

1 H.876

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; capital program; positions; rail; railroad trespassing;

5 official business directional signs; State aid for town highways;

6 highways; alterations; quasi-judicial process

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

8 State's annual transportation capital program and make miscellaneous changes

9 to laws related to transportation.

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

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

13 * * * Adoption of Proposed Transportation Program as Amended;

14 Definitions * * *

15 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

16 (a) The Agency of Transportation's proposed fiscal year 2017

17 Transportation Program appended to the Agency of Transportation's proposed

18 fiscal year 2017 budget, as amended by this act, is adopted to the extent

19 federal, State, and local funds are available.

20 (b) As used in this act, unless otherwise indicated:

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

2 (2) “Secretary” means the Secretary of Transportation.

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

5 * * * Program Development Program; Funding Sources * * *

6 Sec. 1a. PROGRAM DEVELOPMENT PROGRAM; FUNDING SOURCES

7 Spending authority in the Program Development Program within the fiscal
8 year 2017 Transportation Program is modified in accordance with this section.

9 Among projects selected in the Secretary’s discretion, the Secretary shall:

10 (1) reduce project spending authority by \$12,086.00 in TIB funds; and

11 (2) increase project spending authority by \$12,086.00 in transportation
12 funds.

13 * * * Roadway Program* * *

14 Sec. 2. ROADWAY PROGRAM; PROJECT CANCELLATION

15 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
16 projects), the General Assembly approves cancellation of the following project
17 from the candidate list within the Roadway Program within the fiscal year
18 2017 Transportation Program: Colchester STP 0207().

1 * * * Traffic and Safety Program * * *

2 Sec. 3. TRAFFIC AND SAFETY PROGRAM; PROJECTS ADDED

3 The following projects are added to the candidate list of the Traffic and
4 Safety Program within the fiscal year 2017 Transportation Program:

5 (1) Derby – US 5/I-91 Exit 28 – intersection improvements.

6 (2) Derby – US 5/VT 105 – intersection improvements.

7 (3) St. Albans – VT 104/I-89 Exit 19– intersection improvements.

8 * * * Rail Program * * *

9 Sec. 4. FISCAL YEAR 2016 RAIL PROGRAM; PROJECT ADDED

10 The following project is added to the candidate list of the Rail Program
11 within the fiscal year 2016 Transportation Program: Rutland – Burlington –
12 TIGERVII () (Western VT Freight–Passenger Rail).

13 * * * Central Garage * * *

14 Sec. 5. TRANSFER TO CENTRAL GARAGE FUND

15 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2017, the amount of
16 \$1,283,215.00 is transferred from the Transportation Fund to the Central
17 Garage Fund created in 19 V.S.A. § 13.

18 * * * Positions * * *

19 Sec. 6. POSITIONS

20 (a) The Agency is authorized to establish two (2) new permanent classified
21 positions related to water quality improvements.

1 (b) Seven (7) of the twenty-one (21) limited service positions authorized in
2 2012 Acts and Resolves No. 75, Sec. 87(e), as amended by 2014 Acts and
3 Resolves No. 95, Sec. 64, hereby are converted to permanent classified
4 positions.

5 (c) Nine (9) of the seventeen (17) limited service positions authorized in
6 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
7 Resolves No. 95, Sec. 65, hereby are converted to permanent classified
8 positions.

9 (d) One (1) limited service position, number 861864 (Civil Engineer VII),
10 created on May 6, 2012 and due to expire on December 31, 2016, hereby is
11 converted to a permanent classified position.

12 (e) Three (3) of the seventeen (17) limited service positions authorized in
13 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
14 Resolves No. 95, Sec. 65, hereby are extended to June 30, 2019. The Agency
15 may use these three positions for activities that are not related to the response
16 to Tropical Storm Irene and the spring 2011 flooding.

17 (f) The following two (2) limited service positions hereby are extended
18 through June 30, 2019: number 861837 (Administrative Services Coordinator
19 I), created on March 11, 2012 and due to expire on June 30, 2016, and number
20 861865 (Civil Engineer I), created on May 6, 2012 and due to expire on
21 December 31, 2016.

1 * * * Rail Trespassing * * *

2 Sec. 7. 5 V.S.A. § 3734 is amended to read:

3 § 3734. TRESPASS ON RAILROAD PROPERTY; PENALTY

4 ~~A person who, without right, loiters or remains in a depot, or upon the~~
5 ~~platform, approaches, or grounds adjacent thereto, after being requested to~~
6 ~~leave by a railroad policeman, sheriff, deputy sheriff, constable, or policeman,~~
7 ~~shall be fined not more than \$20.00 nor less than \$2.00.~~

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

9 (1) “Passenger” means a person traveling by train with lawful authority
10 and who does not participate in the train’s operation. The term “passenger”
11 does not include a stowaway.

12 (2) “Railroad” means any form of nonhighway ground transportation
13 that runs on rails or electromagnetic guideways. “Railroad” does not include
14 rapid transit operations in an urban area that are not connected to the general
15 railroad system of transportation.

16 (3) “Railroad carrier” means a person providing railroad transportation.

17 (4)(A) “Railroad property” means all tangible property owned, leased,
18 or operated by a railroad carrier, including a right-of-way, track, bridge, yard,
19 shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other
20 structure, appurtenance, or equipment owned, leased, or used in the operations

1 of any railroad carrier, including a train, locomotive, engine, railroad car, work
2 equipment, rolling stock, or safety device.

3 (B) "Railroad property" does not include a railroad carrier's
4 administrative building or offices, office equipment, or intangible property
5 such as computer software or other information.

6 (5) "Right-of-way" means the track and roadbed owned, leased, or
7 operated by a railroad carrier and property located on either side of the tracks
8 that is readily recognizable to a reasonable person as being railroad property or
9 is reasonably identified as such by fencing or appropriate signs.

10 (6) "Yard" means a system of parallel tracks, crossovers, and switches
11 where railroad cars are switched and made up into trains, and where railroad
12 cars, locomotives, and other rolling stock are kept when not in use or when
13 awaiting repairs.

14 (b) Trespassing on railroad property prohibited. Except for the purpose of
15 crossing railroad property at a public highway or other authorized crossing, a
16 person shall not, without lawful authority or the railroad carrier's consent,
17 knowingly enter or remain upon railroad property by an act including:

18 (1) standing, sitting, resting, walking, jogging, or running, or operating a
19 recreational or nonrecreational vehicle, including a bicycle, motorcycle,
20 snowmobile, car, or truck; or

1 (2) engaging in recreational activity, including bicycling, hiking,
2 camping, or cross-country skiing.

3 (c) Stowaways prohibited. A person shall not, without lawful authority or
4 the railroad carrier's consent, ride on the outside of a train or inside a
5 passenger car, locomotive, or freight car, including a box car, flatbed, or
6 container.

7 (d) Persons with lawful authority to be on specified railroad property. The
8 following is a nonexhaustive list of persons who for the purposes of this
9 section have lawful authority to be on railroad property and are not subject to
10 the prohibitions of subsections (b) and (c) of this section:

11 (1) passengers on trains, or employees of a railroad carrier while
12 engaged in the performance of their official duties;

13 (2) police officers, firefighters, peace officers, and emergency response
14 personnel, while engaged in the performance of their official duties;

15 (3) a person going upon railroad property in an emergency to rescue a
16 person or animal such as livestock, pets, or wildlife from harm, or to remove
17 an object that the person reasonably believes to pose an imminent hazard;

18 (4) a person on the station grounds or in the depot of the railroad carrier
19 as a passenger, or for the purpose of transacting lawful business;

20 (5) a person, or the person's family or invitee, or the person's employee
21 or independent contractor going upon a railroad's right-of-way for the purpose

1 of crossing at a farm or private crossing site approved by the railroad carrier or
2 other crossing authorized by law in order to obtain access to land that the
3 person owns, leases, or operates;

4 (6) a person having written permission from the railroad carrier to go
5 upon the railroad property in question;

6 (7) representatives of the Transportation Board or Agency of
7 Transportation while engaged in the performance of their official duties;

8 (8) representatives of the Federal Railroad Administration while
9 engaged in the performance of their official duties; or

10 (9) representatives of the National Transportation Safety Board while
11 engaged in the performance of their official duties.

12 (e) Exemptions. The following persons are not subject to the prohibition of
13 subsection (b) of this section:

14 (1) A person who has permission from the owner, lessee, or operator of
15 land that is served by a private crossing authorized by law or approved by the
16 railroad carrier to use the crossing for recreational purposes, and who enters
17 upon the crossing for such purposes.

18 (2) A person who enters or remains upon railroad property, other than a
19 rail yard or rail bridge, while lawfully engaged in hunting, fishing, or trapping.

20 However, the person shall not qualify as exempt under this subdivision

21 (e)(1)(B) if he or she enters within an area extending four feet outward from

1 either side of the rail and within the rail, unless he or she crosses and leaves
2 this area quickly, safely, and at an angle of approximately 90 degrees to the
3 direction of the rail.

4 (f) Nothing in this section is intended to modify the rights, duties,
5 liabilities, or defenses available to any person under any other law or under a
6 license or agreement.

7 (g) Penalty. A violation of this section is a traffic violation as defined
8 in 23 V.S.A. chapter 24 and an action under this section shall be brought in
9 accordance with 4 V.S.A. chapter 29. A person who violates this section shall
10 be subject to a civil penalty of not more than \$200.00.

11 Sec. 8. 5 V.S.A. § 3735 is amended to read:

12 § 3735. ~~BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~
13 ~~PROPERTY; PENALTY~~

14 ~~A person boarding or riding without permission on a train, car, or~~
15 ~~locomotive, other than a passenger train, or a person boarding or riding on a~~
16 ~~passenger train without paying fare, or a person loitering in or about a railroad~~
17 ~~yard, station or car without permission, shall be imprisoned not more than~~
18 ~~90 days, or fined not more than \$25.00, or both. [Repealed.]~~

19 Sec. 9. 23 V.S.A. § 2302(a) is amended to read:

20 (a) As used in this chapter, “traffic violation” means:

21 * * *

1 (7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain
2 State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on
3 railroad property;

4 * * *

5 * * * Official Business Directional Signs; Refunds * * *

6 Sec. 10. 10 V.S.A. § 501 is amended to read:

7 § 501. FEES

8 (a) Subject to the provisions of subsection 486(c) of this title, an applicant
9 for an official business directional sign or an information plaza plaque shall
10 pay to the ~~travel information council~~ Travel Information Council an initial
11 license fee and an annual renewal fee as established by this section.

12 (1) Initial license fees shall be as follows:

13 (A) for full-sized or half-sized business directional signs, \$175.00
14 per sign;

15 (B) for information plaza plaques, \$25.00 per plaque; however, if
16 more than one plaque is requested by a business at the same time, a ten percent
17 discount shall be given on the second and subsequent plaques.

18 (2) Annual renewal fees shall be as follows:

19 (A) for full and half-sized official business directional signs, \$100.00
20 per sign;

21 (B) information plaza plaques, \$25.00 per plaque.

1 (b) If the Agency of Transportation or a municipality removes an official
2 business directional sign or an information plaza plaque for construction or
3 maintenance of the highway or the sign or plaque is otherwise out of service
4 for more than 30 days, the Agency upon request shall issue a refund to the
5 business for the percentage of the initial license or annual renewal fee paid that
6 the out-of-service period bears to the entire year.

7 * * * Transportation Capital Program; Prioritization System * * *

8 Sec. 11. 19 V.S.A. § 10g(1) is amended to read:

9 (1) The Agency shall develop a numerical grading system to assign a
10 priority rating to all Program Development Paving, Program Development
11 Roadway, Program Development Safety and Traffic Operations, Program
12 Development State and Interstate Bridge, Town Highway Bridge, and Bridge
13 Maintenance projects. The rating system shall consist of two separate, additive
14 components as follows:

15 (1) One component shall be limited to asset ~~management-based~~
16 management- and performance-based factors which are objective and
17 quantifiable and shall consider, without limitation, the following:

18 (A) the existing safety conditions in the project area and the impact
19 of the project on improving safety conditions;

20 (B) the average, seasonal, peak, and nonpeak volume of traffic in the
21 project area, including the proportion of traffic volume relative to total volume

1 in the region, and the impact of the project on congestion and mobility
2 conditions in the region;

3 (C) the availability, accessibility, and usability of alternative routes;

4 (D) the impact of the project on future maintenance and
5 reconstruction costs; ~~and~~

6 (E) the relative priority assigned to the project by the relevant
7 regional planning commission ~~or the Chittenden County Metropolitan Planning~~
8 ~~Organization;~~

9 (F) the resilience of the transportation infrastructure to floods and
10 other extreme weather events.

11 (2) The second component of the priority rating system shall consider,
12 without limitation, the following factors:

13 (A) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
14 infrastructure as a ~~link~~ factor in the local, regional, or State economy; and

15 (B) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
16 infrastructure in the health, social, and cultural life of the surrounding
17 communities.

18 (3) The priority rating system for Program Development Roadway
19 projects shall award as bonus points an amount equal to 10 percent of the total
20 base possible rating points to projects within a designated downtown
21 development district established pursuant to 24 V.S.A. § 2793.

1 * * * Adjustments to Existing Projects * * *

2 Sec. 12. 19 V.S.A. § 10h is amended to read:

3 § 10h. ~~ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF~~
4 ~~OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT~~

5 (a) ~~The agency shall report to the transportation board each project for~~
6 ~~which the current construction cost estimate exceeds the last approved~~
7 ~~construction cost estimate by a substantial level, as substantial level is defined~~
8 ~~by the transportation board. The transportation board shall review such a~~
9 ~~project, and may grant approval to proceed. If not approved by the~~
10 ~~transportation board, the project shall not proceed to contract award until~~
11 ~~approved by the general assembly. [Repealed.]~~

12 (b) In connection with any authorized construction project in the ~~state~~ State
13 of Vermont which extends into or affects an adjoining state, the ~~agency~~
14 Agency, on behalf of the ~~state~~ State of Vermont, may enter into a cooperative
15 agreement with the adjoining state or any political subdivision of an adjoining
16 state which apportions duties and responsibilities for planning preliminary
17 engineering, including environmental studies, right-of-way acquisition,
18 construction, and maintenance.

19 Sec. 13. 19 V.S.A. § 10g(h) is amended to read:

20 (h) Should capital projects in the Transportation Program be delayed
21 because of unanticipated problems with permitting, right-of-way acquisition,

1 construction, local concern, or availability of federal or State funds, the
2 Secretary is authorized to advance projects in the approved Transportation
3 Program. The Secretary is further authorized to undertake projects to resolve
4 emergency or safety issues. Upon authorizing a project to resolve an
5 emergency or safety issue, the Secretary shall give prompt notice of the
6 decision and action taken to the Joint Fiscal Office and to the House and
7 Senate Committees on Transportation when the General Assembly is in
8 session, and when the General Assembly is not in session, to the Joint
9 Transportation Oversight Committee. Should an approved project in the
10 current Transportation Program require additional funding to maintain the
11 approved schedule, the Agency is authorized to allocate the necessary
12 resources. However, the Secretary shall not delay or suspend work on
13 approved projects to reallocate funding for other projects except when other
14 funding options are not available. In such case, the Secretary shall notify the
15 members of the Joint Transportation Oversight Committee and the Joint Fiscal
16 Office. With respect to projects in the approved Transportation Program, the
17 Secretary shall notify, in the district affected, the regional planning
18 commission, the municipality, Legislators, members of the Senate and House
19 Committees on Transportation, and the Joint Fiscal Office of ~~any significant~~
20 ~~change in design, change in construction cost estimates requiring referral to the~~
21 ~~Transportation Board under section 10h of this title, or any change which~~

1 likely will affect the fiscal year in which the project is planned to go to
2 construction. No project shall be cancelled without the approval of the General
3 Assembly.

4 * * * Reporting Required in Proposed Transportation Program * * *

5 Sec. 14. 19 V.S.A. § 10g(g) is amended to read:

6 (g) The Agency's annual proposed Transportation Program shall include a
7 separate ~~report~~ reports referencing this section ~~describing~~ and listing the
8 following:

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

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

14 (3) all projects funded for construction in the prior fiscal year's
15 approved Transportation Program that are no longer funded in the proposed
16 Transportation Program submitted to the General Assembly, the projected
17 costs for such projects in the prior fiscal year's approved Transportation
18 Program, and the total costs incurred over the life of each such project.

1 * * * Joint Transportation Oversight Committee * * *

2 Sec. 15. 19 V.S.A. § 12b is amended to read:

3 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

4 (a) There is created a Joint Transportation Oversight Committee composed
5 of the Chairs of the House and Senate Committees on Appropriations, the
6 House and Senate Committees on Transportation, the House Committee on
7 Ways and Means, and the Senate Committee on Finance. The Committee shall
8 be chaired alternately by the Chairs of the House and Senate Committees on
9 Transportation, and the two-year term shall run concurrently with the biennial
10 session of the Legislature. The Chair of the Senate Committee on
11 Transportation shall chair the Committee during the 2009–2010 legislative
12 session.

13 (b) The Committee shall meet during adjournment for official duties.
14 Meetings shall be convened by the Chair and when practicable shall be
15 coordinated with the regular meetings of the Joint Fiscal Committee. Members
16 shall be entitled to compensation and reimbursement pursuant to 2 V.S.A.
17 § 406. The Committee shall have the assistance of the staff of the Office of
18 Legislative Council and the Joint Fiscal Office.

19 (c) The Committee shall provide legislative ~~overview~~ oversight of the
20 Transportation Fund revenues collection and the operation and administration
21 of the Agency of Transportation construction, paving, and rehabilitation

1 programs. The Secretary of Transportation shall report to the Oversight
2 Committee upon request.

3 ~~(d)(1) In coordination with the regular meetings of the Joint Fiscal~~
4 ~~Committee in mid-November, the Secretary shall prepare a report on the status~~
5 ~~of the State's transportation finances and transportation programs. If a meeting~~
6 ~~of the Committee is not convened on the scheduled dates of the Joint Fiscal~~
7 ~~Committee meetings, the Secretary in advance shall transmit the report~~
8 ~~electronically to the Joint Fiscal Office for distribution to Committee members.~~
9 ~~The report shall list contract bid awards versus project estimates and all known~~
10 ~~or projected cost overruns, project savings, and funding availability from~~
11 ~~delayed projects with respect to:~~

12 ~~(A) all paving projects other than statewide maintenance~~
13 ~~programs; and~~

14 ~~(B) all projects in the Roadway, State Bridge, Interstate Bridge, or~~
15 ~~Town Bridge programs with authorized spending in the fiscal year of~~
16 ~~\$500,000.00 or more with a cost overrun equal to 20 percent or more of the~~
17 ~~authorized spending or generating project savings or delayed project available~~
18 ~~funding equal to 20 percent or more of the authorized spending.~~

19 ~~(2) The report required under subdivision (1) of this subsection also~~
20 ~~shall describe the Agency's actions taken or planned to cover the cost overruns~~
21 ~~and to reallocate the project savings and delayed project funds, and shall~~

1 ~~discuss the Agency's plans to adjust spending to any changes in the consensus~~
2 ~~forecast for Transportation Fund revenues.~~

3 (3) If and when applicable, the Secretary shall submit electronically to
4 the Joint Fiscal Office for distribution to members of the Joint Transportation
5 Oversight Committee a report summarizing any plans or actions taken to delay
6 project schedules as a result of:

7 (A)(1) a generalized increase in bids relative to project estimates;

8 (B)(2) changes in the consensus revenue forecast of the Transportation
9 Fund or Transportation Infrastructure Bond Fund; or

10 (C)(3) changes in the availability of federal funds.

11 * * * Appropriation; State Aid for Town Highways * * *

12 Sec. 16. 19 V.S.A. § 306 is amended to read:

13 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

14 * * *

15 (d) State aid for nonfederal disasters. There shall be an annual
16 appropriation for emergency aid in repairing, building, ~~or rebuilding or~~
17 reconstructing class 1, 2, or 3 town highways ~~and bridges~~ and for repairing or
18 replacing drainage structures including bridges on class 1, 2, 3, and 4 town
19 highways damaged by natural or man-made disasters. Eligibility for use of
20 emergency aid under this appropriation shall be subject to the following
21 criteria:

1 (1) The Secretary of Transportation shall determine that the disaster is of
2 such magnitude that State aid is both reasonable and necessary to preserve the
3 public good. If total cumulative damages to town highways and drainage
4 structures are less than the value of 10 percent of the town's overall total
5 highway budget excluding the town's winter maintenance budget, the disaster
6 shall not qualify for assistance under this subsection.

7 (2) The disaster shall not qualify for major disaster assistance from the
8 Federal Emergency Management Agency (FEMA) under the Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121
10 et seq., or from the Federal Highway Administration (FHWA) under the
11 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.

12 (3) Towns shall be eligible for reimbursement for repair or replacement
13 costs of either up to 90 percent of the eligible repair or replacement costs or the
14 eligible repair or replacement costs, minus an amount equal to 10 percent of
15 the overall total highway budget, minus the town's winter maintenance budget,
16 whichever is greater.

17 (4) For towns that have adopted road and bridge standards, eligibility for
18 reimbursement for repair or replacement of infrastructure shall be to those
19 standards. For towns that have not adopted these standards, eligibility for
20 reimbursement for repair or replacement of infrastructure shall be limited to
21 the specifications of the infrastructure that preexisted the emergency event;

1 however, the repair or replacement shall be to standards approved by the
2 Agency of Transportation.

3 (5) For a drainage structure on a class 4 town highway to be eligible for
4 repair or replacement under this subsection, the town must document that it
5 maintained the structure prior to the nonfederal disaster.

6 (6) Such additional criteria as may be adopted by the Agency of
7 Transportation through rulemaking under 3 V.S.A. chapter 25.

8 * * *

9 * * * Highways; Alterations; Quasi-Judicial Process * * *

10 Sec. 17. 19 V.S.A. § 923 is amended to read:

11 § 923. QUASI-JUDICIAL PROCESS

12 In order to protect the rights of ~~property owners~~ an interested person and the
13 public, the process described in this section shall be used whenever so
14 provided by other provisions of this title. As used in this section, “interested
15 person” means a person who has a legal interest of record in the property that
16 would be affected by the proposed action.

17 (1) ~~Notice~~ ~~Written notice by certified mail shall be given~~ Notice. The
18 selectboard shall give written notice by certified mail or by one of the methods
19 allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of
20 original process to the property owner or any interested person describing the
21 proposed activity affecting the property. The notice shall include a date and

1 time when the selectboard shall inspect the premises. The notice shall precede
2 the inspection by 30 days or more except in the case of an emergency.

3 (2) Inspection of premises—~~2~~. The ~~selectmen~~ selectboard shall view the
4 area and receive any testimony pertinent to the problem including suggested
5 awards for damages, if any.

6 (3) Necessity—~~2~~. The ~~selectmen~~ selectboard shall decide on the
7 necessity for the activity or work proposed and establish any conditions for
8 accomplishing it. This includes the award of damages, if applicable. The
9 selectboard shall announce the decision and the reason for it ~~shall be~~
10 ~~announced~~ within 10 days of the inspection unless the selectboard formally
11 ~~delayed by the selectboard~~ delays the proceeding in order to receive more
12 testimony.

13 (4) Notifying parties—~~2~~. The ~~selectmen~~ selectboard shall notify the
14 ~~property owner~~ interested persons and other interested parties of their decision.
15 They shall file a copy of their decision with the town clerk within 10 days of
16 its announcement.

17 (5) Appeal—~~2~~. If an ~~owner~~ interested person is dissatisfied with the
18 award for damages, he or she may appeal using any of the procedures listed in
19 chapter 5 of this title. Notice or petition for appeal shall not delay the
20 proposed work or activity.

1 (6) Payment into escrow. For purposes of this section, if an interested
2 person has not provided the town with identification information necessary to
3 process payment, or if an owner refuses an offer of payment, payment shall be
4 deemed to be tendered when the town makes payment into an escrow account
5 that is accessible by the owner upon his or her providing any necessary
6 identification information.

7 * * * Water Quality * * *

8 Sec. 18. FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER
9 CREDIT

10 For the purposes of this section and Secs. 19–25 of this act (Agency of
11 Transportation stormwater credit), the General Assembly finds and declares
12 that:

13 (1) the federal Clean Water Act, State water quality requirements under
14 10 V.S.A. chapter 47, and the municipal separate storm sewer system permit
15 for transportation infrastructure, require the treatment and control of
16 stormwater from State highway rights-of-way and other property owned,
17 controlled, or managed by the Agency; and

18 (2) because of the traditional and continuing expenditures of the Agency
19 for the construction, operation, and maintenance of stormwater control
20 infrastructure designed to control stormwater runoff from State highway
21 rights-of-way and developed lands owned, controlled, or managed by the

1 Agency, it is fair and equitable to provide the Agency with a uniform credit
2 against fees assessed by municipalities for the management of stormwater.

3 Sec. 19. 24 V.S.A. § 3501(7) is amended to read:

4 (7) “Storm water” or “storm sewage” ~~is the excess water from rainfall or~~
5 ~~continuously following therefrom~~ shall have the same meaning as “stormwater
6 runoff” under 10 V.S.A. § 1264.

7 Sec. 20. 24 V.S.A. § 3615 is amended to read:

8 § 3615. RENTS; RATES

9 (a) Such municipal corporation, through its board of sewage disposal
10 commissioners, may establish charges to be called “sewage disposal charges,”
11 to be paid at such times and in such manner as the commissioners may
12 prescribe. The commissioners may establish annual charges separately for
13 bond repayment, fixed operations and maintenance costs (not dependent on
14 actual use), and variable operations and maintenance cost dependent on flow.
15 Such charges may be based upon:

16 (1) the metered consumption of water on premises connected with the
17 sewer system, however, the commissioners may determine no user will be
18 billed for fixed operations and maintenance costs and bond payment less than
19 the average single family charge;

20 (2) the number of equivalent units connected with or served by the
21 sewage system based upon their estimated flows compared to the estimated

1 flows from a single family dwelling however, the commissioners may
2 determine no user will be billed less than the minimum charge determined for
3 the single family dwelling charge for fixed operations and maintenance costs
4 and bond payment;

5 (3) the strength and flow where wastes stronger than household wastes
6 are involved;

7 (4) the appraised value of premises, in the event that the commissioners
8 shall determine the sewage disposal plant to be of general benefit to the
9 municipality regardless of actual connection with the same;

10 (5) the commissioners' determination developed using any other
11 equitable basis such as the number and kind of plumbing fixtures, the number
12 of persons residing on or frequenting the premises served by those sewers, the
13 topography, size, type of use, or impervious area of any premises; or

14 (6) any combination of these bases, so long as the combination is
15 equitable.

16 (b) The basis for establishing sewer disposal charges shall be reviewed
17 annually by sewage disposal commissioners. No premises otherwise exempt
18 from taxation, including premises owned by the ~~state~~ State of Vermont, shall,
19 by virtue of any such exemption, be exempt from charges established
20 hereunder. The commissioners may change the rates of such charges from
21 time to time as may be reasonably required. Where one of the bases of such

1 charge is the appraised value and the premises to be appraised are tax exempt,
2 the commissioners may cause the listers to appraise such property, including
3 ~~state~~ State property, for the purpose of determining the sewage disposal
4 charges. The right of appeal from such appraisal shall be the same as provided
5 in 32 V.S.A. chapter 131 ~~of Title 32~~. The ~~commissioner of finance and~~
6 ~~management~~ Commissioner of Finance and Management is authorized to issue
7 his or her warrants for sewage disposal charges against state property and
8 transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in
9 payment thereof. No charge so established and no tax levied under the
10 provisions of section 3613 of this title shall be considered to be a part of any
11 tax authorized to be assessed by the legislative body of any municipality for
12 general purposes, but shall be in addition to any such tax so authorized to be
13 assessed. Sewage disposal charges established in accord with this section may
14 be assessed by the board of sewage disposal commissioners as provided in
15 section 3614 of this title to derive the revenue required to pay pollution charges
16 assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of
17 Title 10.

18 (c) When a sewage disposal charge established under this section for the
19 management of stormwater is applied to property owned, controlled, or
20 managed by the Agency of Transportation, the charge shall not exceed the
21 highest rate category applicable to other properties in the municipality, and the

1 Agency of Transportation shall receive a 40 percent credit on the charge. The
2 Agency of Transportation shall receive no other credit on the charge from the
3 municipal corporation.

4 Sec. 21. 24 V.S.A. § 3507 is amended to read:

5 § 3507. DUTIES

6 (a) Such sewage system commissioners shall have the supervision of such
7 municipal sewage system and shall make and establish all needed rates for
8 rent, with rules and regulations for its control and operation. Such
9 commissioners may appoint or remove a superintendent at their pleasure. The
10 rents and receipts for the use of such sewage system shall be used and applied
11 to pay the interest and principal of the sewage system bonds of such municipal
12 corporation, the expense of maintenance and operation of the sewage system,
13 as well as dedicated fund payments provided for in section 3616 of this title.

14 (b) When a rate established under this section for the management of
15 stormwater is applied to property owned, controlled, or managed by the
16 Agency of Transportation, the rate shall not exceed the highest rate category
17 applicable to other properties in the municipality, and the Agency of
18 Transportation shall receive a 40 percent credit on the rate. The Agency of
19 Transportation shall receive no other credit on the rate from the municipal
20 corporation.

1 Sec. 22. 24 V.S.A. § 3679(c) is added to read:

2 (c) When a rate established under this section for the management of
3 stormwater is applied to property owned, controlled, or managed by the
4 Agency of Transportation, the rate shall not exceed the highest rate category
5 applicable to other properties in the municipality, and the Agency of
6 Transportation shall receive a 40 percent credit on the rate. The Agency of
7 Transportation shall receive no other credit on the rate from the consolidated
8 sewer district.

9 Sec. 23. 10 V.S.A. § 1251(18) is added to read:

10 (18) “Stormwater utility” means a system adopted by a municipality or
11 group of municipalities under 24 V.S.A. chapter 97, 101, or 105 for the
12 management of stormwater runoff.

13 Sec. 24. 10 V.S.A. § 1389(e) is amended to read:

14 (e) Priorities.

15 (1) In making recommendations under subsection (d) of this section
16 regarding the appropriate allocation of funds from the Clean Water Fund, the
17 Board shall prioritize:

18 * * *

19 (H) Funding to municipalities for the establishment and operation of
20 stormwater utilities.

1 (2) In developing its recommendations under subsection (d) of this
2 section regarding the appropriate allocation of funds from the Clean Water
3 Fund, the Clean Water Fund Board shall, during the first three years of its
4 existence and within the priorities established under subdivision (1) of this
5 subsection (e), prioritize awards or assistance to municipalities for municipal
6 compliance with water quality requirements, and to municipalities for the
7 establishment and operation of stormwater utilities.

8 * * *

9 Sec. 25. 19 V.S.A. § 42 is amended to read:

10 § 42. REPORTS ~~PRESERVED~~ CONTINUED; CONSOLIDATED

11 TRANSPORTATION REPORT; STORMWATER UTILITY REPORT

12 (a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements
13 of this section and sections 7(k), 10b(d), 10g, 11f(i), 12a, and 12b(d) of this
14 title shall ~~be preserved~~ continue to be required absent specific action by the
15 General Assembly repealing the reports or reporting requirements.

16 * * *

17 (c) On or before January 15, 2017, and annually thereafter, the Agency
18 shall report to the House and Senate Committees on Transportation, the House
19 Committee on Fish, Wildlife, and Water Resources, and the Senate Committee
20 on Natural Resources and Energy regarding the status of municipal

1 establishment and implementation of stormwater utilities in the State. The
2 report shall include:

3 (1) the number of municipal stormwater utilities in existence at the time
4 of each report, as indicated by the number of unique municipal rate structures
5 for stormwater mitigation under which the Agency was invoiced in the
6 calendar year preceding a report submitted under this section;

7 (2) the number of new municipal stormwater utilities established in the
8 State in the calendar year preceding a report submitted under this section;

9 (3) the amount of fees paid by the Agency to stormwater utilities in the
10 calendar year preceding a report submitted under this section; and

11 (4) a list of the stormwater projects or programs implemented by the
12 Agency in municipalities with stormwater utilities in the calendar year
13 preceding a report submitted under this section.

14 * * * Restricting the Use of Town Highways * * *

15 Sec. 26. 23 V.S.A. § 1042 is amended to read:

16 § 1042. RESTRICTING THE USE OF TOWN HIGHWAYS

17 (a) The legislative body of a municipality may, with the approval of the
18 Secretary of Transportation, designate highways and bridges under their
19 control, except for class 1 town highways, for use by specified types of motor
20 vehicles based on volume and type of traffic and character of the
21 neighborhood. However, when the legislative body of a municipality requests

1 in writing, the Secretary of Transportation may set the weight limit on a class 1
2 town highway at less than the State highway limit under section 1392 of this
3 title, if a reasonable alternative route is available for those vehicles traveling at
4 the State highway limit. When a highway or bridge has been so restricted,
5 signs shall be placed in accordance with the provisions of section 1397 of this
6 title.

7 * * *

8 (e) The legislative body of a municipality may adopt regulations to exclude
9 motor vehicles with a gross vehicle weight rating of 10,001 pounds or more
10 from operation on class 3 or class 4 town highways that start and end entirely
11 within the municipality. However, the regulations shall not preclude such
12 vehicles if their operation would otherwise be lawful from delivering or
13 picking up property or passengers or furnishing services along the highways
14 from which the vehicles would otherwise be excluded.

15 * * * Vulnerable Users * * *

16 Sec. 27. 23 V.S.A. § 1033 is amended to read:

17 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

18 (a) Passing motor vehicles. Motor vehicles proceeding in the same
19 direction may be overtaken and passed only as follows:

20 (1) The driver of a motor vehicle overtaking another motor vehicle
21 proceeding in the same direction may pass to its left at a safe distance, and

1 when so doing shall exercise due care, shall not pass to the left of the center of
2 the highway ~~unless the way ahead is clear of approaching traffic~~ except as
3 authorized in section 1035 of this title, and shall not again drive to the right
4 side of the roadway until safely clear of the overtaken vehicle.

5 (2) Except when overtaking and passing on the right is permitted, the
6 driver of an overtaken motor vehicle shall give way to the right in favor of the
7 overtaking motor vehicle ~~on audible signal~~ and shall not increase the speed of
8 his or her vehicle until completely passed by the overtaking vehicle.

9 (b) Passing vulnerable users. The operator of a motor vehicle approaching
10 or passing a vulnerable user as defined in subdivision 4(81) of this title shall
11 exercise due care, which includes increasing clearance to at least four feet, to
12 pass the vulnerable user safely, and shall cross the center of the highway only
13 as provided in ~~subdivision (a)(1) of this~~ section 1035 of this title. A person
14 who violates this subsection shall be subject to a civil penalty of not less than
15 \$200.00.

16 Sec. 28. 23 V.S.A. § 1035 is amended to read:

17 § 1035. LIMITATIONS

18 (a) ~~No~~ A vehicle shall not be driven to the left side of the center of the
19 roadway in overtaking and passing another vehicle or a vulnerable user
20 proceeding in the same direction unless authorized by the provisions of this
21 chapter and unless the left side is clearly visible and free of oncoming traffic

1 and vulnerable users for a sufficient distance ahead to permit overtaking and
2 passing to be completed without interfering with the operation of any vehicle
3 or with any vulnerable user approaching from the opposite direction or with
4 the operation of any vehicle or with any vulnerable user overtaken. In every
5 event, the overtaking vehicle shall return to an authorized lane of travel as soon
6 as practicable and, if the passing movement involves the use of a lane
7 authorized for vehicles approaching from the opposite direction, before coming
8 within 200 feet of any approaching vehicle or a vulnerable user.

9 (b) A vehicle shall not pass another from the rear under any of the
10 following conditions:

11 (1) when approaching or upon the crest of a grade or upon a curve in the
12 highway where the driver's view is in any way obstructed;

13 (2) when approaching within 100 feet of, or traversing, any intersection
14 or railroad grade crossing unless otherwise indicated by official traffic control
15 devices; or

16 (3) when the view is obstructed upon approaching within 100 feet of any
17 bridge, viaduct, or tunnel.

18 (c) The foregoing limitations do not apply upon a one-way roadway, or
19 when subdivision 1031(a)(2) of this title applies, or where a vehicle is turning
20 left into an alley, private road, or driveway.

1 Sec. 29. 23 V.S.A. § 1049 is amended to read:

2 § 1049. VEHICLE ENTERING FROM PRIVATE ROAD

3 The driver of a vehicle about to enter or cross a highway from an alley,
4 building, private road, or driveway shall yield the right of way to all vehicles
5 and vulnerable users approaching on the highway.

6 Sec. 30. 23 V.S.A. § 1049a is added to read:

7 § 1049a. OBLIGATIONS TO VULNERABLE USERS WHEN
8 TURNING

9 Notwithstanding any provision of this title to the contrary, a person
10 operating a vehicle shall not turn right or left unless the turn can be made at a
11 safe distance from a vulnerable user. A person who violates this section shall
12 be subject to a civil penalty of not less than \$200.00.

13 Sec. 31. 23 V.S.A. § 1064 is amended to read:

14 § 1064. SIGNALS REQUIRED; GENERAL OBLIGATION TO TURN AND
15 MOVE SAFELY

16 (a) Before changing direction or materially slackening speed, a driver shall
17 give warning of his or her intention with the hand signals as provided in
18 section 1065 of this title, or with a mechanical or lighting device approved by
19 the Commissioner of Motor Vehicles. A bicyclist shall give such hand signals
20 unless he or she cannot do so safely.

1 (b) ~~No person may~~ A person shall not turn a vehicle at an intersection
2 unless the vehicle is in proper position upon the roadway as required in section
3 1061 of this title, or turn a vehicle to enter an alley, private road, or driveway,
4 or otherwise turn a vehicle from a direct course or move right or left upon a
5 roadway unless such movement can be made with reasonable safety.

6 (c) No person shall stop or suddenly decrease the speed of a vehicle
7 without first giving an appropriate signal in the manner provided herein to the
8 driver of any vehicle immediately to the rear when there is opportunity to give
9 such signal.

10 (d) A signal of intention to turn right or left when required shall be given
11 continuously during not less than the last 100 feet traveled by the vehicle
12 before turning. A bicyclist shall comply with this subsection unless he or she
13 cannot do so safely.

14 (e) The signals provided for in section 1065 of this title shall be used to
15 indicate an intention to turn, change lanes, or start from a parked position and
16 may not be flashed on one side only on a parked or disabled vehicle, or flashed
17 as a courtesy or “do pass” signal to operators of other vehicles approaching
18 from the rear.

1 Sec. 32. 23 V.S.A. chapter 13, subchapter 12 is amended to read:

2 Subchapter 12. Operation of Bicycles, Electric Personal Assistive Mobility
3 Devices, and Play Vehicles

4 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

5 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

6 (a) The parent of any child and the guardian of any ward may not authorize
7 or knowingly permit any such child or ward to violate any of the provisions of
8 this subchapter.

9 (b) This subchapter applies whenever a bicycle is operated upon any
10 highway or upon any path set aside for the exclusive use of bicycles subject to
11 those exceptions stated herein.

12 (c) Every person riding a bicycle is granted all of the rights and is subject
13 to all of the duties applicable to operators of vehicles, except as to those
14 provisions ~~which~~ that:

15 (1) are inconsistent with provisions that specifically address the rights
16 and duties of vulnerable users generally or bicyclists specifically; or

17 (2) by their very nature can have no application.

18 (d) Except as otherwise may be required under subdivision 1139(a)(1) of
19 this chapter, and notwithstanding any provision of this title to the contrary, a
20 bicyclist riding consistent with the obligations of subsection 1139(a) of this
21 chapter may keep to the right when passing a motor vehicle, regardless of

1 whether the passing movement results from the motor vehicle's slowing down,
2 the bicyclist's continuing forward, or other circumstances that result in the
3 passing.

4 * * *

5 § 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

6 (a) A person operating a bicycle upon a roadway shall exercise due care
7 when passing a standing vehicle or one proceeding in the same direction ~~and~~.
8 Bicyclists generally shall ride as near to the right side of the ~~roadway as~~
9 ~~practicable, but shall ride to the left or in a left lane~~ improved area of the
10 highway right-of-way as is safe, except that a bicyclist:

11 (1) Shall ride to the left or in a left lane when:

12 ~~(1)(A)~~ preparing for a left turn at an intersection or into a private
13 roadway or driveway;

14 ~~(2)(B)~~ approaching an intersection with a right-turn lane if not turning
15 right at the intersection; or

16 ~~(3)(C)~~ overtaking another highway vulnerable user; or.

17 ~~(4)(2)~~ May ride to the left or in a left lane when taking reasonably
18 necessary precautions to avoid hazards or road conditions. Examples include
19 objects on the road, parked or moving vehicles, pedestrians, animals, surface
20 conditions that may impair the bicyclist's stability, or safety hazards caused by

1 a narrow road or steep embankment, road geometry, or unfavorable
2 atmospheric conditions.

3 * * *

4 * * * Statewide Property Parcel Mapping Program * * *

5 Sec. 33. LEGISLATIVE FINDINGS

6 (a) The General Assembly finds that the State has an interest in creating a
7 statewide property parcel data layer. The data layer will include all property
8 parcels in each Vermont town, city, incorporated village, gore, and grant in a
9 standard format and integrate all municipal property parcel maps into one
10 property parcel map for the State.

11 (b) The General Assembly further finds that a statewide property parcel
12 data layer will be useful to the Agency for the following applications:

13 (1) mapping highway centerlines that end at property boundaries;

14 (2) enabling the Agency to evaluate properties for alternative energy and
15 other possible uses;

16 (3) providing right-of-way data to analyze Transportation Separate
17 Storm Sewer System (TS4) assessments;

18 (4) streamlining title searches during the project development phase of
19 transportation projects;

20 (5) providing linkages between grand list and property parcel data in
21 order to enable the identification of all public land;

- 1 (1) develop a statewide property parcel data layer;
2 (2) ensure regular maintenance, including updates, of the data layer; and
3 (3) make property parcel data available to State agencies and
4 departments, regional planning commissions, municipalities, and the public.

5 (b) Property Parcel Data Advisory Board. A Property Parcel Data
6 Advisory Board (Board) is created for the purpose of monitoring the Statewide
7 Property Parcel Mapping Program and making recommendations to the
8 Agency of how the Program can be improved to enhance the usefulness of
9 statewide property parcel data for State agencies and departments, regional
10 planning commissions, municipalities, and the public. The Board shall
11 comprise:

- 12 (1) the Secretary of Transportation or designee, who shall serve as chair;
13 (2) the Secretary of Natural Resources or designee;
14 (3) the Secretary of Commerce and Community Development
15 or designee;
16 (4) the Commissioner of Taxes or designee;
17 (5) a representative of the Vermont Association of Planning and
18 Development Agencies; and
19 (6) a representative of the Vermont League of Cities and Towns.

20 (c) Meetings of Board. The Board shall meet at the call of the Chair or at
21 the request of a majority of its members. The Agency shall provide

1 administrative assistance to the Board and such other assistance as the Board
2 may require to carry out its duties.

3 (d) Standards. The Agency shall update the statewide property parcel data
4 layer in accordance with the standards of the Vermont Geographic Information
5 System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of
6 Vermont Center for Geographic Information).

7 * * * Quechee Gorge Bridge Safety Issues * * *

8 Sec. 36. QUECHEE GORGE BRIDGE SAFETY ISSUES

9 (a) On or before July 1, 2016, or as soon as practicable thereafter if a longer
10 period is required to obtain necessary permits or satisfy federal requirements,
11 the Agency shall complete a project on or proximate to Bridge 61 on
12 US Route 4 in the town of Hartford (Quechee Gorge Bridge) to install a
13 structure providing information and resources, signs, or communication
14 devices, or some combination of these, aimed at preventing suicides at the
15 Quechee Gorge Bridge.

16 (b) In consultation with the Agency of Commerce and Community
17 Development, the Department of Health, the Department of Public Safety,
18 local officials, local emergency personnel, the Hartford Area Chamber of
19 Commerce, mental health practitioners, local business owners, and other
20 interested stakeholders, the Agency of Transportation shall thoroughly review
21 suicide prevention as well as pedestrian, first responder, and other safety

1 measures that could be taken, and the merits of taking such measures, at the
2 Quechee Gorge Bridge. In conducting this review, the Agency shall identify:

3 (1) short- and long-term suicide prevention as well as pedestrian, first
4 responder, and other safety measures for all users that could be taken at the
5 Quechee Gorge Bridge in addition to the measures taken pursuant to
6 subsection (a) of this section, including:

7 (A) providing information and resources, including emergency
8 contact information and means of emergency communication; and

9 (B) physical improvements to the bridge structure and the
10 surrounding area;

11 (2) estimated costs and benefits and an expected timeline associated
12 with implementing the measures identified in subdivision (1) of this
13 subsection; and

14 (3) economic, community, and tourism concerns associated with
15 implementing the measures identified in subdivision (1) of this subsection.

16 (c) On or before January 10, 2017, the Agency shall report the results of the
17 review required under subsection (b) of this section to the House and Senate
18 Committees on Transportation.

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* * * Effective Dates * * *

Sec. 37. EFFECTIVE DATES

(a) This section, Secs. 4 (rail), 6 (positions), 18–24 (stormwater utilities; rates; incentives), and 36 (Quechee Gorge Bridge safety issues) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2016.