

1 H.443

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; transportation program

5 Statement of purpose: This bill proposes to approve, with modifications, the
6 state's transportation program for fiscal year 2012 and to make miscellaneous
7 changes in statutes relating to transportation.

8 An act relating to the state's transportation program

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

10 Sec. 1. TRANSPORTATION PROGRAM

11 (a) The state's proposed fiscal year 2012 transportation program appended
12 to the agency of transportation's proposed fiscal year 2012 budget, as amended
13 by this act, is adopted to the extent federal, state, and local funds are available.

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

15 (1) "agency" means the agency of transportation;

16 (2) "secretary" means the secretary of transportation;

17 (3) the table heading "As Proposed" means the transportation program
18 referenced in subsection (a) of this section; the table heading "As Amended"
19 means the amendments as made by this act; the table heading "Change" means
20 the difference obtained by subtracting the "As Proposed" figure from the "As

1 Amended” figure; and the term “change” or “changes” in the text refers to the
2 project- and program-specific amendments, the aggregate sum of which equals
3 the net “Change” in the applicable table heading;

4 (4) “TIB debt service fund” refers to the transportation infrastructure
5 bonds debt service fund established in 32 V.S.A. § 951a; and

6 (5) “TIB funds” refers to monies deposited in the transportation
7 infrastructure bond fund in accordance with 19 V.S.A. § 11f.

8 * * * Town Highway Bridge * * *

9 Sec. 2. TOWN HIGHWAY BRIDGE

10 The following modifications are made to the town highway bridge program:

11 (1) Development and engineering funding for the Fairfield BRO
12 1448(22) project in the amount of \$16,000.00 in federal funds, \$2,000.00 in
13 transportation funds, and \$2,000.00 in local funds is deleted.

14 (2) A new project is added for the reconstruction or replacement of
15 bridge #48 on TH 30 over Wanzer Brook in the town of Fairfield.
16 Development and evaluation spending in the amount of \$16,000.00 in federal
17 funds, \$2,000.00 in transportation funds, and \$2,000.00 in local funds is
18 authorized for the project.

* * * Rail * * *

Sec. 3. RAIL

The following modifications are made to the rail program:

(1) A new project is added to upgrade the western rail corridor to the standards required to support 286,000 pound freight traffic and inter-city passenger rail service. The western rail corridor includes connections from points in New York to the corridor between Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in Canada.

(2) Authorized spending on the three-way partnership program is amended to read as follows.

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	0	0	0
Other	600,000	0	-600,000
Total	600,000	0	-600,000
<u>Sources of funds</u>			
State	200,000	0	-200,000
Federal	0	0	0
Local	400,000	0	-400,000
Total	600,000	0	-600,000

1 Sec. 4. Sec. 18 of No. 164 of the Acts of 2008 is amended to read:

2 Sec. 18. RAIL

3 The following modifications are made to the rail program:

4 (1) Authorized spending on the three-way partnership program is
5 amended to read as follows. ~~In future budget years, funding for the program~~
6 ~~shall be limited to the costs of specific projects.~~

7 * * *

8 * * * Central Garage * * *

9 Sec. 5. TRANSFER TO CENTRAL GARAGE FUND

10 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2012, the amount of
11 \$1,120,000.00 is transferred from the transportation fund to the central garage
12 fund created in 19 V.S.A. § 13.

13 * * * Cancellation of Projects * * *

14 Sec. 6. CANCELLATION OF PROJECTS

15 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
16 projects), the general assembly approves cancellation of the following projects:

17 (1) Program development — interstate bridges:

18 (A) Berlin-Montpelier IM 089-1(17) (rehabilitation of bridges
19 #36N&S, #37N&S, #38N&S, #39, #40N&S, and #41N&S on I-89);

20 (B) Bethel-Williamstown IR 089-1(12) (deck replacement and
21 structural improvements to several bridges on I-89);

1 (C) Middlesex-Waterbury IR 089-2(16) (deck replacement and
2 structural improvements to several bridges on I-89);

3 (D) Brattleboro IR 091-1(23) (at PE and/or ROW phase) (deck
4 replacement on bridges #9N&S on I-91);

5 (E) Colchester-Highgate IM IR 089-3(18) (at PE and/or ROW phase)
6 (deck replacement and substructure improvements to several bridges on I-89);

7 (F) Vernon-Putney IR 091-1(17) (at PE and/or ROW phase) (deck
8 replacement and substructure improvements on several bridges along I-91);

9 (G) Guilford-Brattleboro IM 091-1(32) (proposed) (rehabilitation of
10 bridges #2N&S, #4N&S, #5N&S, #7, #11N&S, and #12 on I-91);

11 (H) Hartford-Newbury IM 091-2(68) (proposed) (rehabilitation of
12 bridges #45N&S, #46, #47N&S, #48N&S, #49N&S, and #51N&S on I-91);

13 (I) Hartford-Sharon-Royalton IR 089-1(10) (proposed) (deck
14 replacement and structural improvements to several interstate bridges);

15 (J) Milton IM 089-3() (proposed) (rehabilitation of bridges #82,
16 #84N&S, #85, #89, #90, #91, #92N&S, and #93 on I-89);

17 (K) Richmond IM 089-2(27) (proposed) (rehabilitation of bridges
18 #52N&S, #53N&S, #54, #55N&S, #56N&S, and #57N&S on I-89);

19 (L) Rockingham-Weathersfield IR 091-1(24) (proposed)
20 (replacement and substructure improvements to several bridges on I-91);

1 (M) Sharon-Royalton IR 089-1(9) (proposed) (deck replacement and
2 substructure improvements to several bridges on I-89); and

3 (N) Windsor-Hartland IR 091-1(21) (proposed) (deck replacement
4 and substructure improvements to several bridges on I-91).

5 (2) Program development — state highway bridges:

6 (A) Middlebury BHF 5900(4) (rehabilitation of bridge #2 on
7 Merchants Row (TH 8) over Vermont Railway);

8 (B) Middlebury BHF 0161(9) (rehabilitation of bridge #102 on VT
9 30 over Vermont Railway);

10 (C) Plymouth BRS 0149(3)S (replacement of bridge #8 on VT 100A
11 over Hollow Brook; at PE and/or ROW phase).

12 (3) Town highway bridges:

13 (A) Readsboro BRO 1441(28) (replacement of bridge #21 on TH 4
14 over the West Branch of the Deerfield River);

15 (B) Fairfield BRO 1448(22) (replacement of bridge #48 on TH 30
16 over Wanzer Brook; at PE and/or ROW phase);

17 (C) Northfield BRO 1446(25) (replacement of bridge #50 on TH 25
18 over Stoney Brook; at PE and/or ROW phase).

19 (4) Program development — roadway:

20 (A) Bennington M 1000(10) (VT 67A) (district has constructed some
21 improvements to intersection);

1 (B) Bridgewater-Woodstock NH 020-2(33)S (US 4) (project scope
2 defined before adoption of Vermont design standards in 1997);

3 (C) Cavendish STP 0146(9) SC (VT 131) (Cavendish selectboard
4 supports cancellation of project but would like some signage improvements to
5 enhance safety);

6 (D) Cavendish-Ludlow NH-F 025-1(30) (VT 103) (FHWA requested
7 VTrans to close this project in 2007);

8 (E) Concord-Lunenburg STP 0218() SC (TH 4) (project set up for
9 scoping in 1997 but no funds were ever programmed);

10 (F) Dorset-Wallingford NH 019-2(20) SC (US 7) (project set up for
11 scoping only and scoping report was completed in 1997);

12 (G) Dover STP 013-1(12) SC (VT 100) (project set up for scoping
13 only and scoping report was completed in 1997);

14 (H) Duxbury STP F 013-4(11)S (VT 100) (project scope defined
15 before adoption of Vermont design standards in 1997);

16 (I) Hartford-Newbury IM 019-2(70) (I-91 drainage/fence)
17 (high-priority safety projects have been completed along this segment of I-91);

18 (J) Hinesburg STP 0199() SC (TH 4/FAS 0199) (project set up for
19 scoping in 1997 but no funds were ever programmed);

20 (K) Killington STP 022-1(19) SC (VT 100) (project set up for
21 scoping only and the scoping report was completed in 1997);

1 (L) Marlboro NH F 010-1(25) (VT 9) (project scope defined before
2 adoption of Vermont design standards in 1997);

3 (M) Newbury STP 026-2() (US 302) (origination of project
4 unknown; project has not been programmed with any funds);

5 (N) Pownal-Bennington F 019-1(16)C/1 (US 7) (project scope
6 defined before adoption of Vermont design standards in 1997);

7 (O) Pownal-Bennington F 019-1(16)C/2 (US 7) (project scope
8 defined before adoption of Vermont design standards in 1997);

9 (P) Readsboro-Whitingham STP RS 0102(13) (VT 100) (project
10 scope defined before adoption of Vermont design standards in 1997);

11 (Q) Ryegate-St. Johnsbury IM 091-2(74) (I-91 drainage/fence)
12 (high-priority safety projects have been completed along this segment of I-91);

13 (R) Ryegate-St. Johnsbury IM 091-2(75) (I-91 guardrail/ledge)
14 (high-priority safety projects have been completed along this segment of I-91);

15 (S) St. Johnsbury-Lyndon IM 091-3(43) (I-91 drainage/fence)
16 (high-priority safety projects have been completed along this segment of I-91);

17 (T) St. Johnsbury-Lyndon IM 091-3(44) (I-91 guardrail/ledge)
18 (high-priority safety projects have been completed along this segment of I-91);

19 (U) Townshend STP 015-1(19)S (VT 30) (project set up in 1999 to
20 modify the glare barrier and landscape in the vicinity of BR 3 on VT 30; no
21 design activity or local interest in project since inception);

1 (V) Vergennes ST 017-1()S (VT 22A) (VTrans granted city funds to
2 reconstruct and city contracted the work out);

3 (W) Waitsfield-Moretown-Duxbury STP F 013-4(12)S (VT 100)
4 (project scope defined before adoption of Vermont design standards in 1997);

5 (X) Wallingford F 025-1(31) (VT 103) (project scope defined before
6 adoption of Vermont design standards in 1997);

7 (Y) Waterford IM 093-1(11) (I-93 drainage/fence) (high-priority
8 safety projects completed along this segment of I-93);

9 (Z) Waterford IM 093-1(12) (I-93 guardrail/ledge) (high-priority
10 safety projects completed along this segment of I-93); and

11 (AA) Williamstown STP RS 0204(3) (VT 64).

12 * * * FY 2012 Western Rail Corridor Improvements * * *

13 Sec. 7. WESTERN RAIL CORRIDOR GRANT APPLICATION; FY 2012

14 CONTINGENT BONDING AUTHORITY

15 (a) The general assembly finds that intercity passenger rail along
16 Vermont's western rail corridor is of critical importance to the transportation
17 mobility and economic prosperity of the state. The western rail corridor
18 includes connections from points in New York to the corridor between
19 Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in
20 Canada.

1 (b) The agency is encouraged to apply for a federal grant to cover, in whole
2 or in part, the cost of upgrading the state's western rail corridor for intercity
3 passenger rail service. In the grant application, the agency is authorized to
4 identify the bonds authorized by this section as a source of state match funds.
5 Upon its completion, the agency shall send an electronic copy of the grant
6 application to the joint fiscal office.

7 (c) In the event the state is awarded a federal grant as referenced in
8 subsection (b) of this section, the treasurer is authorized in fiscal year 2012 to
9 issue transportation infrastructure bonds in an amount up to \$15,000,000.00 for
10 the purpose of providing any state matching funds required by the federal
11 grant. The treasurer is authorized to increase the issue of transportation
12 infrastructure bonds in the event the treasurer determines that:

13 (1) the creation and funding of a permanent debt service reserve is
14 advisable to support the successful issuance of the transportation infrastructure
15 bonds; and

16 (2) the balance of the TIB fund and the TIB debt service fund as of the
17 end of fiscal year 2011 is insufficient to fund such a permanent debt service
18 reserve.

19 (d) In the event the state is awarded a federal grant as referenced in
20 subsection (b) of this section:

1 (1) authority to spend the federal grant funds is added to the fiscal year
2 2012 transportation program – rail program and the amount of federal funds
3 awarded is appropriated to the fiscal year 2012 transportation – rail
4 program; and

5 (2) if transportation infrastructure bonds are issued pursuant to
6 subsection (c) of this section to fund the project, authority to spend the bond
7 proceeds on the project in an amount needed to match the federal funds
8 authorized in subdivision (d)(1) of this subsection is added to the 2012 fiscal
9 year transportation program – rail program and that amount is appropriated to
10 the fiscal year 2012 transportation – rail program.

11 Sec. 8. FISCAL YEAR END 2011 TRANSPORTATION FUND SURPLUS

12 Subject to the funding of the transportation fund stabilization reserve in
13 accordance with 32 V.S.A. § 308a and notwithstanding 32 V.S.A. § 308c
14 (transportation fund surplus reserve), any surplus in the transportation fund as
15 of the end of fiscal year 2011 up to a maximum amount of \$1,000,000.00 may
16 be transferred to the TIB debt service fund by order of the secretary of
17 transportation, with the approval of the secretary of administration, for the
18 purpose of providing the funds the treasurer deems likely to be needed to
19 satisfy any debt service reserve requirement of transportation infrastructure
20 bonds that may be issued pursuant to the authority granted in Sec. 7 of this act.

1 to pay the issuance costs of such bonds, or to pay debt service obligations due
2 on such bonds in fiscal years 2012 and 2013.

3 Sec. 9. FISCAL YEAR END 2011 TIB FUND SURPLUS

4 Any surplus in the transportation infrastructure bond fund as of the end of
5 fiscal year 2011 up to a maximum amount of \$1,000,000.00 may be transferred
6 to the TIB debt service fund by order of the secretary of transportation, with
7 the approval of the secretary of administration, for the purpose of providing the
8 funds the treasurer deems likely to be needed to satisfy any debt service
9 reserve requirement of transportation infrastructure bonds that may be issued
10 pursuant to the authority granted in Sec. 7 of this act, to pay the issuance costs
11 of such bonds, or to pay debt service obligations due on such bonds in fiscal
12 years 2012 and 2013.

13 Sec. 10. AUTHORITY TO REDUCE FISCAL YEAR 2011

14 APPROPRIATIONS

15 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
16 activity spending authority in the fiscal year 2011 transportation program, the
17 secretary of transportation, with the approval of the secretary of administration
18 and subject to the provisions of subsection (b) of this section, may reduce
19 fiscal year 2011 transportation fund appropriations, other than appropriations
20 for the town highway state aid, structures, and class 2 roadway programs, or
21 TIB fund appropriations, and transfer in fiscal year 2011 the amount of the

1 reductions to the TIB debt service fund for the purpose of providing the funds
2 the treasurer deems likely to be needed to satisfy any debt service reserve
3 requirement of transportation infrastructure bonds that may be issued pursuant
4 to the authority granted in Sec. 7 of this act, to pay the issuance costs of such
5 bonds, or to pay debt service obligations due on such bonds in fiscal years
6 2012 and 2013.

7 (b) The secretary's authority under subsection (a) of this section to reduce
8 appropriations is limited to appropriations, the reduction of which, by itself,
9 will not have the effect of significantly delaying the planned fiscal year 2011
10 work schedule of a project which formed the basis of the project's funding in
11 fiscal year 2011.

12 (c) When any appropriation is reduced pursuant to this section, the
13 secretary shall report the reduction to the joint fiscal office and to the house
14 and senate committees on transportation when the general assembly is in
15 session, and when the general assembly is not in session, to the joint
16 transportation oversight committee.

17 Sec. 11. CHANGE TO CONSENSUS REVENUE FORECAST

18 In the event the July 2011 consensus revenue forecast of fiscal year 2012
19 transportation fund or TIB fund revenue is increased above the January 2011
20 forecast, the increase up to \$2,000,000.00 may be transferred to the TIB debt
21 service fund, by order of the secretary of transportation with the approval of

1 the secretary of administration, for the purpose of providing the funds the
2 treasurer deems likely to be needed to satisfy any debt service reserve
3 requirement of transportation infrastructure bonds that may be issued pursuant
4 to the authority granted in Sec. 7 of this act, to pay the issuance costs of such
5 bonds, or to pay debt service obligations due on such bonds in fiscal years
6 2012 and 2013.

7 Sec. 12. AUTHORITY TO REDUCE FISCAL YEAR 2012

8 APPROPRIATIONS

9 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
10 activity spending authority in the fiscal year 2012 transportation program, the
11 secretary of transportation, with the approval of the secretary of administration
12 and subject to the provisions of subsection (b) of this section, may reduce
13 fiscal year 2012 transportation fund appropriations, other than appropriations
14 for the town highway state aid, structures, and class 2 roadway programs, or
15 TIB fund appropriations, and transfer in fiscal year 2012 the amount of the
16 reductions to the TIB debt service fund for the purpose of providing the funds
17 the treasurer deems likely to be needed to pay debt service obligations of
18 transportation infrastructure bonds authorized by Sec. 7 of this act in fiscal
19 year 2013.

20 (b) The secretary's authority under subsection (a) of this section to reduce
21 appropriations is limited to appropriations, the reduction of which, by itself, in

1 the context of any spending authorized for the project in the fiscal year 2012
2 transportation program will not have the effect of significantly delaying the
3 planned work schedule of the project which formed the basis of the project's
4 funding in fiscal years 2012 and 2013.

5 (c) The agency shall expedite the procedures required to determine the
6 eligibility and certification of federal toll credits with respect to potentially
7 qualifying capital expenditures made by Vermont entities through the end of
8 fiscal year 2011 which, subject to compliance with federal maintenance of
9 effort requirements, would be available for use by the state in fiscal year 2013.
10 The fiscal year 2013 transportation program shall reserve up to \$3,000,000.00
11 of such potentially available federal toll credits and federal formula funds and
12 authorize the secretary to utilize the federal toll credits and federal formula
13 funds to accomplish the objectives of this section.

14 (d) When any appropriation is reduced pursuant to this section, the
15 secretary shall report the reduction to the joint fiscal office and to the house
16 and senate committees on transportation when the general assembly is in
17 session, and when the general assembly is not in session, to the joint
18 transportation oversight committee.

1 * * * Contingent Alternative Spending Authority * * *

2 Sec. 13. CONTINGENT ALTERNATIVE SPENDING AUTHORITY – TIB
3 FUND SURPLUS

4 (a) Subject to the authority granted in Secs. 9 and 11 of this act in the event
5 a federal grant is awarded in connection with the agency's western rail corridor
6 grant application due on April 4, 2011, if there is a surplus in the transportation
7 infrastructure bond fund as of the end of fiscal year 2011 or if the July 2011
8 consensus forecast of transportation infrastructure bond fund revenue for fiscal
9 year 2012 is increased above the January 2011 consensus forecast, the surplus
10 or consensus forecast increase up to a total amount of \$2,344,654.00 and
11 federal funds up to the total amount of \$7,901,749.00 is authorized for
12 expenditure in the following order of priority:

13 (1) Cambridge – Bakersfield VT 108, STP 2926(): paving project
14 construction;

15 (2) Bennington bypass, NH-F 019-1(4): \$50,000.00 state funds and
16 \$200,000.00 federal funds for development and evaluation;

17 (3) White River Junction railroad station acquisition: state funds to
18 match federal funds in the event a grant is received pursuant to Sec. 14 of this
19 act and if no grant is received, \$875,000.00 in state funds;

20 (4) Rutland Town – Rutland City US 4/US 7, NH 020-2(): \$20,000.00
21 state funds and \$80,000.00 federal funds for development and evaluation;

1 (b) In the event the state is awarded a federal grant for purchase of the
2 station:

3 (1) a project for purchase of the station and authority to spend the
4 federal grant funds awarded to purchase the station for a purchase price of up
5 to \$875,000.00 is added to the state's fiscal year 2012 transportation program
6 — rail program;

7 (2) the amount of the federal funds awarded is appropriated to the fiscal
8 year 2012 transportation — rail appropriation; and

9 (3) if expenditure of federal funds awarded requires matching state
10 funds, the secretary is authorized to use transportation funds or TIB funds
11 approved within the fiscal year 2012 transportation program — rail program,
12 notwithstanding the authorized project or activity spending within the rail
13 program.

14 (c) The agency shall promptly report to the joint transportation oversight
15 committee any action taken under the authority granted in subsection (a) or (b)
16 of this section.

17 (d) Following conveyance of the White River Junction railroad station to
18 the state of Vermont, the agency shall administer the property in accordance
19 with 5 V.S.A. chapter 56 (intercity rail passenger service).

1 (e) State aid for town highway structures. There shall be an annual
2 appropriation for grants to municipalities for maintenance, including actions to
3 extend life expectancy, and construction of bridges, culverts, and other
4 structures, including causeways and retaining walls, intended to preserve the
5 integrity of the traveled portion of class 1, 2, and 3 town highways. Each fiscal
6 year, the agency shall approve qualifying projects with a total estimated state
7 share cost of ~~\$3,490,000.00~~ \$5,833,500.00 at a minimum as new grants. The
8 agency's proposed appropriation for the program shall take into account the
9 estimated amount of qualifying invoices submitted to the agency with respect
10 to project grants approved in prior years but not yet completed as well as with
11 respect to new project grants to be approved in the fiscal year. In a given fiscal
12 year, should expenditures in the town highway structures program exceed the
13 amount appropriated, the agency shall advise the governor of the need to
14 request a supplemental appropriation from the general assembly to fund the
15 additional project cost, provided that the agency has previously committed to
16 completing those projects. Funds received as grants for state aid for town
17 highway structures may be used by a municipality to satisfy a portion of the
18 matching requirements for federal earmarks, subject to subsection 309b(c) of
19 this title.

20 (f), (g) [Deleted.]

1 (h) Class 2 town highway roadway program. There shall be an annual
2 appropriation for grants to municipalities for resurfacing, rehabilitation, or
3 reconstruction of paved or unpaved class 2 town highways. Each fiscal year,
4 the agency shall approve qualifying projects with a total estimated state share
5 cost of ~~\$4,240,000.00~~ \$7,248,750.00 at a minimum as new grants. The
6 agency's proposed appropriation for the program shall take into account the
7 estimated amount of qualifying invoices submitted to the agency with respect
8 to project grants approved in prior years but not yet completed as well as with
9 respect to new project grants to be approved in the fiscal year. In a given fiscal
10 year, should expenditures in the town highway class 2 roadway program
11 exceed the amount appropriated, the agency shall advise the governor of the
12 need to request a supplemental appropriation from the general assembly to
13 fund the additional project cost, provided that the agency has previously
14 committed to completing those projects. Funds received as grants for state aid
15 under the class 2 town highway roadway program may be used by a
16 municipality to satisfy a portion of the matching requirements for federal
17 earmarks, subject to subsection 309b(c) of this title.

18 (i) ~~{Deleted.}~~ Municipal sidewalks program. The municipal sidewalks
19 program is created for the purpose of disbursing grants to municipalities for
20 projects to construct, reconstruct, or improve sidewalks located along or
21 connecting class 1, 2, or 3 town highways or state highways, subject to the

1 permit requirements of section 1111 of this title. Grant awards for eligible
2 projects shall not exceed \$75,000.00 per project, and the municipality shall
3 provide a match equal to the grant amount awarded. Each fiscal year the
4 agency shall approve qualifying projects with a total estimated state share cost
5 of \$200,000.00 at a minimum as new grants. Annually, the agency shall
6 propose a budget for the program based on an estimate of expected actual cash
7 expenditures during the next fiscal year that accounts for all outstanding grants
8 and projected expenditures on grants to be awarded in the next fiscal year. If
9 eligible grant applications total less than \$200,000.00 in any fiscal year, the
10 agency shall reallocate the unused funding to the class 2 town highway
11 roadway program.

12 * * *

13 Sec. 17. MUNICIPAL SIDEWALKS PROGRAM – FISCAL YEAR 2012

14 SPENDING AUTHORITY

15 In fiscal year 2012, the agency is authorized to spend \$200,000.00 in state
16 transportation funds on qualifying projects under the municipal sidewalks
17 program. Total authorized spending under the municipal sidewalks program
18 shall be \$400,000.00, consisting of \$200,000.00 in state funds and \$200,000.00
19 in local match funds.

1 the governor. The terms of the members appointed by the governor shall be
2 for three years, except that he or she shall appoint the first members so that the
3 terms of the members end in one year, two years, and three years. The
4 governor shall designate an appointed member to serve as ~~chairman~~ chair at
5 the governor's pleasure. Except as provided in this section, no state employee
6 or member of any state commission or any federal employee or member of any
7 federal commission shall be eligible for membership on the ~~scenery~~
8 ~~preservation~~ byways advisory council. Members of the council who are not
9 full-time state employees shall be entitled to a per diem as provided in
10 32 V.S.A. § 1010(b) and reimbursement for their actual necessary expenses.
11 The ~~council shall meet no more than two times per year, and meetings may be~~
12 ~~called by the~~ chair of the council or the secretary of transportation or his or her
13 designee may call meetings of the council.

14 (c) ~~The transportation board shall, in consultation with the scenery~~
15 ~~preservation council, and considering the criteria recommended in subdivision~~
16 ~~(b)(5) of this section, prepare, adopt and promulgate standards, and criteria for~~
17 ~~variances therefrom, pursuant to chapter 25 of Title 19, to carry out the~~
18 ~~purposes of this chapter. The standards shall include, but shall not be limited~~
19 ~~to, descriptions of techniques for construction, including roadside grading and~~
20 ~~planting and preservation of intimate roadside environments as well as scenic~~
21 ~~outlooks. The standards shall further prescribe minimum width, alignment and~~

1 ~~surface treatment with particular reference to the legislative findings of this~~
2 ~~act. The standards shall include methods of traffic control, such as signs,~~
3 ~~speed limits, signals and warnings, which shall not, within appropriate safety~~
4 ~~considerations, jeopardize the scenic or historic value of such roads. These~~
5 ~~standards shall be revised as necessary taking into consideration increased~~
6 ~~weight, load and size of vehicles making use of scenic roads, such as, but not~~
7 ~~limited, to forest product vehicles, agribusiness vehicles and school buses. No~~
8 ~~provision of the scenic road law may deny necessary improvement to or~~
9 ~~maintenance of scenic roads over which such vehicles must travel~~

10 Rehabilitation or reconstruction of byways or state scenic roads shall be
11 conducted in accordance with the agency of transportation's Vermont Design
12 Standards, as amended. Signs along byways and scenic roads shall be in
13 accordance with the Federal Highway Administration's Manual on Uniform
14 Traffic Control Devices.

15 (d) ~~Provisions of this chapter shall apply only within the highway right of~~
16 ~~way. [Repealed.]~~

17 (e) ~~All actions, including promulgation of rules, regulations or~~
18 ~~recommendations for designation, shall be made pursuant to the provisions of~~
19 ~~chapter 25 of Title 3. [Repealed.]~~

1 Sec. 20. 19 V.S.A. § 2501 is amended to read:

2 § 2501. STATE SCENIC ROADS; DESIGNATION AND
3 DISCONTINUANCE

4 (a) On the recommendation of the ~~scenery preservation~~ byways advisory
5 council, the transportation board may designate or discontinue any state
6 highway, or portion of a state highway, as a state scenic road. The board shall
7 hold a hearing on the recommendation and shall submit a copy of its decision
8 together with its findings to the ~~scenery preservation~~ byways advisory council
9 within 60 days after receipt of the recommendation. The hearing shall be held
10 in the vicinity of the proposed scenic highway.

11 (b) Annually, the council shall provide information to the agency of
12 commerce and community development on designated scenic roads for
13 inclusion on state maps.

14 (c) A state scenic road shall not be reconstructed or improved unless the
15 reconstruction or improvement ~~conforms to the standards established by the~~
16 ~~agency of transportation pursuant to 10 V.S.A. § 425~~ is conducted in
17 accordance with the agency of transportation's Vermont Design Standards, as
18 amended.

1 Sec. 21. 19 V.S.A. § 2502 is amended to read:

2 § 2502. TOWN SCENIC ROADS; DESIGNATION AND
3 DISCONTINUANCE

4 (a) On recommendation of the planning commission of a municipality, or
5 on the initiative of the legislative body of a municipality, a legislative body
6 may, after one public hearing warned for the purpose, designate or discontinue
7 any town highway or portion of a town highway as a town scenic highway.
8 Such action by the legislative body may be petitioned by the registered voters
9 of the municipality pursuant to the provisions of 24 V.S.A. § 1973.

10 (b) A town scenic road may be reconstructed or improved in a manner
11 ~~consistent with the standards established by the transportation board, pursuant~~
12 ~~to 10 V.S.A. § 425~~ consistent with the agency of transportation's Vermont
13 Design Standards, as amended. A class 1, 2 or 3 scenic highway shall still be
14 eligible to receive aid pursuant to the provisions of this title.

15 (c) ~~The legislative body of a municipality may appeal for a variance from~~
16 ~~standards promulgated by the transportation board. In these appeals, the~~
17 ~~board's decision shall be final.~~ [Repealed.]

18 Sec. 22. 30 V.S.A. § 218c(d)(2) is amended to read:

19 (2) Prior to the adoption of any transmission system plan, a utility
20 preparing a plan shall host at least two public meetings at which it shall present
21 a draft of the plan and facilitate a public discussion to identify and evaluate

1 nontransmission alternatives. The meetings shall be at separate locations
2 within the state, in proximity to the transmission facilities involved or as
3 otherwise required by the board, and each shall be noticed by at least two
4 advertisements, each occurring between one and three weeks prior to the
5 meetings, in newspapers having general circulation within the state and within
6 the municipalities in which the meetings are to be held. Copies of the notices
7 shall be provided to the public service board, the department of public service,
8 any entity appointed by the public service board pursuant to subdivision
9 209(d)(2) of this title, the agency of natural resources, the division for historic
10 preservation, the department of health, the ~~scenery preservation~~ byways
11 advisory council, the agency of transportation, the attorney general, the chair
12 of each regional planning commission, each retail electricity provider within
13 the state, and any public interest group that requests, or has made a standing
14 request for, a copy of the notice. A verbatim transcript of the meetings shall be
15 prepared by the utility preparing the plan, shall be filed with the public service
16 board and the department of public service, and shall be provided at cost to any
17 person requesting it. The plan shall contain a discussion of the principal
18 contentions made at the meetings by members of the public, by any state
19 agency, and by any utility.

1 Sec. 23. 30 V.S.A. § 248(a)(4)(C) is amended to read:

2 (C) At the time of filing its application with the board, copies shall be
3 given by the petitioner to the attorney general and the department of public
4 service, and, with respect to facilities within the state, the department of health,
5 agency of natural resources, historic preservation division, ~~scenery~~
6 ~~preservation council, state planning office~~, agency of transportation, the
7 agency of agriculture, food and markets and to the chairperson or director of
8 the municipal and regional planning commissions and the municipal legislative
9 body for each town and city in which the proposed facility will be located. At
10 the time of filing its application with the board, the petitioner shall give the
11 byways advisory council notice of the filing.

12 * * * State Highway Condemnation Law Study Committee * * *

13 Sec. 24. STATE HIGHWAY CONDEMNATION LAW STUDY
14 COMMITTEE

15 (a) A study committee is established, consisting of a member of the house
16 committee on transportation designated by the speaker, a member of the house
17 committee on judiciary designated by the speaker, a member of the senate
18 committee on transportation designated by the committee on committees, a
19 member of the senate committee on judiciary designated by the committee on
20 committees, a representative of the Vermont Bar Association designated by the
21 association, a representative of the Vermont League of Cities and Towns

1 designated by the league, and the secretary of transportation or designee who
2 shall serve as chair.

3 (b) The chair shall call the first meeting of the committee to be held by
4 September 1, 2011, and the committee is authorized to hold up to five
5 in-person meetings. The agency of transportation shall provide administrative
6 support for the committee, and the office of legislative council shall provide
7 staff service to the committee. The secretary of transportation or designee and
8 staff of the office of legislative council shall prepare the report required under
9 subsection (e) of this section based on the findings of the committee, and the
10 committee shall terminate upon delivery of this report.

11 (c) The committee shall investigate possible changes in the state's highway
12 condemnation law set forth in chapter 5 of Title 19 to achieve improved
13 integration with the transportation planning process, federal and state
14 environmental reviews, legislative oversight of the transportation program
15 under 19 V.S.A. § 10g, and the requirements of the Uniform Relocation
16 Assistance and Real Property Acquisition Policies Act of 1970, as amended,
17 42 U.S.C. § 4601 et seq. The committee also shall investigate the effect of
18 possible changes to chapter 5 of Title 19 on other provisions of law that
19 reference and rely upon the procedures set forth in that chapter.

1 Sec. 26. 10 V.S.A. § 495 is amended to read:

2 § 495. OTHER REGULATIONS APPLYING TO PERMITTED SIGNS

3 (a) No official business directional sign, on-premise sign, residential
4 directional sign, or exempt sign may be erected or maintained, along a
5 highway and visible from the highway, which:

6 * * *

7 (3) Contains, includes, or is illuminated by any flashing intermittent or
8 moving lights, or moves or has any animated or moving parts, except that this
9 restriction shall not apply to a traffic control ~~sign~~ signs, barber poles, time or
10 temperature displays, or theatre marquees which are determined by the travel
11 information council to contribute to the historic significance of a building
12 listed, or eligible for listing, in the national register of historic places and
13 which are operated in accordance with any conditions prescribed by the travel
14 information council, ~~or signs of a public service nature as determined by the~~
15 ~~travel information council.~~ A sign shall be considered to contain, include, or
16 be illuminated by flashing intermittent or moving lights or to move or have
17 animated or moving parts if lights or parts of the sign change more frequently
18 than every five minutes.

19 * * *

1 * * * Motor Fuel Transportation Infrastructure Assessment * * *

2 Sec. 27. 23 V.S.A. § 3106(a) is amended to read:

3 (a) Except for sales of motor fuels between distributors licensed in this
4 state, which sales shall be exempt from the tax and from the motor fuel
5 transportation infrastructure assessment, in all cases not exempt from the tax
6 under the laws of the United States at the time of filing the report required by
7 section 3108 of this title, each distributor shall pay to the commissioner a tax
8 of \$0.19 upon each gallon of motor fuel sold by the distributor, and a motor
9 fuel transportation infrastructure assessment in the amount of two percent of
10 the retail price ~~exclusive of all federal and state taxes~~ upon each gallon of
11 motor fuel sold by the distributor, exclusive of: all federal and state taxes, the
12 petroleum distributor licensing fee established by 10 V.S.A. § 1942, and the
13 motor fuel transportation infrastructure assessment authorized by this section.

14 The retail price shall be based upon the average retail prices for regular
15 gasoline determined and published by the department of public service. The
16 retail price applicable for the January–March quarter shall be the average of
17 the retail prices published by the department of public service the prior
18 October, November, and December; and the retail price applicable in each
19 succeeding calendar quarter shall be equal to the average of the retail prices
20 published by the department of public service in the preceding quarter. The
21 distributor shall also pay to the commissioner a tax and a motor fuel

1 transportation infrastructure assessment in the same amounts upon each gallon
2 of motor fuel used within the state by him or her.

3 * * * Public Transit Advisory Council * * *

4 Sec. 28. 24 V.S.A. § 5084 is amended to read:

5 § 5084. PUBLIC TRANSIT ADVISORY COUNCIL

6 (a) A public transit advisory council shall be created by the secretary of
7 transportation under 19 V.S.A. § 7(f)(5), to consist of the following members:

8 (1) the secretary of transportation or designee;

9 (2) ~~the executive director of the Vermont public transportation~~
10 ~~association;~~

11 ~~(3)~~ three representatives of the Vermont public transportation
12 association;

13 ~~(4)~~(3) a representative of the Chittenden County transportation
14 authority;

15 ~~(5)~~(4) the secretary of human services or designee;

16 ~~(6)~~(5) the commissioner of ~~employment and training~~ labor or designee;

17 ~~(7)~~(6) the secretary of commerce and community development or
18 designee;

19 ~~(8)~~(7) a representative of the Vermont center for independent living;

20 ~~(9)~~(8) a representative of the ~~council~~ community of Vermont elders;

21 ~~(10)~~(9) a representative of private bus operators and taxi services;

1 by the agency following consultation with the regional planning commissions
2 and the public transit providers. ~~The agency shall report annually to the~~
3 ~~general assembly on planning needs, expenditures, and cooperative planning~~
4 ~~efforts.~~

5 Sec. 30. 24 V.S.A. § 5092 is amended to read:

6 § 5092. REPORTS

7 The agency of transportation, in cooperation with the public transit advisory
8 council, shall develop an annual report of financial and performance data of all
9 public transit systems that receive operating subsidies in any form from the
10 state or federal government, including but not limited to subsidies related to the
11 elders and persons with disabilities transportation program for service and
12 capital equipment. Financial and performance data on the elders and persons
13 with disabilities transportation program shall be a separate category in the
14 report. The report shall be modeled on the Federal Transit Administration's
15 national transit database program with such modifications as appropriate for
16 the various services, ~~including the~~ and guidance found in ~~the most current~~
17 ~~short range public transportation plans and~~ the most current state policy plan.
18 The report shall describe any action taken by the agency pursuant to
19 contractual authority to terminate funding for routes or to request service
20 changes for failure to meet performance standards. The report shall be
21 available to the general assembly by January 15 of each year.

1 * * * Transportation Program; Project Dates * * *

2 Sec. 32. 19 V.S.A. § 10g(o) is added to read:

3 (o) The agency's transportation program shall include the date that a
4 project and the date that any predecessor project which included some or all of
5 the project's activities within its scope was first included in the transportation
6 program.

7 * * * Operator's License and Inspection Sticker Grace Periods * * *

8 Sec. 33. 23 V.S.A. § 611 is amended to read:

9 § 611. POSSESSION OF LICENSE CERTIFICATE

10 Every licensee shall have his or her operator's license certificate in his
11 immediate possession at all times when operating a motor vehicle. However,
12 no person charged with violating this section or section 610 of this title shall be
13 convicted if he or she produces in court or to the ~~arresting~~ enforcement officer
14 an operator's license certificate theretofore issued to him or her ~~and valid~~
15 which, at the time of his or her arrest or within 14 days following its expiration
16 citation, was valid or had expired within the prior 14 days.

17 Sec. 34. 23 V.S.A. § 1222 is amended to read:

18 § 1222. INSPECTION OF REGISTERED VEHICLES

19 (a) Except for school buses which shall be inspected as prescribed in
20 section 1282 of this title and motor buses as defined in subdivision 4(17) of
21 this title which shall be inspected twice during the calendar year at six-month

1 intervals, all motor vehicles registered in this state shall be inspected once each
2 year. Any motor vehicle, trailer or semi-trailer not currently inspected in this
3 state shall be inspected within 15 days from the date of its registration in the
4 state of Vermont.

5 (b) The inspections shall be made at garages or qualified service stations,
6 designated by the commissioner as inspection stations, for the purpose of
7 determining whether those motor vehicles are properly equipped and
8 maintained in good mechanical condition. The charges for such inspections
9 made by garages or qualified service stations designated to conduct periodic
10 inspections shall be subject to the approval of the commissioner.

11 ~~(b)~~ If a fee is charged for inspection, it shall be based upon the hourly rate
12 charged by each official inspection station or it may be a flat rate fee and, in
13 either instance, the fee shall be prominently posted and displayed beside the
14 official inspection station certificate. In addition, the official inspection station
15 may disclose the state inspection certificate charge on the repair order as a
16 separate item and collect the charge from the consumer.

17 (c) A person shall not operate a motor vehicle unless it has been inspected
18 as required by this section and has a valid certification of inspection affixed to
19 it. However, no person charged with violating this subsection shall be
20 adjudicated of a violation if the inspection sticker had expired within 14 days
21 prior to the traffic stop, although an enforcement officer may stop an operator

1 and issue a warning notice for any expired inspection sticker. The month of
2 next inspection for all motor vehicles shall be shown on the current inspection
3 certificate affixed to the vehicle.

4 ~~(e)~~(d) Notwithstanding the provisions of subsection (a) of this section, an
5 exhibition vehicle of model year 1940 or before registered as prescribed in
6 section 373 of this title or a trailer registered as prescribed in subdivision
7 371(a)(1)(A) of this title shall be exempt from inspection; provided, however,
8 the vehicle must be equipped as originally manufactured, must be in good
9 mechanical condition, and must meet the applicable standards of the inspection
10 manual.

11 Sec. 35. EFFECTIVE DATES

12 (a) This section, Sec. 7 (western rail corridor grant application), Sec. 10
13 (authority to reduce fiscal year 2011 appropriations), and Sec. 14 (White River
14 Junction railroad station) shall take effect on passage.

15 (b) Secs. 1–6, 8–9, 11–13, and 15–34 of this act shall take effect on July 1,
16 2011.