

1 H.198

2 Introduced by Representatives Burke of Brattleboro, Masland of Thetford,
3 Andrews of Rutland City, Bohi of Hartford, Davis of
4 Washington, Donovan of Burlington, Edwards of Brattleboro,
5 Font-Russell of Rutland City, French of Shrewsbury, Haas of
6 Rochester, Head of South Burlington, Lanpher of Vergennes,
7 Lorber of Burlington, Martin of Springfield, McFaun of Barre
8 Town, Mrowicki of Putney, Pearson of Burlington, Pugh of
9 South Burlington, Ram of Burlington, Shand of Weathersfield,
10 Spengler of Colchester, Waite-Simpson of Essex, Webb of
11 Shelburne, Weston of Burlington, Wilson of Manchester,
12 Wizowaty of Burlington, Wright of Burlington and Young of
13 Albany

14 Referred to Committee on

15 Date:

16 Subject: Transportation; policy

17 Statement of purpose: This bill proposes to modify Vermont's transportation
18 policy to require that the needs of all users of Vermont's transportation
19 system—including motorists, bicyclists, public transportation users, and
20 pedestrians of all ages and abilities—be considered and accommodated in state
21 and locally managed transportation projects.

1 ~~An act relating to a transportation policy to accommodate all users.~~ *An act*
2 ~~relating to a transportation policy to accommodate all users.~~ *relating to a transportation policy that considers all users*

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

4 ~~Sec. 1. PURPOSE~~

5 ~~The purpose of this bill is to ensure that the needs of all users of Vermont's~~
6 ~~transportation system—including motorists, bicyclists, public transportation~~
7 ~~users, and pedestrians of all ages and abilities—are considered and~~
8 ~~accommodated in all phases, including planning, development, and~~
9 ~~construction, of state and locally managed transportation projects except in the~~
10 ~~case of projects or project components involving unpaved highways. This~~
11 ~~"complete streets" principle shall be integral to state and local transportation~~
12 ~~policy in Vermont.~~

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

14 § 10b. STATEMENT OF POLICY; GENERAL

15 (a) The agency shall be the responsible agency of the state for the
16 development of transportation policy. It shall develop a mission statement to
17 reflect;

18 (1) ~~that~~ state transportation policy encompassing, coordinating, and
19 ~~integrating~~ shall be to encompass, coordinate, and integrate all modes of
20 transportation, and to provide for the safety, convenience, and accommodation
21 of all transportation system users, regardless of age, ability, or modal
22 preference; and

1 ~~(2) the need for transportation projects that will improve the state's~~

2 economic infrastructure, as well as the use of resources in efficient,
3 coordinated, integrated, cost-effective, and environmentally sound ways.

4 (b) The agency shall coordinate planning and education efforts with those
5 of the Vermont climate change oversight committee and those of local and
6 regional planning entities:

7 (1) to assure that the transportation system as a whole is integrated, that
8 access to the transportation system as a whole is integrated, and that statewide,
9 local, and regional conservation and efficiency opportunities and practices are
10 integrated; and

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

14 ~~(b)~~(c) In developing the state's annual transportation program, the agency
15 shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended
16 by No. 200 of the Acts of the 1987 Adj. Sess. (1988) and with appropriate
17 consideration to local, regional, and state agency plans:

18 (1) Develop or incorporate designs that provide integrated, safe, and
19 efficient transportation ~~and promote.~~

20 (2) Consider and provide for the safety, convenience, and
21 accommodation of all transportation system users—including motorists.

1 ~~bicyclists, public transportation users, and pedestrians of all ages and~~
2 ~~abilities—in the planning, development, and construction of transportation~~
3 ~~projects, except in the case of projects or project components involving~~
4 ~~unpaved highways. If a proposed project, other than a project or project~~
5 ~~component involving an unpaved highway, does not accommodate or provide~~
6 ~~for safe and convenient access for all such users, the secretary shall make a~~
7 ~~written determination, supported by documentation and available for public~~
8 ~~inspection at the agency, that one or more of the following circumstances~~
9 ~~exists:~~

10 ~~(A) use by pedestrians or bicyclists is prohibited by law; or~~

11 ~~(B) the cost of providing safe and convenient access and~~
12 ~~accommodation for users of all ages, abilities, and modal preferences would be~~
13 ~~disproportionate to the need or probable use as determined by factors,~~
14 ~~including land use, current and projected traffic volumes, or population~~
15 ~~density.~~

16 ~~(3) Promote economic opportunities for Vermonters and the best use of~~
17 ~~the state's environmental and historic resources.~~

18 ~~(2)(4) Manage available funding to:~~

19 ~~(A) give priority to preserving the functionality of the existing~~
20 ~~transportation infrastructure, including bicycle and pedestrian trails regardless~~
21 ~~of whether they are located along a highway shoulder; and~~

1 ~~(B) adhere to credible project delivery schedules.~~

2 ~~(e)(d) The agency of transportation, in developing each of the program~~
3 ~~prioritization systems schedules for all modes of transportation, shall include~~
4 ~~the following throughout the process:~~

5 ~~(1) The agency shall annually solicit input from each of the regional~~
6 ~~planning commissions and the Chittenden County metropolitan planning~~
7 ~~organization on regional priorities within each schedule, and those inputs shall~~
8 ~~be factored into the prioritizations for each program area and shall afford the~~
9 ~~opportunity of adding new projects to the schedules.~~

10 ~~(2) Each year the agency shall provide in the front of the transportation~~
11 ~~program book a detailed explanation describing the factors in the prioritization~~
12 ~~system that creates each project list.~~

13 Sec. 3. 24 V.S.A. § 4302 is amended to read:

14 § 4302. PURPOSE; GOALS

15 (a) General purposes. It is the intent and purpose of this chapter to
16 encourage the appropriate development of all lands in this state by the action of
17 its constituent municipalities and regions, with the aid and assistance of the
18 state, in a manner which will promote the public health, safety against fire,
19 floods, explosions, and other dangers; to promote prosperity, comfort, access
20 to adequate light and air, convenience, efficiency, economy, and general
21 welfare; to enable the mitigation of the burden of property taxes on

1 ~~agricultural, forest, and other open lands; to encourage appropriate~~
2 architectural design; to encourage the development of renewable resources; to
3 protect residential, agricultural, and other areas from undue concentrations of
4 population and overcrowding of land and buildings, from traffic congestion,
5 from inadequate parking and the invasion of through traffic, and from the loss
6 of peace, quiet, and privacy; to ensure that the needs of all transportation users,
7 regardless of age, ability, or modal preference, are considered and provided for
8 in the planning, development, and construction of locally managed
9 transportation projects; to facilitate the growth of villages, towns, and cities
10 and of their communities and neighborhoods so as to create an optimum
11 environment, with good civic design, to encourage development of a rich
12 cultural environment and to foster the arts; and to provide means and methods
13 for the municipalities and regions of this state to plan for the prevention,
14 minimization and future elimination of such land development problems as
15 may presently exist or which may be foreseen and to implement those plans
16 when and where appropriate. In implementing any regulatory power under this
17 chapter, municipalities shall take care to protect the constitutional right of the
18 people to acquire, possess, and protect property.

19 (b) It is also the intent of the legislature that municipalities, regional
20 planning commissions, and state agencies shall engage in a continuing
21 planning process that will further the following goals:

1 ~~(1) To establish a coordinated, comprehensive planning process and~~
2 ~~policy framework to guide decisions by municipalities, regional planning~~
3 ~~commissions, and state agencies.~~

4 (2) To encourage citizen participation at all levels of the planning
5 process, and to assure that decisions shall be made at the most local level
6 possible commensurate with their impact.

7 (3) To consider the use of resources and the consequences of growth and
8 development for the region and the state, as well as the community in which it
9 takes place.

10 (4) To encourage and assist municipalities to work creatively together to
11 develop and implement plans.

12 (c) In addition, this chapter shall be used to further the following specific
13 goals:

14 * * *

15 (4) To provide for safe, convenient, economic, integrated, and energy
16 efficient transportation systems that respect the integrity of the natural
17 environment, ~~including public transit options and paths for pedestrians and~~
18 ~~bicyclers~~ and to consider and provide for the safety, convenience, and adequate
19 accommodation of all transportation system users—including motorists,
20 bicyclists, public transportation users, and pedestrians of all ages and
21 abilities—in the planning, development, and construction of locally managed

1 ~~transportation projects, except in the case of projects or project components~~
2 ~~involving unpaved highways.~~

3 (A) ~~Highways, air, rail and other means of transportation should be~~
4 ~~mutually supportive, balanced, and integrated. If a proposed project, other~~
5 ~~than a project or project component involving an unpaved highway, does not~~
6 ~~accommodate or provide for safe and convenient access for all users, the~~
7 ~~municipal body managing the project shall make a written determination,~~
8 ~~supported by documentation and available for public inspection at the office of~~
9 ~~the municipal clerk, that one or more of the following circumstances exists:~~

10 (A) ~~use by pedestrians or bicyclists is prohibited by law; or~~

11 (B) ~~the cost of providing safe and convenient access and~~
12 ~~accommodation for users of all ages, abilities, and modal preferences would be~~
13 ~~disproportionate to the need or probable use as determined by factors,~~
14 ~~including land use, current and projected traffic volumes, or population~~
15 ~~density.~~

16 * * *

17 Sec. 4. REPORTING

18 ~~Annually, by January 15, the agency of transportation shall report to the~~
19 ~~house and senate committees on transportation on how the agency has changed~~
20 ~~or adopted procedures to comply with this act, including:~~

- 1 (1) procedures for identifying the needs of users of all ages, abilities,
2 and modal preferences in project planning;
- 3 (2) procedures for identifying the types and designs of facilities needed
4 to serve each class of users;
- 5 (3) procedures for overcoming the common barriers to accommodating
6 all users;
- 7 (4) procedures for maximizing state and local cooperation in the
8 implementation of this act;
- 9 (5) procedures for assessing and modifying the facilities and operational
10 characteristics of existing transportation facilities to improve consistency with
11 this act;
- 12 (6) the establishment of performance measures; and
- 13 (7) for locally managed projects involving agency cooperation with
14 municipalities, procedures which ensure that the requirements of this act are
15 met and which ensure timely, efficient, and nonduplicative reviews within the
16 agency.

17 Sec. 5. EFFECTIVE DATE

18 ~~This act shall take effect on July 1, 2011.~~

Sec. 1. PURPOSE

The purpose of this bill is to ensure that the needs of all users of Vermont's transportation system—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—are considered in all state and locally managed transportation project phases, including planning, development, construction, and maintenance, except in the case of projects or

project components involving unpaved highways. These “complete streets” principles shall be integral to state and local transportation policy in Vermont.

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

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The agency shall be the responsible agency of the state for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that state transportation policy ~~encompassing, coordinating, and integrating~~ shall be to encompass, coordinate, and integrate all modes of transportation; and to follow “complete streets” principles, which means to consider the safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and

(2) the need for transportation projects that will improve the state’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways.

(b) The agency shall coordinate planning and education efforts with those of the Vermont climate change oversight committee and those of local and regional planning entities:

(1) to assure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

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

~~(b)~~(c) In developing the state’s annual transportation program, the agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by No. 200 of the Acts of the 1987 Adj. Sess. (1988) and with appropriate consideration to local, regional, and state agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation ~~and promote.~~

(2) Consider the safety and accommodation of all transportation system users—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—in all state and locally managed transportation project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. If, after the consideration required under this subdivision, a state-managed project does not incorporate complete streets

principles, the project manager shall make a written determination, supported by documentation and available for public inspection at the agency, that one or more of the following circumstances exists:

(A) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(B) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The agency shall consult local and regional plans in assessing these and any other relevant factors.

(C) Incorporating complete streets principles is outside the scope of a project because of its very nature. The written determination required under this subdivision (2) shall be final and shall not be subject to appeal or further review.

(3) Promote economic opportunities for Vermonters and the best use of the state's environmental and historic resources.

~~(2)~~(4) Manage available funding to:

(A) give priority to preserving the functionality of the existing transportation infrastructure, including bicycle and pedestrian trails regardless of whether they are located along a highway shoulder; and

(B) adhere to credible project delivery schedules.

~~(e)~~(d) The agency of transportation, in developing each of the program prioritization systems schedules for all modes of transportation, shall include the following throughout the process:

(1) The agency shall annually solicit input from each of the regional planning commissions and the Chittenden County metropolitan planning organization on regional priorities within each schedule, and those inputs shall be factored into the prioritizations for each program area and shall afford the opportunity of adding new projects to the schedules.

(2) Each year the agency shall provide in the front of the transportation program book a detailed explanation describing the factors in the prioritization system that creates each project list.

Sec. 3. 24 V.S.A. § 4302 is amended to read:

§ 4302. PURPOSE; GOALS

(a) General purposes. It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this state by the action

of its constituent municipalities and regions, with the aid and assistance of the state, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to facilitate the needs of all transportation users, regardless of age, ability, or modal preference and to consider such needs in all locally managed transportation project phases, including planning, development, construction, and maintenance; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this state to plan for the prevention, minimization and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property.

(b) It is also the intent of the legislature that municipalities, regional planning commissions, and state agencies shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

(4) To encourage and assist municipalities to work creatively together to develop and implement plans.

(c) In addition, this chapter shall be used to further the following specific goals:

* * *

(4) To provide for safe, convenient, economic, ~~integrated,~~ and energy efficient transportation systems that respect the integrity of the natural environment, ~~including public transit options and paths for pedestrians and bicyclers~~ and to follow “complete streets” principles, which means to consider the safety and accommodation of all transportation system users, regardless of age, ability, or modal preference—in all locally managed transportation project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways.

(A) ~~Highways, air, rail and other means of transportation should be mutually supportive, balanced, and integrated. If, after the consideration required under this subdivision, a project does not incorporate complete streets principles, the municipality managing the project shall make a written determination, supported by documentation and available for public inspection at the office of the municipal clerk and at the agency of transportation, that one or more of the following circumstances exists:~~

(A) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(B) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors such as land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The municipality shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.

(C) Incorporating complete streets principles is outside the scope of a project because of its very nature.

The written determination required under this subdivision (4) shall be final and shall not be subject to appeal or further review.

* * *

Sec. 4. REPORTING AND TRANSITION RULE

(a) By March 15, 2012, the agency of transportation shall report to the house and senate committees on transportation on its activities to comply with this act.

(b) The agency shall make available to the public upon request and in an easily understandable format a list of all state- and locally managed projects that have incorporated complete streets principles, accompanied by a description of each project and its location.

(c) The agency shall make available to the public upon request and in an easily understandable format a list of all state- and locally managed projects that have not incorporated complete streets principles pursuant to an exemption of 19 V.S.A. § 10b(c)(2) or 24 V.S.A. § 4302(c)(4). This list shall specify which exemption applied.

(d) The agency shall be exempt from the requirements to assign exemptions pursuant to Sec. 2, 19 V.S.A. § 10b(c)(2), and Sec. 3, 24 V.S.A. § 4302(c)(4), of this act and from the reporting requirements of this section with respect to any project for which preliminary engineering is complete as of the effective date of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2011.