

**Act No. 158 (H.876). Transportation; motor vehicles**

**An act relating to the transportation capital program and miscellaneous changes to transportation-related law**

This act:

- Transportation Program Adopted; Definitions. Adopts the Agency of Transportation's ("Agency") fiscal year 2017 (FY17) Transportation Program except as the Program is amended in the bill, and defines terms used throughout the bill.
- Program Development Spending Authority. Reduces spending authority in the Program Development Program in FY17 to balance the Agency's budget to account for changes made from the Governor's FY17 proposed transportation budget, but restores the spending authority on a contingent basis to the extent that a positive balance exists in the Transportation Fund or TIB Fund, or both, at the end of fiscal year 2016 (FY16).
- Class 2 Town Highway Roadway Program. Increases spending authority for the FY17 Class 2 Town Highway Roadway Program by \$400,000.00; permanently raises by \$400,000.00 the minimum amount of grants to towns under the Class 2 Town Highway Roadway Program; and expresses legislative intent that at least \$400,000.00 of the \$900,000.00 reduction in the amount of transportation funds appropriated to the Department of Public Safety scheduled to occur under 19 V.S.A. § 11a(a)(4) in fiscal year 2018 (FY18) be used to fund the permanent increase in transportation funds appropriated to the Town Highway Class 2 Roadway Program.
- Transportation Funds Appropriated to the Department of Public Safety. Amends the statute that designates the maximum appropriation of transportation funds to the Department of Public Safety, and expresses legislative intent that in FY18, an additional \$400,000.00 in transportation funds be appropriated to the Department of Public Safety for police cruiser-related costs over the amount required to be appropriated.
- Program Development; Allocation for Safety Initiatives. Requires the Secretary of Transportation (Secretary) to allocate up to \$100,000.00 in federal NHTSA grant funds to the Share the Road Program and to other highway safety educational initiatives for the purpose of educating users of the transportation system on how to improve the safety of all users.
- Roadway Program; Project Cancellation. Cancels from the candidate list of the Agency's FY17 Roadway Program a project to upgrade Vermont Rt. 2A in Colchester, as the project has been superseded by another project.
- Traffic and Safety Program; Projects Added. Adds three projects to the candidate list of the Agency's FY17 Traffic and Safety Program that were

included in the approved FY16 Transportation Program but were inadvertently omitted from the Agency's FY17 proposed Transportation Program.

- Bike and Pedestrian Program; Lamoille Valley Rail Trail. Adds a project to the FY17 Bike and Pedestrian Facilities Program related to development of the Lamoille Valley Rail Trail (LVRT) to be funded with monies raised by the Vermont Association of Snow Travelers (VAST) before January 1, 2017 and up to \$400,000.00 in funds identified by the Secretary of Transportation to match each dollar raised by VAST. Directs the Agency to include a project in its FY18 proposed transportation program related to development of the LVRT funded with monies raised by VAST from January 1, 2017 to January 1, 2018 and up to \$1 million in State or eligible federal funds to match each dollar raised by VAST.
- Municipal Mitigation Grant Program; Funding Sources. Reduces spending authority of State transportation funds by \$200,000.00 and increases spending authority of federal funds by an equivalent amount in the FY17 Municipal Mitigation Grant Program.
- Central Garage Fund. Transfers \$1,283,215.00 from the Transportation Fund to the Central Garage Fund.
- Positions. Authorizes the Agency to establish 19 total permanent positions and to extend five existing limited service positions.
- Fiscal Year 2016 Rail Program. Adds to the candidate list of the FY16 Transportation Program a rail project related to the award of a \$10 million federal Transportation Investment Generating Economic Recovery (TIGER) grant to Vermont for improvements to Vermont's western rail corridor.
- Sale of State-owned Railroad Property. Authorizes the Secretary to convey to the town of Bennington for \$1.00 a 2.5-acre parcel of property formerly used for railroad purposes, provided that under the terms of the conveyance, the town's interest will terminate and revert to the State if the property ceases to be used for public purposes.
- Railroad Trespassing. Repeals existing railroad trespassing laws and replaces them with an updated law that creates a civil traffic violation that prohibits trespassing on specified railroad property, subject to exceptions, and prohibits a person from riding on a train without lawful authority or the railroad carrier's consent.
- Transportation Capital Program; Prioritization System. Amends the law that requires the Agency to develop a rating system in order to prioritize various categories of transportation projects in order to broaden the scope of the

factors that the Agency must consider in establishing its rating system and to make other miscellaneous changes.

- Approval for Adjustments to Existing Projects. Repeals a provision that requires the Agency to report to and obtain approval from the Transportation Board before proceeding on a project when construction cost estimates for the project exceed the last approved cost estimate by a “substantial level” as determined by the Transportation Board.
- Reporting Required in Proposed Transportation Program. Directs the Agency, in its annual proposed Transportation Program submitted to the General Assembly, to include project updates for all projects for which total estimated costs have increased by more than \$8 million or by more than 100 percent, and for all projects that have been closed out, the projected costs for the project in the prior year’s approved Transportation Program and the total costs incurred over the life of the project.
- Joint Transportation Oversight Committee. Repeals a provision that requires the Agency to report annually to the Joint Transportation Oversight Committee project-specific information related to cost overruns, cost savings, and funding availability from delayed projects.
- Town Aid; State Aid for Nonfederal Disasters Program. Expands the scope of eligible projects in the State Aid for Nonfederal Disasters Program to include projects to repair or replace drainage structures on class 4 town highways, if the town is able to document that it maintained the structure prior to the disaster, and codifies the Agency’s existing practice of limiting eligibility under the Program based on a threshold that compares the total damages to town highways and drainage structures resulting from the disaster to the town’s overall highway budget.
- Highways; Alterations; Quasi-Judicial Process. Amends a quasi-judicial process that town selectboards must use when certain proposed transportation system-related activities will affect the rights of property owners to allow a town to serve notice of the proposed activity on an interested person through one of the methods allowed under Rule 4 of the Vermont Rules of Civil Procedure. Amends a provision that authorizes the Agency to use this quasi-judicial process when carrying out minor alterations to existing transportation facilities in order to authorize the Agency to tender payment to an interested person by making payment into an escrow account for any damages arising from the proposed activity when the person refuses to accept or facilitate payment.
- Stormwater Utilities; Standard Credit. Requires that if a municipal stormwater utility assesses a sewer charge on Agency property for stormwater management, the charge must not exceed the highest rate applicable to other

properties in the municipality, and the Agency must receive a 35 percent credit on the charge.

- Stormwater Utilities; Report. Requires the Agency to submit a report to the legislative committees of jurisdiction on or before January 15, 2017, and annually thereafter until January 15, 2021, on the status of municipal establishment and implementation of stormwater utilities in the State, amounts paid by the Agency to stormwater utilities, and stormwater projects or programs implemented by the Agency in municipalities with stormwater utilities.
- Clean Water Fund Priorities. Requires the Clean Water Fund Board, when making recommendations on expenditures from the Clean Water Fund, to prioritize for the first three years of the Fund awards to municipalities for the establishment or operation of stormwater utilities, in addition to other funding priorities.
- Statewide Property Parcel Mapping Program. Establishes the Statewide Property Parcel Mapping Program; adds administration of the Program to the list of duties that the Agency is required to perform; creates an Advisory Board for the purpose of monitoring the Program and making recommendations to the Agency on how the Program can be improved; and directs the Agency to make every effort to ensure that starting in FY18, all State matching funds are provided by other State agencies or external partners that benefit from the Program.
- Quechee Gorge Bridge Safety Issues. Directs the Agency to complete a project on the Quechee Gorge Bridge on or before July 1, 2016, or as soon as practicable thereafter if necessary to obtain permits or meet federal requirements, to install a structure providing information and resources, signs, or communication devices, or some combination of these, aimed at preventing suicides at the bridge. Also directs the Agency to consult with various interested parties to review and evaluate other measures that could be taken at the bridge to prevent suicides and enhance the safety of first responders and bridge users and to report the results of its review to the House and Senate Committees on Transportation on or before January 10, 2017.
- Vulnerable Users; Rules of the Road. Amends the current safe passing law to provide that the duty of motor vehicles to exercise due care in passing vulnerable users includes increasing clearance to a recommended distance of at least four feet; amends the law that governs the duties of a vehicle when it crosses to the left of the center of a highway in order to prohibit the vehicle from passing unless the passing movement can be made without interfering with a vulnerable user; requires drivers of vehicles entering a highway from a private road to yield the right of way to vulnerable users approaching on the highway; grants a bicyclist flexibility to not give hand signals when turning

(or when significantly slowing down), and to not give such signals continuously for 100 feet, when the bicyclist cannot give the signals safely; amends current law governing duties of vehicles turning left to establish a duty to turn left only when the turn can be made at a “safe distance” from a vulnerable user; amends the existing standard that bicyclists must generally ride as near to the right side of a roadway as is “practicable” to specify that bicyclists must ride as near to the right of the improved area of the highway right-of-way as is “safe”; amends the existing law that creates exceptions for when a bicyclist must ride to the left in a roadway to allow, but not require, bicyclists to ride to the left when taking precautions to avoid hazards and road conditions and provides examples of such hazards; and raises from \$25.00 to \$100.00 the maximum penalty for violating the law that requires bicyclists to ride no more than two abreast and not to impede the normal and reasonable movement of traffic when riding two abreast.

- Ignition Interlock Devices. Makes several changes to Vermont’s current law governing DUI suspensions and ignition interlock restricted driver’s licenses (RDLs), including establishing an “ignition interlock certificate” for nonresidents; eliminating “hard” suspension periods prior to eligibility for an ignition interlock RDL or certificate except in the case of a person whose offense involves death or serious bodily injury to another person or involves refusal of a law enforcement officer’s reasonable request for an evidentiary test; making operation under an ignition interlock RDL or certificate “mandatory” for second or subsequent DUI offenders by requiring such offenders to operate under an RDL or certificate prior to being eligible for reinstatement of their regular operator’s license or privilege to operate; eliminating requirements that a person operate under an RDL for a period longer than his or her initial suspension period; eliminating the requirement that a person be enrolled in an Alcohol and Driving Education Program prior to being eligible to obtain an ignition interlock RDL; and requiring that for the Commissioner of Motor Vehicles (Commissioner) to approve an ignition interlock device manufacturer as a supplier in Vermont, the manufacturer must agree to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who prove that they receive 3Squares, LIHEAP, or Reach Up benefits or like benefits in another state. A transition provision at the end of the act provides that the provision of the act that requires operation under an ignition interlock RDL as a condition of eligibility for reinstatement of the operator’s license or privilege to operate of a second or subsequent DUI offender shall apply only in connection with a second or subsequent DUI offense that occurs on or after July 1, 2016.
- Signs for Census-designated Places Within Towns. Authorizes a town to approve a sign visible to the traveling public that refers only to a census-designated place within the town rather than to the entire town.

- Trailer Dealers. Exempts small trailers with a gross vehicle weight rating of 3,500 pounds or less from counting toward the sales threshold to qualify as a dealer in trailers.
- Review of Dealer Regulations. Directs the Commissioner, in consultation with dealers of new and used vehicles and other interested persons, to review Vermont's regulation of dealers and the regulation of dealers by other states in order to determine whether Vermont's system of dealer regulation should be updated, and to report back to the House and Senate Committees on Transportation on or before January 15, 2017 with findings, recommendations, and any proposed legislation.
- Motor-assisted Bicycles. Defines "motor-assisted bicycle" to mean a bicycle or tricycle with fully operable pedals that is equipped with a motor that has a power output of not more than 1,000 watts or 1.3 horsepower and is itself capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs up to 170 pounds. Provides that motor-assisted bicycles are generally to be governed by Vermont laws applicable to bicycles, and are exempt from registration, licensing, and inspection requirements; may not be operated on a sidewalk in Vermont; and may not be operated on a Vermont highway by a person under 16 years of age.
- Nondriver Identification Cards. Authorizes the Commissioner to send renewal notices for nondriver identification cards electronically to persons who opt in to receive an electronic renewal notice and, regarding data storage technology used in such cards and the data elements required to be stored, cross-references current federal standards.
- Refund When Registration Plates Not Used. Eliminates references to returning registration validation stickers and eliminates requirements that such stickers not be affixed to license plates in the law that authorizes the Commissioner to issue full or partial refunds when motor vehicle, snowmobile, or motorboat registrations are cancelled.
- Exhibition Vehicles; Year of Manufacture Plates. Expands the authorized use of year-of-manufacture license plates on vehicles registered as exhibition vehicles in order to allow such plates to be displayed on such vehicles of a model year prior to 1968.
- Recognition of Out-of-State Licenses, Permits, and Registrations. Repeals and reenacts (with minor modifications) a law that governs the recognition of out-of-state licenses, permits, and registrations and adds to the law governing operator's licenses a provision of existing law that authorizes operation of a motor vehicle in Vermont under a foreign country license for up to 30 days for vacation purposes.

- Operator's Licenses. Authorizes the Commissioner to send license renewal notices electronically to persons who opt in to receive an electronic renewal notice.
- Special Examinations of Motor Vehicle Operators. Expands the list of persons who are eligible to conduct special examinations of motor vehicle operators in order to include certified physician assistants and licensed advance practice registered nurses and to include health care providers authorized to practice in adjoining states. Repeals a law that allows a person dissatisfied with the results of a special examination to have two additional examinations by health care providers approved by the Commissioner and that provides for the decision of the additional examiners to be final.
- Smugglers' Notch; Commercial Vehicles. Prohibits the operation of commercial vehicles on the Smugglers' Notch segment of VT Route 108 and specifies the penalties for a violation. The commercial vehicles prohibited from using this segment are truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.
- Chain-up Requirements. Gives the Secretary of Transportation, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety authority to require the use of tire chains on vehicles with a weight rating of more than 26,000 pounds, and specifies how the chains must be affixed for different vehicle configurations as well as the penalties for a violation.
- School Bus Operators; Medical and Vision Certificates. Allows school bus operators to submit medical and vision certificates to the schools that employ them every two years.
- Overweight and Overdimension Vehicles. Makes a technical correction related to the administrative charge retained by the State in connection with municipal enforcement actions for overweight motor vehicle violations, and repeals a provision that grants the Commissioner authority to enter into contracts with third parties for the permitting of motor vehicles over 72' in length for operation on preapproved routes.
- Certificates of Title. Updates the definitions of "salvaged motor vehicle" and "salvage certificate of title"; establishes that a person is entitled to personal delivery of no more than one certificate of title in a day and of no more than three titles in a month; and authorizes the Commissioner to issue a salvage certificate of title to an insurance company required to obtain such a title for a vehicle declared a total loss, when the insurer is unable to furnish the original title or proof of ownership to the Department of Motor Vehicles, as long as the insurance company provides evidence of payment for the total loss and of its prior attempt to obtain the original title.

- Abandoned Motor Vehicles. Amends several sections in the abandoned motor vehicle law in order to add a definition of “landowner”; to expand the law to provide for persons other than a towing service to file an abandoned motor vehicle certification form and potentially obtain title to an abandoned motor vehicle; and to make stylistic and clarifying changes.
- Repeals. Repeals a special registration provision for log-haulers; repeals a law that requires the Secretary to negotiate an interstate compact regarding truck user license fees; and repeals a law that requires the Commissioner to suspend the driver’s license or privilege to operate of a person against whom there is an outstanding judgment for damages arising from a motor vehicle accident caused by violation of a traffic law.
- Chemicals of High Concern to Children; Vehicle Exemptions. Amends the definitions of “consumer product” and “motor vehicle” in the chapter of law in Title 18 that requires manufacturers to notify the Department of Health if a children’s product contains a chemical of high concern to children, to exempt wheelchairs and a broader range of motor vehicles from the reporting requirements of the chapter.
- Signage on State Property Regarding Unlawful Idling. Directs the Department of Buildings and General Services to oversee completion of a project before July 1, 2017 to install signs on State property where parking is permitted, and with a parking capacity of 25 vehicles or more, indicating that idling of motor vehicle engines in violation of 23 V.S.A. § 1110 is prohibited.
- Study of DUI Drug Offense Enforcement Challenges. Directs the Executive Director of the Department of State’s Attorneys and Sheriffs, in consultation with various parties, to study DUI drug offense enforcement challenges and identify recommended improvements in the processes used to detect, arrest, and process drug-impaired drivers and to the laws that govern these processes, and to report his or her findings and recommendations to the legislative committees of jurisdiction on or before November 1, 2016.

Multiple effective dates, beginning on June 2, 2016

<b>FY17 Transportation Program</b>		
Line #	All funding sources	
1	<b>Administration-finance-planning</b>	
2	Central Admin & Finance	14,206,799
3	Policy & Planning	9,987,158
4	Transportation Board	229,245
5	Department of Motor Vehicles	28,910,055
6	Sub-total	53,333,257



7	<b>Facilities</b>	
8	Rest Areas	550,000
9	AOT Buildings	2,000,000
10	Sub-total	2,550,000
11	<b>Alternate modes</b>	
12	Public Transit	31,173,698
13	Aviation	20,035,048
14	Pedestrian & Bike Facilities	10,052,116
15	Park & Ride	2,600,734
16	Multi-Modal Facilities	3,012,373
17	Rail infrastructure	25,731,604
18	Amtrak	8,150,000
19	Sub-total	100,755,573
20	<b>State Highway Infrastructure</b>	
21	Maintenance	91,556,769
22	Paving	111,084,559
23	Roadway	31,143,236
24	State bridges	32,251,548
25	Interstate bridges	52,785,722
26	Traffic Operations	17,369,262
27	PD Admin & Tech Services	24,624,638
28	Program Development generally	-5,972,865
29	Sub-total	354,842,869
30	<b>Town programs</b>	
31	TH Aid	25,982,744
32	Town Bridges	20,021,730
33	TH Class 2	7,648,750
34	TH Structures	6,333,500
35	TH Class 1 supplemental grants	128,750
36	Enhancements	4,575,758
37	TH State aid nonfederal disasters	1,150,000
38	TH State aid federal disasters	1,280,000
39	FEMA grant program	10,940,000
40	TH VT Local Roads	394,700
41	Municipal mitigation grants	2,905,000
42	Sub-total	81,360,932
43	Cross agency labor savings	0
44	<b>Total All Programs</b>	<b>592,842,631</b>