

1 S.64

2 Introduced by Senators White and Hardy

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; noise; exhaust; exhaust system modification;

6 emissions; idling; car seats; child restraint systems; seatbelts; safety

7 belts; bicycle safety; pedestrian safety; highway access; transportation

8 planning; Vermont Climate Action Plan (CAP); Comprehensive

9 Energy Plan (CEP); emissions modeling; trees; replanting; State

10 highway right-of-way; landscaping; streetscaping; vehicle weights;

11 permits; noise abatement; Type II Noise Abatement Program

12 Statement of purpose of bill as introduced: This bill proposes to make

13 miscellaneous changes to laws related to vehicles, infrastructure, and

14 transportation planning.

15 An act relating to miscellaneous changes related to vehicles, infrastructure,
16 and transportation planning

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

18 * * * Motor Vehicle Noise; Motor Vehicle Exhaust;

19 Exhaust System Modifications * * *

1 Sec. 1. 23 V.S.A. § 1221 is amended to read:

2 § 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE; EXCESSIVE
3 EXHAUST EMISSIONS

4 (a) A motor vehicle, operated on any highway, shall be in good mechanical
5 condition and shall be properly equipped.

6 (b)(1) An individual shall not operate a motor vehicle with an exhaust
7 system that has been modified when the result of that modification is the:

8 (A) amplification or increase of noise emitted by the motor above
9 that emitted by the muffler originally installed on the vehicle; or

10 (B) emission of increased exhaust fumes.

11 (2) An individual who violates subdivision (1) of this subsection shall be
12 subject to a civil penalty of not less than:

13 (A) \$100.00 for a first violation;

14 (B) \$200.00 for a second violation; and

15 (C) \$350.00 for a third or subsequent violation.

16 (3) It shall be a defense to a violation of subdivision (1)(A) of this
17 subsection if a muffler or exhaust system of a motor vehicle does not emit
18 noise in excess of 95 decibels as measured in accordance with SAE
19 International (SAE) standard J1492, as amended, or any subsequent standard
20 developed and implemented by SAE. Measurements must be made by a
21 participating certified inspection station.

1 (c) A motor vehicle equipped or modified as described in subdivision
2 (b)(1) of this section shall not pass an inspection required under section 1222
3 of this title.

4 * * * Idling; Motor Vehicle Exhaust; Public Outreach * * *

5 Sec. 2. IDLING; MOTOR VEHICLE EXHAUST; PUBLIC OUTREACH
6 CAMPAIGN

7 (a) The Department of Environmental Conservation, Air Quality and
8 Climate Division, in consultation with the Departments of Motor Vehicles and
9 of Public Safety, shall implement a public outreach campaign on idling and
10 modified exhaust systems that, at a minimum, addresses that:

11 (1) in most cases, idling violates 23 V.S.A. § 1110;

12 (2) in most cases, modifying an exhaust system in a way that increases
13 the emission of exhaust fumes, including to roll coal, violates 23 V.S.A.
14 § 1221;

15 (3) unnecessary idling or rolling coal, or both, harms human health,
16 pollutes the air, wastes fuel and money, and causes excess engine wear;

17 (4) based on estimates, if every motor vehicle in Vermont reduced
18 unnecessary idling by just one minute per day, over the course of a year
19 Vermonters would save over 1,000,000 gallons of fuel and over \$3,000,000.00
20 in fuel costs, and Vermont would reduce CO2 emissions by more than 10,000
21 metric tons; and

1 (5) while individual actions may be small, the cumulative impacts of
2 idling are large.

3 (b) The public outreach campaign shall disseminate information on idling
4 and modifying the exhaust system of a motor vehicle to increase the emission
5 of exhaust fumes through e-mail; a dedicated web page on idling that is linked
6 through the websites for the Agency of Natural Resources and the Departments
7 of Environmental Conservation, of Motor Vehicles, and of Public Safety;
8 social media platforms; community posting websites; radio; television; and
9 printed written materials.

10 * * * Child Restraint Systems * * *

11 Sec. 3. 23 V.S.A. § 1258 is amended to read:

12 § 1258. CHILD RESTRAINT SYSTEMS; ~~PERSONS~~ INDIVIDUALS
13 UNDER AGE 18 YEARS OF AGE

14 (a) No ~~person~~ individual shall operate a motor vehicle, other than a type I
15 school bus, in this State upon a public highway unless every occupant under
16 age 18 years of age is properly restrained in a federally approved child
17 passenger restraining system as defined in 49 C.F.R. § 571.213, as may be
18 amended, or a federally approved safety belt, as follows:

19 (1) ~~all children~~ a child ~~under the age of one and all children~~ year of age
20 or weighing less than 20 pounds, regardless of age, shall be restrained in a
21 rear-facing position, properly secured in a federally approved child passenger

1 restraining system, which shall not be installed in front of an active air bag and
2 shall, if possible, be installed in a rear seat of the motor vehicle;

3 (2) a child weighing more than 20 pounds, and who is at least one year
4 of age ~~or older~~ and under ~~the age of~~ eight years of age, shall be ~~restrained in a~~
5 ~~child passenger restraining system~~ properly secured in a federally approved
6 child passenger restraining system, which shall not be installed in front of an
7 active air bag and shall, if possible, be installed in a rear seat of the motor
8 vehicle; and

9 (3)(A) a child eight through 17 years of age shall be restrained in a
10 safety belt system that is used according to the manufacturer's specifications,
11 including the use of a shoulder strap, as applicable, or a child passenger
12 ~~restraining system~~ properly secured in a federally approved child passenger
13 restraining system, which shall not be installed in front of an active air bag and
14 shall, if possible, be installed in a rear seat of the motor vehicle; and

15 (B) a child under 13 years of age shall always, if possible, ride in a
16 rear seat of the motor vehicle.

17 (b) ~~A person~~ An individual shall not be adjudicated in violation of this
18 section if:

19 (1) the motor vehicle is regularly used to transport passengers for hire,
20 except a motor vehicle owned or operated by a ~~child-care~~ child-care facility;

21 (2) the motor vehicle was manufactured without safety belts; or

1 (3) the ~~person~~ individual has been ordered by an enforcement officer, a
2 firefighter, or an authorized civil authority to evacuate ~~persons~~ individuals
3 from a stricken area.

4 (c) The civil penalty for violation of this section shall be as follows:

5 (1) \$25.00 for a first violation;

6 (2) \$50.00 for a second violation; and

7 (3) \$100.00 for third and subsequent violations.

8 Sec. 4. CHILD RESTRAINT SYSTEMS; PUBLIC OUTREACH
9 CAMPAIGN

10 (a) The Department of Health, in consultation with the Governor's
11 Highway Safety Program, shall implement a public outreach campaign on car
12 seat safety that builds upon the current Be Seat Smart Program; utilizes
13 materials on child safety prepared by the U.S. Department of Transportation,
14 Traffic Safety Marketing; is consistent with the recommendations from the
15 American Academy of Pediatrics in the Child Passenger Safety Policy
16 Statement published in 2018; and educates Vermonters on 23 V.S.A. § 1258 as
17 amended by Sec. 3 of this act.

18 (b) The public outreach campaign shall disseminate information on car seat
19 safety through e-mail; a dedicated web page on car seat safety that is linked
20 through the websites for the Agency of Transportation and the Department of
21 Health; social media platforms; community posting websites; radio; television;

1 and printed written materials that, at a minimum, shall be delivered to all
2 pediatricians, obstetricians, and midwives licensed in the State and all Child
3 Safety Seat Inspection Stations in the State.

4 * * * Bicyclist and Pedestrian Highway Access * * *

5 Sec. 5. PEDESTRIAN AND BICYCLE ACCESS TO BE PROVIDED NOT
6 LATER THAN DECEMBER 1, 2023

7 (a) As used in this section, “highways” means all nonlimited access State
8 highways and class 1 and 2 town highways, including shoulders.

9 (b) The Agency shall make all highways safe for bicycle and pedestrian
10 use.

11 (c) The Agency shall ensure that all paved sections of highways that are not
12 adequately served by pedestrian paths and bicycle paths or bicycle lanes shall
13 be marked on the pavement and with signage indicating the portion of the
14 highways that bicyclists and pedestrians should occupy not later than
15 December 31, 2023.

16 (d) The Agency shall ensure that portions of highways not scheduled for
17 repaving until after fiscal year 2024 or any portions scheduled for repaving
18 where paving of the shoulder has been deemed cost prohibitive shall be made
19 safe for bicyclists and pedestrians by doing one or more of the following not
20 later than December 31, 2023:

21 (1) narrowing the travel lane and expanding the shoulder;

1 (2) creating a paved shoulder; or

2 (3) lowering the speed limit.

3 (e) Pursuant to 19 V.S.A. § 2310, the Agency shall ensure that as many
4 portions of highways as possible have paved shoulders, which under 19 V.S.A.
5 § 2301(3) are considered bicycle lanes, with the goal of having such paved
6 shoulders along as many highways as possible as portions of highways are
7 repaved.

8 * * * General Statement of Policy; Transportation Planning * * *

9 Sec. 6. 19 V.S.A. § 10b is amended to read:

10 § 10b. STATEMENT OF POLICY; GENERAL

11 (a) The Agency shall be the responsible agency of the State for the
12 development of transportation policy. It shall develop a mission statement to
13 reflect:

14 (1) that State transportation policy shall be to encompass, coordinate,
15 and integrate all modes of transportation and to consider “complete streets”
16 principles, which are principles of safety and accommodation of all
17 transportation system users, regardless of age, ability, or modal preference; ~~and~~

18 (2) the need for transportation projects that will improve the State’s
19 economic infrastructure, as well as the use of resources in efficient,
20 coordinated, integrated, cost-effective, and environmentally sound ways, and
21 that will be consistent with the recommendations of the Comprehensive

1 Energy Plan (CEP) issued under 30 V.S.A. § 202b, the recommendations of
2 the Vermont Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and
3 any rules adopted in accordance with 10 V.S.A. § 593;

4 (3) the need for the Agency to lead, assist, and partner in the
5 transformation of the transportation sector to meet the emissions reduction
6 requirements of the Global Warming Solutions Act, codified at 10 V.S.A.
7 § 578, and ensure that there is an environmentally clean, efficient, multimodal
8 system that will have economic, environmental, equity, and public health
9 benefits for all Vermonters; and

10 (4) the importance of transportation infrastructure resilience and
11 strategies to construct or retrofit, or both, transportation infrastructure to
12 prepare for and adapt to changes in the climate; add redundancy and efficiency
13 to the transportation network; and use maintenance and operational strategies
14 to address transportation disruptions.

15 (b) The Agency shall coordinate planning and education efforts with those
16 of the Vermont Climate ~~Change Oversight Committee~~ Council, established
17 under 10 V.S.A. § 591, and those of local and regional planning entities to:

18 (1) ~~to ensure that the transportation system as a whole is integrated;~~ that
19 ~~access to the transportation system as a whole is integrated;~~ and that statewide,
20 local, and regional conservation and efficiency opportunities and practices are
21 integrated; and

1 (2) ~~to~~ support employer-led or local or regional government-led
2 conservation, efficiency, rideshare, and bicycle programs and other innovative
3 transportation advances, especially employer-based incentives.

4 (c) In developing the State’s annual Transportation Program, the Agency
5 shall, consistent with the planning goals listed in 24 V.S.A. § 4302 ~~as amended~~
6 ~~by 1988 Acts and Resolves No. 200~~ and with appropriate consideration to
7 local, regional, and State agency plans:

8 (1) Develop or incorporate designs that provide integrated, safe, and
9 efficient transportation and that are consistent with the recommendations of the
10 CEP and the CAP.

11 * * *

12 Sec. 7. 19 V.S.A. § 10i is amended to read:

13 § 10i. TRANSPORTATION PLANNING PROCESS

14 (a) Long-range systems plan. The Agency shall establish and implement a
15 planning process through the adoption of a long-range ~~multi-modal~~ multimodal
16 systems plan integrating all modes of transportation. The long-range ~~multi-~~
17 ~~modal~~ multimodal systems plan shall be based upon Agency transportation
18 policy developed under section 10b of this title; other policies approved by the
19 General Assembly; Agency goals, mission, and objectives; demographic and
20 travel forecasts; design standards; performance criteria; and funding
21 availability. The long-range systems plan shall be developed with participation

1 of the public and local and regional governmental entities and pursuant to the
2 planning goals and processes set forth in 1988 Acts and Resolves No. 200.
3 The plan shall be consistent with the Comprehensive Energy Plan (CEP) issued
4 under 30 V.S.A. § 202b and the Vermont Climate Action Plan (CAP) issued
5 under 10 V.S.A. § 592.

6 * * *

7 (c) Transportation Program. The Transportation Program shall be
8 developed in a fiscally responsible manner to accomplish the following
9 objectives:

10 (1) managing, maintaining, and improving the State's existing
11 transportation infrastructure to provide capacity, safety, ~~and~~ flexibility, and
12 resiliency in the most cost-effective and efficient manner;

13 (2) developing an integrated transportation system that provides
14 Vermonters with transportation choices;

15 (3) strengthening the economy, protecting the quality of the natural
16 environment, and improving Vermonters' quality of life; ~~and~~

17 (4) achieving the recommendations of the CEP and the CAP; and

18 (5) transforming the transportation sector to meet the State's emissions
19 reduction requirements and ensure that there is an environmentally clean,
20 efficient, multimodal system that will have economic, environmental, equity,
21 and public health benefits for all Vermonters.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(f) Emissions modeling.

(1) The Agency of Natural Resources shall coordinate with the Agency of Transportation to consider and incorporate relevant elements of the proposed Transportation Program and the effectiveness of those elements in reducing greenhouse gas emissions when developing and updating the Tracking and Measuring Progress Tool pursuant to 10 V.S.A. § 591(b)(3).

(2) The following shall be included in the reports required pursuant to section 10g of this chapter:

(A) the portion of the Tracking and Measuring Progress Tool related to the Transportation Program;

(B) a qualitative estimation of how effective the relevant elements of the proposed Transportation Program for the upcoming fiscal year will be in reducing greenhouse gas emissions and a quantitative estimation, based on the emission projections published in the Greenhouse Gas Inventory, if available, of how much more the greenhouse gas emissions from the transportation sector need to be reduced for the State to achieve its emissions reductions requirements; and

(C) a strategy and plan for how to reduce the greenhouse gas emissions from the transportation sector to achieve the recommendations in the CEP and the CAP during fiscal years beyond the upcoming fiscal year, with

1 the expectation that the strategy and plan shall be used in the Agency of
2 Transportation's ongoing planning.

3 * * * Agency of Transportation; Right-of-Way Tree Replanting;
4 Landscaping; Streetscaping * * *

5 Sec. 8. 19 V.S.A. § 10b is amended to read:

6 § 10b. STATEMENT OF POLICY; GENERAL

7 (a) The Agency shall be the responsible agency of the State for the
8 development of transportation policy. It shall develop a mission statement to
9 reflect:

10 (1) that State transportation policy shall be to encompass, coordinate,
11 and integrate all modes of transportation and to consider “complete streets”
12 principles, which are principles of safety and accommodation of all
13 transportation system users, regardless of age, ability, or modal preference; ~~and~~

14 (2) the need for transportation projects that will improve the State's
15 economic infrastructure, as well as the use of resources in efficient,
16 coordinated, integrated, cost-effective, and environmentally sound ways, and
17 that will be consistent with the recommendations of the Comprehensive
18 Energy Plan (CEP) issued under 30 V.S.A. § 202b, the recommendations of
19 the Vermont Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and
20 any rules adopted in accordance with 10 V.S.A. § 593; and

1 (1) “Diameter breast height (DBH)” means the diameter of a standing
2 tree at four and one-half feet from the ground.

3 (2) “Legislative body of the municipality” means, for the municipality
4 where a public street tree is removed, the legislative body of the municipality
5 and the tree warden of the municipality, if one exists.

6 (3) “Public street tree” means a woody, single-stemmed type of
7 vegetation that is located in whole or in part within the limits of a State
8 highway right-of-way.

9 (4) “Stump diameter” means the diameter of a tree stump remaining
10 after cutting, felling, or destruction.

11 § 1002. REMOVAL OF PUBLIC STREET TREES BY THE AGENCY OF
12 TRANSPORTATION

13 (a) Notice. The Agency shall not remove a public street tree that is more
14 than six inches in stump diameter or DBH without providing written notice to
15 the abutting landowner and legislative body of the municipality.

16 (b) Replanting plan. If the Agency removes a public street tree that is more
17 than 10 inches in stump diameter or DBH in an area where housing
18 predominates, a downtown, or a village center, it shall, in consultation with the
19 legislative body of the municipality, develop a public street tree planting plan
20 that:

1 (1) is consistent with any shade tree preservation plans adopted pursuant
2 to 24 V.S.A. § 2502;

3 (2) is consistent with any shade tree ordinances adopted pursuant to
4 24 V.S.A. § 2502;

5 (3) ensures that the not less than the total number of public street trees
6 that are more than 10 inches in stump diameter or DBH that are removed are
7 replaced;

8 (4) meets any applicable requirements of a permit required under section
9 1111 of this title; and

10 (5) comports with the Agency's policy on Planting Public Street Trees
11 in State Highway Rights of Way, as amended or replaced, and any other
12 Agency policies on tree planting or replanting.

13 Sec. 10. 19 V.S.A. § 1002(c) is added to read:

14 (c) Transportation Program. Not less than 80 percent of the construction
15 and planting costs of the replanting plan required under subsection (b) of this
16 section shall be included in the State's Transportation Program, either as a
17 project or part of the maintenance budget.

18 Sec. 11. DEVELOPMENT OF A LANDSCAPING, STREETSCAPING,

19 AND TREE REMOVAL AND REPLANTING POLICY

20 (a) The Agency of Transportation shall develop a landscaping,
21 streetscaping, and tree removal and replanting policy that is consistent with

1 19 V.S.A. § 10b as amended by Sec. 8 of this act and 19 V.S.A. §§ 1001 and
2 1002 as added by Secs. 9 and 10 of this act. The policy shall also address
3 shared maintenance responsibilities between the Agency and municipalities for
4 any public street trees that are planted in accordance with a public street tree
5 planting plan.

6 (b) The Agency of Transportation shall file a copy of the policy required
7 under subsection (a) of this section with the House and Senate Committees on
8 Transportation, the House Committee on Environment and Energy, and the
9 Senate Committee on Natural Resources and Energy on or before January 15,
10 2024.

11 * * * Gross Weight Limits on Highways; Permit Portal; Report * * *

12 Sec. 12. REPORT ON INCREASING GROSS WEIGHT LIMITS ON
13 HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT AND
14 STATUS OF PERMIT PORTAL

15 (a) The Secretary of Transportation or designee, in collaboration with the
16 Commissioner of Forests, Parks and Recreation or designee, the Executive
17 Director of the Vermont League of Cities and Towns or designee, and the
18 President of the Vermont Forest Products Association or designee and with the
19 assistance of the Commissioner of Motor Vehicles or designee, shall examine
20 adding one or more additional special annual permits to 23 V.S.A. § 1392 to
21 allow for the operation of motor vehicles at a gross vehicle weight over 99,000

1 pounds and shall file a written report on the examination and any
2 recommendations with the House and Senate Committees on Transportation on
3 or before January 15, 2024.

4 (b) At a minimum, the examination shall address:

5 (1) allowing for a truck trailer combination or truck tractor, semi-trailer
6 combination transporting cargo of legal dimensions that can be separated into
7 units of legal weight without affecting the physical integrity of the load to bear
8 a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds
9 on seven axles by special annual permit;

10 (2) limitations for any additional special annual gross vehicle weight
11 permits based on highway type, including limited access State highway,
12 nonlimited access State highway, class 1 town highway, and class 2 town
13 highway;

14 (3) limitations for any additional special annual gross vehicle weight
15 permits based on axle spacing and axle-weight provisions;

16 (4) reciprocity treatment for foreign trucks from a state or province that
17 recognizes Vermont vehicles permitted at increased gross weights;

18 (5) permit fees for any additional special annual gross vehicle weight
19 permits;

20 (6) additional penalties, including civil penalties and permit revocation,
21 for gross vehicle weight violations; and

1 (7) impacts of any additional special annual gross vehicle permits on the
2 forest economy and on the management and forest cover of Vermont's
3 landscape.

4 (c) The Secretary of Transportation or designee, in consultation with the
5 Commissioner of Motor Vehicles or designee, shall also include an update on
6 the development and implementation of the centralized online permitting
7 system that the Commissioner of Motor Vehicles was authorized to initiate the
8 design and development of pursuant to 2021 Acts and Resolves No. 149,
9 Sec. 26(a) in the report required under subsection (a) of this section.

10 * * * Study on Type II Noise Abatement Program * * *

11 Sec. 13. STUDY ON TYPE II NOISE ABATEMENT PROGRAM;
12 REPORT

13 (a) The Agency of Transportation shall conduct a study to explore whether
14 it is practical for the Agency to develop and carry out a statewide Type II
15 Noise Abatement Program under 23 C.F.R. Part 772.

16 (b) As part of the study required under subsection (a) of this section, the
17 Agency shall:

18 (1) perform an analysis of Type II programs in place at other state
19 highway agencies;

20 (2) estimate the overall magnitude and preliminary cost of a statewide
21 Type II Noise Abatement Program;

1 (3) develop a proposed rating system to quantify and prioritize projects
2 to provide a basis prioritizing Type II projects; and

3 (4) develop a method to effectively, efficiently, and equitably administer
4 and carry out a Type II Noise Abatement Program statewide.

5 (c) The Agency shall file a written report with the results of the study
6 required under subsection (a) of this section with the House and Senate
7 Committees on Transportation on or before January 15, 2024.

8 * * * Effective Dates * * *

9 Sec. 14. EFFECTIVE DATES

10 (a) Sec. 1 (condition of vehicle; 23 V.S.A. § 1221), Sec. 3 (child restraint
11 system; 23 V.S.A. § 1258), Secs. 6 and 7 (transportation planning; 19 V.S.A.
12 §§ 10b and 10i), and Sec. 9 (subchapter on public street trees; 19 V.S.A.
13 chapter 9, subchapter 9) shall take effect on July 1, 2023.

14 (b) Sec. 8 (general statement of policy; 19 V.S.A. § 10b) shall take effect
15 on July 1, 2023 and apply to Transportation Programs commencing with fiscal
16 year 2024.

17 (c) Sec. 10 (payment for replanting plan; 19 V.S.A. § 1002(c)) shall take
18 effect on July 1, 2023 and apply to Transportation Programs commencing with
19 fiscal year 2024.

20 (d) All other sections shall take effect on passage.