020 Acts and Resolves No. 153).

4 (c) Scenario development. At a minimum, the written analysis required
5 under subsection (b) of this section shall address the pros, cons, costs, and
6 benefits of the following:

7 (1) Vermont participating in regional or cap-and-invest program, such as
8 the Western Climate Initiative (WCI) and the New York Cap-and-Invest
9 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 other potential revenue-raising, carbon-
14 pollution reduction strategies.

15 (d) Emission reduction scenarios; administration. The written analysis
16 shall include an estimate of the amount of emissions reduction to be generated
17 from a minimum of four scenarios, to include a business-as-usual, low-,
18 medium-, and high-greenhouse gas emissions reduction, analyzed under
19 subsection (c) of this section and a summary of how each proposal analyzed
20 under subsection (c) of this section would be administered.

1 (e) Revenue and cost estimate; timeline. The written analysis completed
2 pursuant to subsections (b)–(d) of this section shall be provided to the State
3 Treasurer to review cost and revenue projections for each scenario. The State
4 Treasurer shall make a written recommendation to the General Assembly
5 regarding any viable approaches.

6 (f) Public access; committees; due date.

7 (1) The Climate Action Office shall maintain a publicly accessible
8 website with information related to the development of the written analysis
9 required under subsection (b) of this section.

10 (2) The Agencies of Natural Resources and of Transportation, in
11 consultation with the State Treasurer, shall file a status update on the
12 development of the written analysis required under subsection (b) of this
13 section with the House and Senate Committees on Transportation, the House
14 Committees on Environment and Energy and on Ways and Means, and the
15 Senate Committees on Finance and on Natural Resources and Energy not later
16 than November 15, 2024.

17 (3) The Agencies of Natural Resources and of Transportation, in
18 consultation with the State Treasurer, shall file the written analysis required
19 under subsection (b) of this section and the State Treasurer’s written
20 recommendation to the General Assembly regarding any viable approaches
21 required under subsection (e) of this section with the House and Senate

1 Committees on Transportation, the House Committees on Environment and
2 Energy and on Ways and Means, and the Senate Committees on Finance and
3 on Natural Resources and Energy not later than February 15, 2025.

4 (g) Use of consultant. The Agencies of Natural Resources and of
5 Transportation shall retain a consultant that is an expert in comprehensive
6 transportation policy with a core focus on emission reductions and economic
7 modeling to undertake the analysis and to provide the State Treasurer with any
8 additional information needed to inform the State Treasurer’s
9 recommendations regarding any viable approaches required under subsections
10 (b)–(e) of this section.

11 (h) Costs.

12 (1) If the costs of the consultant required under subsection (g) of this
13 section are eligible expenditures under the U.S. Environmental Protection
14 Agency’s (EPA) Climate Pollution Reduction Grants (CPRG) program then
15 that shall be the source of funding to cover the costs of the consultant required
16 under subsection (g) of this section.

17 (2) The State Treasurer may use funds appropriated in State fiscal year
18 2025 to complete the work required under subsection (e) of this section,
19 including administrative costs and third-party consultation.

