

1 H.770

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; capital program

5 Statement of purpose: This bill proposes to approve, with modifications, the
6 state's transportation program for fiscal year 2013, to make miscellaneous
7 changes in statutes relating to transportation, and to create miscellaneous
8 session law relating to transportation.

9 An act relating to the state's transportation program

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

11 ~~Sec. 1. TRANSPORTATION PROGRAM~~

12 ~~(a) The state's proposed fiscal year 2013 transportation program appended~~
13 ~~to the agency of transportation's proposed fiscal year 2013 budget, as amended~~
14 ~~by this act, is adopted to the extent federal, state, and local funds are available.~~

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

16 ~~(1) "Agency" means the agency of transportation.~~

17 ~~(2) "Secretary" means the secretary of transportation.~~

18 ~~(3) The table heading "As Proposed" means the transportation program~~
19 ~~referenced in subsection (a) of this section; the table heading "As Amended"~~

1 ~~means the amendments as made by this act; the table heading "Change" means~~
2 ~~the difference obtained by subtracting the "As Proposed" figure from the "As~~
3 ~~Amended" figure; and the term "change" or "changes" in the text refers to the~~
4 ~~project- and program-specific amendments, the aggregate sum of which equals~~
5 ~~the net "Change" in the applicable table heading.~~

6 ~~(4) "TIB funds" or "TIB" refers to monies deposited in the~~
7 ~~transportation infrastructure bond fund in accordance with 19 V.S.A. § 11f.~~

8 ~~*** Program Development Funding Sources ***~~

9 ~~Sec. 2. PROGRAM DEVELOPMENT – FUNDING~~

10 ~~Spending authority in program development is modified as follows:~~

11 ~~(1) Among eligible projects selected in the secretary's discretion, the~~
12 ~~secretary shall reduce project spending authority in the total amount of~~
13 ~~\$802,437.00 in transportation funds and increase project spending authority in~~
14 ~~the total amount of \$784,745.00 in TIB funds.~~

15 ~~*** Program Development – Roadway ***~~

16 ~~Sec. 3. PROGRAM DEVELOPMENT – ROADWAY~~

17 ~~The following project is added to the development and evaluation list of the~~
18 ~~program development – roadway program within the fiscal year 2012~~
19 ~~transportation program:~~

20 ~~CIRC Alternatives – Phase 1 Alternative Projects.~~

~~*** Program Development – State Highway Bridge ***~~

~~Sec. 4. PROGRAM DEVELOPMENT – STATE HIGHWAY BRIDGE~~

~~(a) The STP SCTT(1) – Townshend – State-owned Historic Sites – Scott Covered Bridge project is added to the fiscal year 2013 transportation program – program development – state highway bridge – development and evaluation list.~~

~~(b) Funds may be expended on the project as necessary from authorized funding in the statewide – state highway bridges D&E line item, provided the expenditure does not delay other programmed development and evaluation expenditures.~~

~~*** Rail ***~~

~~Sec. 5. RAIL~~

~~The following modifications are made to the rail program:~~

~~(1) The “Rutland–Burlington crossings project” is renamed the “Rutland–Burlington rail and crossings project,” and the scope of the project is amended to include the installation of continuously welded rail.~~

~~(2) Spending authority for the Pittsford Bridge 219 project (HPP ABRB(9)) is amended to read:~~

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,600,000	1,500,000	-5,100,000
Total	6,600,000	1,500,000	-5,100,000
<u>Sources of funds</u>			
State	0	0	0
TIB	1,320,000	300,000	-1,020,000
Federal	5,280,000	1,200,000	-4,080,000
Local	0	0	0
Total	6,600,000	1,500,000	-5,100,000

(3) Spending authority for the Rutland–Burlington rail and crossings
project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	600,000	600,000	0
Construction	900,000	6,000,000	5,100,000
Total	1,500,000	6,600,000	5,100,000
<u>Sources of funds</u>			
State	300,000	300,000	0
TIB	0	1,020,000	1,020,000

1	Federal	1,200,000	5,280,000	4,080,000
2	Local	0	0	0
3	Total	1,500,000	6,600,000	5,100,000

4 Sec. 6. RUTLAND–BURLINGTON RAIL AND CROSSINGS

5 PROJECT

6 The “Rutland–Burlington rail and crossings project” is added to the fiscal
7 year 2012 transportation program – rail program. The project includes the
8 installation of continuously welded rail and the reconstruction of several
9 rail-highway grade crossings along the Vermont Railway line between Rutland
10 and Burlington.

11 Sec. 7. PURCHASE OF RAIL BRIDGE INSPECTION VEHICLE

12 (a) A new project is added to the fiscal year 2012 and 2013 transportation
13 program — rail programs for the purchase of a servi-lift rail bridge inspection
14 vehicle (“inspection vehicle”).

15 (b) Notwithstanding the authorized program spending within the fiscal
16 year 2012 and 2013 transportation program — rail programs, the secretary is
17 authorized to purchase an inspection vehicle using any federal grant funds
18 received for its purchase.

19 (c) If a federal grant for the purchase of the inspection vehicle is not
20 received or is not pending, notwithstanding the authorized project or activity
21 spending within the fiscal year 2012 and 2013 transportation program — rail

1 ~~programs, the secretary is authorized to use up to a total of \$500,000.00 in~~
2 ~~transportation funds appropriated to the rail program for the purchase of the~~
3 ~~inspection vehicle, provided that the purchase does not delay the work~~
4 ~~schedule of a project or activity programmed in the fiscal year 2012 or 2013~~
5 ~~rail programs.~~

6 ~~(d) The agency shall promptly report any action taken under the authority~~
7 ~~granted in subsection (b) or (c) of this section to the joint fiscal office and to~~
8 ~~the house and senate committees on transportation when the general assembly~~
9 ~~is in session and, when the general assembly is not in session, to the joint~~
10 ~~transportation oversight committee.~~

11 * * * Transportation Buildings * * *

12 Sec. 8. TRANSPORTATION BUILDINGS

13 ~~The following modifications are made to the transportation buildings~~
14 ~~program:~~

15 ~~(1) Spending authority for the Mendon District 3/Southwest Regional~~
16 ~~Construction Office Building project is amended to read:~~

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	0	-50,000
Construction	150,000	0	-150,000
Total	200,000	0	-200,000

1 Sources of funds

2	State	200,000	0	-200,000
3	TIB	0	0	0
4	Federal	0	0	0
5	Local	0	0	0
6	Total	200,000	0	-200,000

7 (2) Spending authority for the Statewide – Brine-Making Facilities

8 project is amended to read:

9	<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10	PE	3,000	3,000	0
11	Construction	0	80,000	80,000
12	Total	3,000	83,000	80,000

13 Sources of funds

14	State	3,000	83,000	80,000
15	TIB	0	0	0
16	Federal	0	0	0
17	Local	0	0	0
18	Total	3,000	83,000	80,000

1 (3) Spending authority for the Middlebury – Design, Permit, and

2 Construct 1–Bay Addition project is amended to read:

3	<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
4	PE	5,000	0	-5,000
5	Construction	175,000	0	-175,000
6	Total	180,000	0	-180,000
7	<u>Sources of funds</u>			
8	State	180,000	0	-180,000
9	TIB	0	0	0
10	Federal	0	0	0
11	Local	0	0	0
12	Total	180,000	0	-180,000

13 Sec. 9. VTRANS LEARNING CAMPUS FACILITY

14 After the effective date of this act, the agency shall:

15 (1) continue to pursue the acquisition or construction of a facility, not
16 located in a flood hazard area, that is suitable to satisfy the agency’s long-term
17 objectives for the VTrans Learning Campus training and education
18 program; and

19 (2) develop a plan for the development of a VTrans Learning Campus
20 facility that will satisfy the long-term objectives of the program.

1 (1) \$9,000,000.00 on projects in program development.

2 (2) \$1,000,000.00 on projects in the town highway bridge program.

3 * * * Agency of Transportation Positions * * *

4 Sec. 13. AGENCY OF TRANSPORTATION POSITIONS

5 (a) The agency may establish 17 new limited service positions related to
6 the response to Tropical Storm Irene and the spring 2011 flooding. This
7 authority shall expire on June 30, 2014, and the positions shall terminate by
8 June 30, 2014.

9 (b) The establishment of three new permanent classified positions is
10 authorized in the agency of transportation – rail program.

11 (c) The establishment of three new permanent classified positions is
12 authorized in the agency of transportation – program development program.

13 (d) The positions authorized in this section are not subject to the restriction
14 in Sec. A.108 of No. 63 of the Acts of 2011, and are in addition to the
15 positions authorized in Sec. 87(e) of No. 75 of the Acts of the 2011 Adj. Sess.
16 (2012).

17 * * * Central Garage * * *

18 Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

19 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2013, the amount of
20 \$1,420,000.00 is transferred from the transportation fund to the central garage
21 fund created in 19 V.S.A. § 13.

1 ~~*** Relinquishment of State Highway Segment to Municipal Control ***~~

2 Sec. 15. RELINQUISHMENT OF VERMONT ROUTE 207 EXTENSION IN
3 THE TOWN OF ST. ALBANS

4 (a) Pursuant to 19 V.S.A. § 15(2), the general assembly approves the
5 secretary of transportation to enter into an agreement with the town of
6 St. Albans to relinquish to the town's jurisdiction a segment of state highway
7 right-of-way in the town of St. Albans which has not been constructed to be a
8 traveled road, and which was to be known as the Vermont Route 207
9 Extension. This authority shall expire on June 30, 2022. The segment
10 authorized to be relinquished measures approximately 1.7 acres, is
11 approximately 160 feet in width, and starts at a point 200 feet west of the
12 intersection of the U.S. Route 7/Vermont Route 207 centerline of highway
13 project S0297(2), and continues westerly for 463 feet.

14 (b) Following relinquishment, the former state highway segment shall
15 become a town highway and shall retain its limited access designation under
16 19 V.S.A. chapter 17 (limited access facilities).

17 (c) Following relinquishment, the state of Vermont shall retain ownership
18 of the underlying fee interest in the former state highway segment. The town
19 of St. Albans shall not sell or abandon any portion of the relinquishment area
20 or allow any encroachments within the relinquishment area without the written
21 permission of the agency of transportation.

* * * Enhancement Grant Program Priorities * * *

Sec. 16. ENHANCEMENT GRANT PROGRAM PRIORITIES

In addition to the priorities for salt and sand shed projects and bicycle or pedestrian facility projects specified in 19 V.S.A. § 38(g), in evaluating applications for enhancement grants in fiscal years 2013, 2014, and 2015, the transportation enhancement grant committee shall give preferential weighting to projects involving a municipality implementing eligible environmental mitigation projects under a river corridor plan that has been adopted by the agency of natural resources as part of a basin plan, under a municipal plan adopted pursuant to 24 V.S.A. § 4385, or under a mitigation plan adopted by the municipality and approved by the Federal Emergency Management Agency. The degree of preferential weighting afforded shall be in the complete discretion of the transportation enhancement grant committee.

* * * State Aid for Town Highways * * *

Sec. 17. 19 V.S.A. § 306(d) and (e) are amended to read:

(d) State aid for ~~nonfederal disasters~~ emergencies. There shall be an annual appropriation for emergency aid in repairing, building, or rebuilding class 1, 2, or 3 town highways and bridges damaged by natural or man-made disasters. Eligibility for use of emergency aid under this appropriation shall be subject to the following 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;

4 (2) ~~The disaster shall~~ For disasters which do not qualify for major
5 disaster assistance from the Federal Emergency Management Agency (FEMA)
6 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act,
7 42 U.S.C. §§ 5121 et seq., or from the Federal Highway Administration
8 (FHWA) under the 23 C.F.R. Part 668 23 U.S.C. § 125 emergency relief
9 program for federal-aid highways, towns shall be eligible for reimbursement of
10 the following, whichever is greater:

11 (A) up to 90 percent of the eligible repair or replacement costs; or

12 (B) the full eligible repair or replacement costs, minus an amount
13 equal to 10 percent of the overall town highway budget and minus the town's
14 winter maintenance budget;

15 (3) ~~Towns shall be eligible for reimbursement for repair or replacement~~
16 ~~costs of either up to 90 percent of the eligible repair or replacement costs or the~~
17 ~~eligible repair or replacement costs, minus an amount equal to 10 percent of~~
18 ~~the overall total highway budget, minus the town's winter maintenance budget,~~
19 ~~whichever is greater~~ For disasters eligible for assistance from the FHWA under
20 the 23 U.S.C. § 125 emergency relief program for federal-aid highways,
21 whenever a nonfederal match is required, towns shall provide a local match

1 ~~ufficient to cover up to 10 percent of the eligible project costs or of the~~
2 ~~eligible repair or replacement costs;~~

3 (4) For towns that have adopted road and bridge standards, eligibility for
4 reimbursement for repair or replacement of infrastructure shall be to those
5 standards. For towns that have not adopted these standards, eligibility for
6 reimbursement for repair or replacement of infrastructure shall be limited to
7 the specifications of the infrastructure that preexisted the emergency event;
8 however, the repair or replacement shall be to standards approved by the
9 agency of transportation; and

10 (5) Such additional criteria as may be adopted by the agency of
11 ~~transportation~~ through rulemaking under 3 V.S.A. chapter 25.

12 (e) State aid for town highway structures.

13 (1) There shall be an annual appropriation for grants to municipalities
14 for maintenance; ~~(including actions to extend life expectancy;)~~ and for
15 construction of bridges; ~~and culverts; and;~~ for maintenance and construction of
16 other structures, including causeways and retaining walls, intended to preserve
17 the integrity of the traveled portion of class 1, 2, and 3 town highways; and for
18 alternatives that eliminate the need for a bridge, culvert, or other structure,
19 such as the construction or reconstruction of a highway, the purchase of parcels
20 of land that would be landlocked by closure of a bridge, the payment of

1 ~~damages for loss of highway access, and the substitution of other means~~
2 ~~of access.~~

3 (2) Each fiscal year, the agency shall approve qualifying projects with a
4 total estimated state share cost of \$5,833,500.00 at a minimum as new grants.
5 The agency's proposed appropriation for the program shall take into account
6 the estimated amount of qualifying invoices submitted to the agency with
7 respect to project grants approved in prior years but not yet completed as well
8 as with respect to new project grants to be approved in the fiscal year. In a
9 given fiscal year, should expenditures in the town highway structures program
10 exceed the amount appropriated, the agency shall advise the governor of the
11 need to request a supplemental appropriation from the general assembly to
12 fund the additional project cost, provided that the agency has previously
13 committed to completing those projects.

14 (3) Funds received as grants for state aid for town highway structures
15 may be used by a municipality to satisfy a portion of the matching
16 requirements for federal earmarks, subject to subsection 309b(c) of this title.

1 *** Town Highway Bridges; Local Match ***

2 Sec. 18. 19 V.S.A. § 309a is amended to read:

3 § 309a. LOCAL HIGHWAY WORK; UNIFORM LOCAL SHARE;

4 EXCEPTIONS

5 (a) Except as provided in subsection (b) or (c) of this section or in sections
6 309b and 309c of this title, in any case of highway or bridge construction in
7 which a federal/state/local or state/local funding match is authorized, the
8 municipality's share shall be ten percent of the project costs.

9 (b) This section shall not apply to:

10 (1) ~~any project phase, preliminary engineering, right-of-way acquisition~~
11 ~~or construction, which was included in the transportation construction program~~
12 ~~submitted by the agency in February 1987 and approved by the general~~
13 ~~assembly in Act No. 91 of the Acts of 1987~~ any bridge replacement project in
14 the town highway bridge program during the construction of which the
15 municipality closes the bridge and does not construct a temporary bridge for
16 the duration of the project, in which event the local match shall cover five
17 percent of the project costs; or

18 (2) any project phase for which a municipality already has provided for
19 payment of its share by issuing bonds or funding a reserve established under a
20 capital improvement plan; or

1 (3) any project on a town highway for which the general assembly has
2 authorized a different federal/state/local funding match; and any project which
3 serves an “economic growth center” as defined in 23 U.S.C. § 143, and for
4 which the general assembly has authorized a different federal/state/local
5 funding match;

6 (4) any project involving a bridge, including the approaches to a bridge,
7 that extends between this state and an adjacent state;

8 (5) any bridge or roadway project involving a local financial share in
9 which the municipality, after its review of the conceptual project plans,
10 chooses not to proceed with the proposed project; in such circumstances, the
11 agency shall pay 100 percent of the project costs incurred through the date it
12 receives such notification from the municipality;

13 (6) any project where, by the mutual agreement of the municipality and
14 agency, rehabilitation of an existing bridge is the preferred alternative, in
15 which case the agency shall use the appropriate combination of state and
16 federal funding to pay either 95 percent of the cost of rehabilitation, or
17 97.5 percent if the municipality closes the bridge and does not construct a
18 temporary bridge for the duration of the project; or

19 (7) any project or portion of a project involving a structure that is part of
20 the historic bridge program, where the agency shall use the appropriate

1 combination of state and federal funding to pay 100 percent of the cost of
2 rehabilitation.

3 * * *

4 * * * Tendering Payment in Condemnation Matters * * *

5 Sec. 19. 19 V.S.A. § 512 is amended to read:

6 § 512. ORDER FIXING COMPENSATION; INVERSE CONDEMNATION;
7 RELOCATION ASSISTANCE

8 (a) Within 30 days after the compensation hearing, the board shall by its
9 order fix the compensation to be paid to each person from whom land or rights
10 are taken. Within 30 days of the board's order, the agency shall file and record
11 the order in the office of the clerk of the town where the land is situated,
12 deliver to each person a copy of that portion of the order directly affecting the
13 person, and pay or tender the award to each person entitled. Payment shall be
14 deemed to have been tendered when the agency offers payment directly to an
15 interested person or, if an interested person has not provided the agency
16 necessary identification information for purposes of taxation, when the agency
17 makes payment into an escrow account that the interested person can access
18 upon providing the necessary information. A person to whom a compensation
19 award is paid or tendered under this subsection may accept, retain, and dispose
20 of the award to his or her own use without prejudice to the person's right of
21 appeal, as provided in section 513 of this title. Upon the payment or tender of

1 ~~the award as above provided, the agency may proceed with the work for which~~
2 ~~the land is taken.~~

3 * * *

4 * * * Van Pool Program within State Infrastructure Bank * * *

5 Sec. 20. REPEAL

6 10 V.S.A. § 280g(a)(10) and (d) (state infrastructure bank van pool loan
7 program) are repealed.

8 * * * Elimination, Modification, and Retention of Reports * * *

9 Sec. 21. ELIMINATION OF REPORTS

10 10 V.S.A. § 445(b) (report regarding expenditures and income relating to
11 Vermont trails system); 19 V.S.A. § 10g(d)(1) (analysis of state's commitment
12 to transportation projects); 19 V.S.A. § 10g(d)(2) (agency's plan to bring
13 resources and cost into balance); 19 V.S.A. § 317(f) (report regarding the
14 classification, number, and location of historic bridges); 32 V.S.A. § 706(4)
15 (report of transfers of appropriations to cover federally reimbursable
16 construction projects); and Sec. 50 of No. 175 of the Acts of the 2005 Adj.
17 Sess. (2006), as amended by Sec. 61 of No. 164 of the Acts of the 2007 Adj.
18 Sess. (2008) (report on general condition of town assets in the bridge and
19 culvert database), are repealed.

1 ~~Sec. 22. 19 V.S.A. § 12b(d) is amended to read:~~

2 (d)(1) In coordination with the regular meetings of the joint fiscal
3 committee in ~~mid-July~~, mid-September, and mid-November, the secretary shall
4 prepare a report on the status of the state's transportation finances and
5 transportation programs. If a meeting of the committee is not convened on the
6 scheduled dates of the joint fiscal committee meetings, the secretary in
7 advance shall transmit the report electronically to the joint fiscal office for
8 distribution to committee members. The report shall ~~include a report on list~~
9 ~~contract bid awards versus project estimates and a detailed report on~~ all known
10 or projected cost overruns, project savings, and funding availability from
11 delayed projects; ~~and the agency's actions taken or planned to cover the cost~~
12 ~~overruns and to reallocate the project savings and delayed project funds with~~
13 respect to:

14 (A) all paving projects other than statewide maintenance
15 programs; and

16 (B) all projects in the roadway, state bridge, interstate bridge, or town
17 bridge programs with authorized spending in the fiscal year of \$500,000.00 or
18 more with a cost overrun equal to 20 percent or more of the authorized
19 spending or generating project savings or delayed project available funding
20 equal to 20 percent or more of the authorized spending.

1 ~~(2) The report shall describe the agency's actions taken or planned to~~
2 ~~cover the cost overruns and to reallocate the project savings and delayed~~
3 ~~project funds.~~

4 ~~(3) In addition, with respect to the ~~July~~ September meeting of the joint~~
5 ~~fiscal committee, the secretary's report shall discuss the agency's plans to~~
6 ~~adjust spending to any changes in the consensus forecast for transportation~~
7 ~~fund revenues.~~

8 Sec. 23. 23 V.S.A. § 304b(a) is amended to read:

9 (a) The commissioner shall, upon application, issue conservation
10 registration plates for use only on vehicles registered at the pleasure car rate
11 ~~and~~, on trucks registered for less than 26,001 pounds, ~~and~~ on vehicles
12 registered to state agencies under section 376 of this title ~~and~~, but excluding
13 vehicles registered under the International Registration Plan. Plates so
14 acquired shall be mounted on the front and rear of the vehicle. The
15 commissioner of motor vehicles and the commissioner of fish and wildlife
16 shall determine the graphic design of the special plates in a manner which
17 serves to enhance the public awareness of the state's interest in restoring and
18 protecting its wildlife and major watershed areas. The commissioner of motor
19 vehicles and the commissioner of fish and wildlife may alter the graphic design
20 of these special plates provided that plates in use at the time of a design
21 alteration shall remain valid subject to the operator's payment of the annual

1 registration fee. Applicants shall apply on forms prescribed by the
2 commissioner and shall pay an initial fee of \$23.00 in addition to the annual
3 fee for registration. In following years, in addition to the annual registration
4 fee, the holder of a conservation plate shall pay a renewal fee of \$23.00. The
5 commissioner shall may adopt rules under 3 V.S.A. chapter 25 to implement
6 the provisions of this subsection. ~~The commissioner of motor vehicles and the~~
7 ~~commissioner of fish and wildlife shall annually submit to the members of the~~
8 ~~house committees on transportation and fish, wildlife and water resources, and~~
9 ~~the members of the senate committees on transportation and natural resources~~
10 ~~and energy a report detailing, over a three year period, the revenue generated,~~
11 ~~the number of new conservation plates sold and the number of renewals, and~~
12 ~~recommendations for program enhancements.~~

13 Sec. 24. 24 V.S.A. § 5083(b) is amended to read:

14 (b) The ~~public transit advisory council~~ agency of transportation shall
15 ~~annually evaluate existing services based on the goals established in subsection~~
16 ~~(a) of this section. Proposals~~ proposals for new public transit service shall be
17 ~~evaluated~~ submitted by providers in response to a notice of funding
18 availability, by examining feasibility studies submitted by providers. ~~These~~
19 The feasibility studies shall address criteria set forth in the most recent public
20 transit policy plan ~~of January 15, 2000.~~

1 ~~Sec. 25. 19 V.S.A. § 42 is added to read:~~

2 ~~§ 42. REPORTS PRESERVED~~

3 ~~Notwithstanding 2 V.S.A. § 20(d), the report or reporting requirements of~~
4 ~~sections 7(k), 10b(c), 10b(d), 10c(k), 10c(l), 10e(c), 10g, 11f(i), 12a, 12b(d),~~
5 ~~and 38(e)(2) of this title shall not expire absent specific action by the general~~
6 ~~assembly repealing the requirements.~~

7 Sec. 26. 24 V.S.A. § 5092 is amended to read:

8 § 5092. REPORTS

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

1 ~~available deliver the report to the general assembly by January 15 of each year.~~

2 Notwithstanding 2 V.S.A. § 20(d), this annual report shall be produced
3 indefinitely absent specific action by the general assembly repealing the report.

4 * * * Richard W. Hube Jr. Memorial Bridge * * *

5 Sec. 27. VERMONT ROUTE 30 BRIDGE NAMING

6 Bridge #30 on Vermont Route 30 in the town of Jamaica shall be named the
7 “Richard W. Hube Jr. Memorial Bridge” upon the reopening of the bridge.

8 The agency of transportation shall place a commemorative plaque or erect a
9 sign on or near the bridge to reflect its naming. This plaque or sign shall

10 conform to the Federal Highway Administration’s Manual on Uniform Traffic
11 Control Devices.

12 * * * Approval of Acquisitions and Transfers of Property * * *

13 Sec. 28. 19 V.S.A. § 26 is amended to read:

14 § 26. PURCHASE AND SALE OF PROPERTY

15 (a) The Subject to subsection (b) of this section and the authorized project
16 and activity spending limits of the transportation program established by the
17 general assembly, the agency may purchase or lease any land, taking
18 conveyance in the name of the state, when land is needed in connection with
19 the layout, construction, repair, and maintenance of any state highway, or the
20 reconstruction of the highway. The agency may acquire or construct buildings
21 necessary for use in connection with this work. When any of the land or the

1 ~~buildings acquired or the buildings constructed become no longer necessary for~~
2 ~~these purposes, the agency may sell or lease the property. The proceeds from~~
3 ~~any sale or lease shall be deposited in the transportation fund and, unless~~
4 ~~otherwise required by federal law or regulation, shall be credited to~~
5 ~~transportation buildings to be used for transportation building projects~~
6 ~~previously authorized by the general assembly.~~

7 ~~(b) An acquisition or transfer under this section of property with an~~
8 ~~appraised or other estimated value of \$200,000.00 or above, or of an option to~~
9 ~~acquire property with an appraised or other estimated value of \$200,000.00 or~~
10 ~~above, shall be made with the specific prior approval of the general assembly~~
11 ~~of the acquisition or transfer and its terms or, if the general assembly is not in~~
12 ~~session, with the specific prior approval of the joint transportation oversight~~
13 ~~committee. The requirement of this subsection shall not apply, however, if the~~
14 ~~general assembly has approved a specific project described in the annual~~
15 ~~transportation program and the scope of the project includes the acquisition or~~
16 ~~transfer of the property interest.~~

17 Sec. 29. 5 V.S.A. § 204 is amended to read:

18 § 204. POWERS OF AGENCY GENERALLY

19 ~~(a) To carry out the purposes of this part the transportation agency shall~~
20 ~~have power, subject to subsection (b) of this section and the authorized project~~

1 ~~and activity spending limits of the transportation program established by the~~
2 ~~general assembly:~~

3 (1) to contract in the name of the state with individuals, firms, or
4 corporations, with officials of a town, city, or village, with officials of a group
5 of either or both of such governmental units, with officials of another state, or
6 with officials or agencies of the federal government to carry out the purposes
7 of this part;

8 (2) to receive, manage, use, or expend, for purposes directed by the
9 donor, gifts, grants, or contributions of any name or nature made to the state
10 for the promotion or development of aeronautics or for aeronautics facilities;

11 (3) to operate, manage, use, exchange, lease, or otherwise deal with or
12 dispose of, in whole or in part, land and rights in land acquired in the name of
13 the state by purchase, gift, or otherwise, under authorization of this part, and to
14 charge reasonable fees for such use or the use of landing areas, parking areas,
15 buildings, and other facilities, or for services rendered. Moneys received from
16 the fees shall be paid into the state treasury and credited to the transportation
17 fund;

18 (4) to acquire on behalf of the state, acting either alone or with local
19 governmental units or the federal government, by purchase or by the exercise
20 of the right of eminent domain, property, easements, or other rights in property
21 needed to carry out the purposes of this part. In taking property, easements, or

1 ~~rights in property located in this state, the right of eminent domain shall be~~
2 ~~exercised in the manner and subject to the limitations provided for in~~
3 ~~19 V.S.A. chapter 5, except as otherwise provided in chapter 15, subchapter 2~~
4 ~~of this part.~~

5 ~~(b) An acquisition or transfer under this section of a property interest with~~
6 ~~an appraised or other estimated value of \$200,000.00 or above, or of an option~~
7 ~~to acquire a property interest with an appraised or other estimated value of~~
8 ~~\$200,000.00 or above, shall be made with the specific prior approval of the~~
9 ~~general assembly of the acquisition or transfer and its terms or, if the general~~
10 ~~assembly is not in session, with the specific prior approval of the joint~~
11 ~~transportation oversight committee. The requirement of this subsection shall~~
12 ~~not apply, however, if the general assembly has approved a specific project~~
13 ~~described in the annual transportation program and the scope of the project~~
14 ~~includes the acquisition or transfer of the property interest.~~

15 Sec. 30. 5 V.S.A. § 3002 is amended to read:

16 § 3002. POWERS OF AGENCY

17 ~~(a) To carry out the purposes of 19 V.S.A. § 10e, the agency of~~
18 ~~transportation may, subject to subsection (b) of this section and the authorized~~
19 ~~project and activity spending limits of the transportation program established~~
20 ~~by the general assembly:~~

1 (1) Contract in the name of the state with federal agencies, the National
2 Railroad Passenger Corporation (Amtrak), railroads, municipalities, adjacent
3 states, or other responsible persons to carry out the purposes of this chapter.

4 (2) Receive, manage, use, or expend, for the purposes of this chapter,
5 federal and state funds appropriated to the agency for the promotion or
6 development of intercity rail passenger service or for intercity rail passenger
7 service facilities.

8 (3) Operate, manage, use, exchange, lease, or otherwise deal with
9 or dispose of, in whole or in part, land and rights in land acquired in the
10 name of the state under authorization of this chapter, and to charge reasonable
11 fees for such use or the use of land, buildings, and other facilities, or for
12 services rendered. Moneys received from the fees shall be credited to the
13 transportation fund.

14 (4) Acquire on behalf of the state, acting either alone or with
15 municipalities or the federal government, land and rights in land needed to
16 carry out the purposes of this chapter.

17 (b) An acquisition or transfer under this section of a property interest with
18 an appraised or other estimated value of \$200,000.00 or above, or of an option
19 to acquire a property interest with an appraised or other estimated value of
20 \$200,000.00 or above, shall be made with the specific prior approval of the
21 general assembly of the acquisition or transfer and its terms or, if the general

1 ~~assembly is not in session, with the specific prior approval of the joint~~
2 ~~transportation oversight committee. The requirement of this subsection shall~~
3 ~~not apply, however, if the general assembly has approved a specific project~~
4 ~~described in the annual transportation program and the scope of the project~~
5 ~~includes the acquisition or transfer of the property interest.~~

6 * * * Technical Corrections * * *

7 Sec. 31. 5 V.S.A. § 3403 is amended to read:

8 § 3403. ACQUISITION AND MODERNIZATION

9 (a) The agency of transportation, as agent for the state, and with the
10 specific prior approval of the general assembly, is authorized to acquire by
11 purchase or condemnation, after the approval of the ~~Interstate Commerce~~
12 ~~Commission~~ Surface Transportation Board, if necessary, any portion or
13 portions of the line of any railroad directly affecting the state, including rails
14 and ties, rights-of-way, land, buildings, appurtenances, and other facilities
15 required for the operation of the line or to facilitate its sale or lease for
16 continued operation. This action may be taken in concert with another state or
17 states as necessary to insure continued railroad service in this state.

18 * * *

1 ~~Sec. 52. 5 V.S.A. § 3404 is amended to read:~~

2 ~~§ 3404. RIGHT OF FIRST REFUSAL~~

3 ~~(a) All railroad operating properties within the state offered for sale by a~~
4 ~~railroad, other than to another railroad for continued operation, shall also be~~
5 ~~offered to the state of Vermont. The offer shall be made in writing and shall be~~
6 ~~sent by certified mail to the agency. The offer shall include a map and a~~
7 ~~description of the property, the price, if available, a description of the present~~
8 ~~and past railroad use of the property, and any terms, reservations, or conditions~~
9 ~~the railroad proposes to include as part of the sale. Within 365 days, less any~~
10 ~~period of time that has elapsed because of the pendency of abandonment~~
11 ~~proceedings before the ~~Interstate Commerce Commission~~ Surface~~
12 ~~Transportation Board or the imposition of public use conditions under~~
13 ~~49 U.S.C. § 10905, the agency shall accept or reject the offer. If the agency~~
14 ~~either rejects or fails to accept the offer in a timely manner, the state's~~
15 ~~preferential right under this section shall terminate, but in no event shall the~~
16 ~~railroad offer to sell the property, or any portion of it, to any other person on~~
17 ~~terms more favorable than the final terms offered to the agency.~~

18 * * *

1 *** Copies of Municipal Reports ***

2 Sec. 33. 24 V.S.A. § 1173 is amended to read:

3 § 1173. TOWN OR VILLAGE REPORTS

4 The clerk of a municipality shall supply annually each library in such
5 municipality with two copies of the municipal report, upon its publication.

6 The clerk shall also mail to the state library two copies thereof, and one copy
7 each to the secretary of state, commissioner of taxes, ~~highway board~~, state
8 board of health, commissioner for children and families, commissioner of
9 Vermont health access, auditor of accounts, and board of education. Officers
10 making these reports shall supply the clerk of the municipality with the printed
11 copies necessary for him or her to comply with the provisions of this section
12 and section 1174 of this title.

13 *** Next-Gen Transportation Funding Study ***

14 Sec. 34. NEXT-GEN TRANSPORTATION FUNDING

15 (a) The general assembly finds that:

16 (1) A safe, reliable, and resilient transportation infrastructure is critical
17 to the mobility and economic development of Vermont, and continued
18 investments in transportation infrastructure will sustain the state's economic
19 prosperity.

20 (2) The agency is responsible for the planning, construction, operation,
21 and maintenance of the state's highways, railways, airports, bicycle and

1 pedestrian facilities, and public transit infrastructure, and state transportation
2 funds are appropriated to support these transportation facilities and agency
3 functions.

4 (3) The agency has developed the following statewide transportation
5 plans: the Highway System Policy Plan, Public Transit Policy Plan, State Rail
6 and Policy Plan, Bicycle and Pedestrian Policy Plan, Airport System and
7 Policy Plan, and Strategic Plan. Without additional transportation fund
8 revenues, it will be difficult to fund needed transportation projects and
9 operations recommended in these state transportation plans, including
10 highway, rail, aviation, bicycle and pedestrian facilities, and public transit
11 infrastructure, and new services such as passenger rail to Montreal and along
12 the western corridor.

13 (4) While construction costs tend to persistently rise with inflation,
14 70 percent of the state's combined transportation fund and transportation
15 infrastructure bond fund revenue is generated by fixed-cent-per-gallon or
16 fixed-fee-per-transaction sources. Annual gasoline and diesel tax revenues are
17 currently at the same level generated in 1999–2000 while vehicle miles
18 traveled and consequent wear and tear on the state's highway system has
19 increased by 13.2 percent. As fuel efficiency continues to improve and
20 vehicles using fuel sources that are not taxed by the transportation fund

1 become more common, the gap between the payments collected from system
2 users and the wear and tear users impose on the system will continue to grow.

3 (5) New revenue sources and consistent revenue streams will be needed
4 to sustain Vermont's transportation infrastructure and support economic
5 prosperity.

6 (b) A study committee is established to examine the trends of state
7 transportation fund revenues, determine the revenues necessary for Vermont to
8 achieve its transportation asset management and infrastructure investment
9 goals, study alternative and supplemental revenue sources, and issue a report
10 on its findings. The committee shall be composed of:

11 (1) the secretary of transportation or designee, who shall serve as chair;

12 (2) the secretary of commerce and community development or designee;

13 (3) one member each from the senate committees on transportation, on
14 appropriations, and on finance, appointed by the committee on committees;

15 (4) one member each from the house committees on transportation, on
16 appropriations, and on ways and means, appointed by the speaker;

17 (5) a representative of municipalities designated by the Vermont League
18 of Cities and Towns;

19 (6) a representative of regional planning commissions designated by the
20 Vermont Association of Planning and Development Agencies, Inc.; and

21 (7) a representative of the James M. Jeffords Center for Policy Research.

1 (c) Staff from the agency of transportation, the joint fiscal office, the
2 department of taxes, and the state police shall provide staff support for the
3 study committee. The secretary of transportation shall call the first meeting of
4 the committee by June 15, 2012. The committee shall meet a minimum of four
5 times.

6 (d) The committee shall:

7 (1) review transportation fund revenues over the past decade and
8 projected transportation fund revenues for the next 20 years;

9 (2) estimate the funding gap between costs and revenues over five-year
10 and 20-year time horizons (respectively, the “five-year funding gap” and the
11 “20-year funding gap”) for the following two scenarios and such other
12 scenarios deemed appropriate by the committee:

13 (A) the cost of maintaining the state’s existing infrastructure in a
14 serviceable condition; and

15 (B) the cost of funding the state’s transportation programs at the
16 levels required to implement and achieve the goals of the state’s transportation
17 policies over a reasonable time period;

18 (3) analyze the costs incurred by the state in enforcing the state’s traffic
19 safety laws and recommend an appropriate amount or proportion of state
20 transportation fund revenues to fund such activities;

1 (4) study whether Vermont would benefit from a pilot study on a
2 vehicle-miles-traveled tax as a potential for raising revenue either at the state
3 level or the federal level and, if the committee determines the state would
4 benefit, make recommendations regarding pilot study design;

5 (5) review the sources of state transportation funds in surrounding
6 states;

7 (6) analyze options for user fees and fee collection mechanisms for
8 motor vehicles that use energy sources not currently taxed so as to contribute
9 to the transportation fund;

10 (7) evaluate potential new state revenue sources and how existing state
11 revenue sources could optimally be modified to address the five-year and
12 20-year funding gaps. The commission shall estimate the amount of funds that
13 would be generated from each new and modified revenue source, and identify
14 implementation requirements and challenges.

15 (e)(1) By December 3, 2012, the secretary of transportation shall submit to
16 the house and senate committees on transportation a report on the committee's
17 findings with respect to the topics addressed in subdivisions (d)(1)–(3) of this
18 section.

19 (2) By February 1, 2013, the secretary of transportation shall submit to
20 the house and senate committees on transportation a report on the committee's
21 findings with respect to the topics addressed in subdivisions (d)(4)–(7) of this

1 section, and is encouraged to include in the report recommendations for further
2 study of alternative transportation financing mechanisms that would support
3 Vermont's long-range transportation infrastructure investment needs,
4 economic prosperity, and coordinate with the transportation section of the
5 state's comprehensive energy plan. The committee shall terminate upon the
6 issuance of this report.

7 (f) For attendance at a meeting when the general assembly is not in session,
8 legislative members of the committee shall be entitled to compensation for
9 services and reimbursement of expenses as provided under 2 V.S.A. § 406(a).

10 Committee members who are not full-time state employees shall be entitled to
11 a per diem and reimbursement of expenses as provided in 32 V.S.A. § 1010.

12 All funds disbursed to legislative members shall be paid for out of the
13 legislature's budget, and all other funds disbursed under this subsection shall
14 be paid out of the policy and planning budget of the agency of transportation.

15 * * * Vermont Strong Motor Vehicle Plates * * *

16 Sec. 35. VERMONT STRONG MOTOR VEHICLE PLATES

17 The agency is authorized to expend up to \$12,000.00 from the central
18 garage appropriation for the purchase of Vermont Strong motor vehicle plates
19 for installation on agency vehicles in conformance with No. 71 of the Acts
20 of 2012.

1 *** State Highway Closures ***

2 Sec. 36. 19 V.S.A. § 43 is added to read:

3 § 43. STATE HIGHWAY CLOSURES

4 (a) Before the planned closure of a state highway, the agency shall convene
5 a regional public meeting for the purpose of listening to public concerns. The
6 agency shall consult with other state agencies and departments, regional
7 chambers of commerce, regional planning commissions, local legislative
8 bodies, emergency medical service organizations, school officials, and area
9 businesses to develop mitigation strategies to reduce the impact of the planned
10 closure on the local and regional economies.

11 (b) In developing mitigation strategies, the agency shall consider the need
12 to provide a level of safety for the traveling public comparable to that available
13 on the segment of state highway affected by the planned closure. If the agency
14 finds town highways unsuitable for a signed detour, the agency will advise
15 local legislative bodies of the reasons for its determination.

16 *** Effective Dates ***

17 Sec. 37. EFFECTIVE DATES

18 (a) This section and Secs. 3 (program development – roadway – CIRC
19 alternatives), 6 (Rutland–Burlington rail and crossings project), 7 (purchase of
20 rail bridge inspection vehicle), 9 (VTrans learning campus facility), 11
21 (authority to issue transportation infrastructure bonds), 13 (agency of

1 ~~transportation positions), 17 (state aid for town highways), 33 (copies of~~
2 ~~municipal reports), and 34 (next-gen transportation funding study) of this act~~
3 ~~shall take effect on passage. The authority granted by Sec. 17(d) of this act~~
4 ~~(state aid for emergencies) shall be retroactive to March 1, 2011.~~

5 ~~(b) All other sections of this act shall take effect on July 1, 2012.~~

Sec. 1. TRANSPORTATION PROGRAM

(a) The state's proposed fiscal year 2013 transportation program appended to the agency of transportation's proposed fiscal year 2013 budget, as amended by this act, is adopted to the extent federal, state, and local funds are available.

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

(1) "Agency" means the agency of transportation.

(2) "Secretary" means the secretary of transportation.

(3) The table heading "As Proposed" means the transportation program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) "TIB funds" or "TIB" refers to monies deposited in the

transportation infrastructure bond fund in accordance with 19 V.S.A. § 11f.

** * * Program Development Funding Sources * * **

Sec. 2. PROGRAM DEVELOPMENT – FUNDING

Spending authority in program development is modified as follows:

(1) Among eligible projects selected in the secretary's discretion, the secretary shall reduce project spending authority in the total amount of \$502,437.00 in transportation funds and \$25,000.00 in federal funds, and increase project spending authority in the total amount of \$484,745.00 in TIB funds.

** * * Program Development – Paving * * **

Sec. 3. PORTABLE HOT MIX PLANT

(a) A new project is added to the development and evaluation list of the program development – paving program within the fiscal year 2013 transportation program for the acquisition of a portable hot mix plant.

(b) As soon as practicable, the secretary shall study the feasibility and evaluate the costs and benefits of acquiring a portable hot mix plant, and necessary associated equipment, for use on paving projects throughout the state.

(c) Prior to expending funds other than development and evaluation funds on the portable hot mix plant project pursuant to 19 V.S.A. § 10g(h), the secretary shall notify the house and senate committees on transportation if the

general assembly is in session, and if not in session, the joint transportation oversight committee.

** * * Program Development – Roadway * * **

Sec. 4. PROGRAM DEVELOPMENT – ROADWAY

(a) The following project is added to the development and evaluation list of the program development – roadway program within the fiscal year 2012 transportation program:

CIRC Alternatives – Phase 1 Alternative Projects.

(b) In light of the destruction caused by Tropical Storm Irene to the village of Waterbury, and the plans to reconstruct portions of the Waterbury Complex in the village, the agency of transportation shall review existing plans for the Waterbury – Reconstruct Main Street project (FEGC F 013-4(13)) as soon as is practicable:

(1) to ensure that project infrastructure will be resilient in the event of future flooding;

(2) to ensure, if feasible, that construction of the project is coordinated with Waterbury Complex reconstruction activities so as to minimize disruption to and impacts on residents and road users, and to maximize potential cost savings; and

(3) to determine whether the project plans need to be updated in light of

the damage caused by Tropical Storm Irene and the planned configuration of the Waterbury Complex.

**** Program Development – State Highway Bridge ****

Sec. 5. PROGRAM DEVELOPMENT – STATE HIGHWAY BRIDGE

(a) The STP SCTT(1) – Townshend – State-owned Historic Sites – Scott Covered Bridge project is added to the fiscal year 2013 transportation program – program development – state highway bridge development and evaluation (D&E) list.

(b) Funds may be expended on the project as necessary from authorized statewide – state highway bridges D&E spending, provided the expenditure does not delay other programmed D&E expenditures.

**** Vermont Local Roads ****

Sec. 6. TOWN HIGHWAY VERMONT LOCAL ROADS

Authorized spending on the Vermont local roads program is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	375,000	400,000	25,000
Total	375,000	400,000	25,000
<u>Sources of funds</u>			
State	235,000	235,000	0
Federal	140,000	165,000	25,000

Total *375,000* *400,000* *25,000*

**** State Aid for Federal and Nonfederal Disasters ****

Sec. 7. STATE AID FOR NONFEDERAL DISASTERS

<u><i>FY13</i></u>	<u><i>As Proposed</i></u>	<u><i>As Amended</i></u>	<u><i>Change</i></u>
<i>Grants</i>	<i>4,750,000</i>	<i>1,150,000</i>	<i>-3,600,000</i>
<i>Total</i>	<i>4,750,000</i>	<i>1,150,000</i>	<i>-3,600,000</i>

Sources of funds

<i>State</i>	<i>1,550,000</i>	<i>1,150,000</i>	<i>-400,000</i>
<i>Federal</i>	<i>3,200,000</i>	<i>0</i>	<i>-3,200,000</i>
<i>Total</i>	<i>4,750,000</i>	<i>1,150,000</i>	<i>-3,600,000</i>

Sec. 8. STATE AID FOR FEDERAL DISASTERS

<u><i>FY13</i></u>	<u><i>As Proposed</i></u>	<u><i>As Amended</i></u>	<u><i>Change</i></u>
<i>Grants</i>	<i>0</i>	<i>3,600,000</i>	<i>3,600,000</i>
<i>Total</i>	<i>0</i>	<i>3,600,000</i>	<i>3,600,000</i>

Sources of funds

<i>State</i>	<i>0</i>	<i>400,000</i>	<i>400,000</i>
<i>Federal</i>	<i>0</i>	<i>3,200,000</i>	<i>3,200,000</i>
<i>Total</i>	<i>0</i>	<i>3,600,000</i>	<i>3,600,000</i>

Sec. 9. TOWN HIGHWAY STRUCTURES

Authorized spending on the town highway structures program is amended

to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	5,833,500	6,333,500	500,000
Total	5,833,500	6,333,500	500,000

Sources of funds

State	5,833,500	6,333,500	500,000
Federal	0	0	0
Total	5,833,500	6,333,500	500,000

Sec. 10. TOWN HIGHWAY AID

(a) Authorized spending on the town highway aid program is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	26,482,744	25,982,744	-500,000
Total	26,482,744	25,982,744	-500,000

Sources of funds

State	26,482,744	25,982,744	-500,000
Federal	0	0	0
Total	26,482,744	25,982,744	-500,000

(b) The secretary shall review the permissible uses of general state aid for town highways under 19 V.S.A. § 306(a), and shall report back to the house and senate committees on transportation by January 15, 2013, with any recommendations for further specifying the permissible uses, and overseeing

the use, of general state aid for town highways.

** * * Rail * * **

Sec. 11. RAIL

The following modifications are made to the rail program:

(1) The “Rutland–Burlington crossings project” is renamed the “Rutland–Burlington rail and crossings project,” and the scope of the project is amended to include the installation of continuously welded rail.

(2) Spending authority for the Pittsford Bridge 219 project (HPP ABRB(9)) is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>PE</i>	0	0	0
<i>Construction</i>	6,600,000	1,500,000	-5,100,000
<i>Total</i>	6,600,000	1,500,000	-5,100,000

Sources of funds

<i>State</i>	0	0	0
<i>TIB</i>	1,320,000	300,000	-1,020,000
<i>Federal</i>	5,280,000	1,200,000	-4,080,000
<i>Local</i>	0	0	0
<i>Total</i>	6,600,000	1,500,000	-5,100,000

(3) Spending authority for the Rutland–Burlington rail and crossings project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	600,000	600,000	0
Construction	900,000	6,000,000	5,100,000
Total	1,500,000	6,600,000	5,100,000
<u>Sources of funds</u>			
State	300,000	300,000	0
TIB	0	1,020,000	1,020,000
Federal	1,200,000	5,280,000	4,080,000
Local	0	0	0
Total	1,500,000	6,600,000	5,100,000

Sec. 12. RUTLAND–BURLINGTON RAIL AND CROSSINGS PROJECT

The “Rutland–Burlington rail and crossings project” is added to the fiscal year 2012 transportation program – rail program. The project includes the installation of continuously welded rail and the reconstruction of several rail-highway grade crossings along the Vermont Railway line between Rutland and Burlington.

Sec. 13. PURCHASE OF RAIL BRIDGE INSPECTION VEHICLE

(a) A new project is added to the fiscal year 2012 and 2013 transportation program – rail programs for the purchase of a servi-lift rail bridge inspection vehicle (“inspection vehicle”).

(b) Notwithstanding the authorized program spending within the fiscal year 2012 and 2013 transportation program – rail programs, the secretary is authorized to purchase an inspection vehicle using any federal grant funds received for its purchase.

(c) If a federal grant for the purchase of the inspection vehicle is not received or is not pending, notwithstanding the authorized project or activity spending within the fiscal year 2012 and 2013 transportation program – rail programs, the secretary is authorized to use up to a total of \$500,000.00 in transportation funds appropriated to the rail program for the purchase of the inspection vehicle, provided that the purchase does not delay the work schedule of a project or activity programmed in the fiscal year 2012 or 2013 rail programs.

(d) The agency shall promptly report any action taken under the authority granted in subsection (b) or (c) of this section to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

Sec. 14. ANTICIPATION OF FEDERAL RECEIPTS – RAIL PROGRAM

As authorized by 32 V.S.A. § 510, the secretary, with the prior approval of the commissioner of finance and management, may anticipate federal receipts into the transportation – rail program.

**** Transportation Buildings ****

Sec. 15. TRANSPORTATION BUILDINGS

The following modifications are made to the transportation buildings program:

(1) Spending authority for the Mendon District 3/Southwest Regional Construction Office Building project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>PE</i>	50,000	0	-50,000
<i>Construction</i>	150,000	0	-150,000
<i>Total</i>	200,000	0	-200,000

Sources of funds

<i>State</i>	200,000	0	-200,000
<i>TIB</i>	0	0	0
<i>Federal</i>	0	0	0
<i>Local</i>	0	0	0
<i>Total</i>	200,000	0	-200,000

(2) Spending authority for the Statewide – Brine-Making Facilities project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>PE</i>	3,000	3,000	0
<i>Construction</i>	0	80,000	80,000

<i>Total</i>	<i>3,000</i>	<i>83,000</i>	<i>80,000</i>
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Sources of funds

<i>State</i>	<i>3,000</i>	<i>83,000</i>	<i>80,000</i>
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<i>TIB</i>	<i>0</i>	<i>0</i>	<i>0</i>
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<i>Federal</i>	<i>0</i>	<i>0</i>	<i>0</i>
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<i>Local</i>	<i>0</i>	<i>0</i>	<i>0</i>
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<i>Total</i>	<i>3,000</i>	<i>83,000</i>	<i>80,000</i>
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(3) Spending authority for the Middlebury – Design, Permit, and

Construct 1–Bay Addition project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>PE</i>	<i>5,000</i>	<i>0</i>	<i>-5,000</i>
<i>Construction</i>	<i>175,000</i>	<i>0</i>	<i>-175,000</i>
<i>Total</i>	<i>180,000</i>	<i>0</i>	<i>-180,000</i>

Sources of funds

<i>State</i>	<i>180,000</i>	<i>0</i>	<i>-180,000</i>
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<i>TIB</i>	<i>0</i>	<i>0</i>	<i>0</i>
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<i>Federal</i>	<i>0</i>	<i>0</i>	<i>0</i>
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<i>Local</i>	<i>0</i>	<i>0</i>	<i>0</i>
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<i>Total</i>	<i>180,000</i>	<i>0</i>	<i>-180,000</i>
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Sec. 16. VTRANS TRAINING CENTER FACILITY

(a) The “VTrans Learning Campus” project within the fiscal year 2013 transportation buildings program is renamed the “VTrans Training Center” project, and the scope of the project is amended to read, “Renovation of existing materials & research building for use by the VTrans Training Center and the traffic research section.”

(b) The agency shall rename the VTrans Learning Campus program to be the VTrans Training Center program.

(c) After the effective date of this act, the agency shall:

(1) continue to pursue the acquisition or construction of a facility, not located in a flood hazard area, that is suitable to satisfy the agency’s long-term objectives for the VTrans Training Center program; and

(2) create a plan for the development of a VTrans Training Center facility that will satisfy the long-term objectives of the program.

** * * Public Transit * * **

Sec. 17. PUBLIC TRANSIT

The scope of the Public Transit – Statewide Capital project is amended to include the construction of transit facilities.

Sec. 18. 24 V.S.A. § 5094 is added to read:

§ 5094. POWERS OF SECRETARY OF TRANSPORTATION

On behalf of the state and to carry out the purposes of this chapter and 19 V.S.A. § 10f, the secretary of transportation may:

(1) Execute and file an application with the Federal Transit Administration for federal assistance authorized by Titles 23 and 49 of the United States Code or other federal law.

(2) Execute and file certifications, assurances, or other documents the Federal Transit Administration may require before awarding a federal assistance grant or cooperative agreement.

(3) Execute grant and cooperative agreements with the Federal Transit Administration.

** * * Fiscal Year 2013 Transportation Infrastructure Bonds * * **

Sec. 19. AUTHORITY TO ISSUE TRANSPORTATION INFRASTRUCTURE BONDS

Pursuant to 32 V.S.A. § 972, the state treasurer is authorized to issue transportation infrastructure bonds up to a total amount of \$11,500,000.00 for the purpose of funding:

(1) the spending authorized in Sec. 20 of this act;

(2) a debt service reserve to support the successful issuance of transportation infrastructure bonds; and

(3) the cost of preparing, issuing, and marketing the bonds as authorized under 32 V.S.A. § 975.

*Sec. 20. TRANSPORTATION INFRASTRUCTURE BONDS; SPENDING
AUTHORITY*

The amount of \$10,000,000.00 from the issuance of transportation infrastructure bonds is authorized for expenditure in fiscal year 2013 on eligible projects as defined in 32 V.S.A. § 972(d) in the state's fiscal year 2013 transportation program as follows:

(1) \$9,000,000.00 on projects in program development.

(2) \$1,000,000.00 on projects in the town highway bridge program.

** * * Agency of Transportation Positions * * **

Sec. 21. AGENCY OF TRANSPORTATION POSITIONS

(a) The agency may establish 17 new limited service positions related to the response to Tropical Storm Irene and the spring 2011 flooding. This authority shall expire on June 30, 2014, and the positions shall terminate by June 30, 2014.

(b) The establishment of three new permanent classified positions is authorized in the agency of transportation – rail program.

(c) The establishment of three new permanent classified positions is authorized in the agency of transportation – program development program.

(d) The positions authorized in this section are not subject to the restriction in Sec. A.108 of No. 63 of the Acts of 2011, and are in addition to the positions authorized in Sec. 87(e) of No. 75 of the Acts of the 2011 Adj. Sess. (2012).

** * * Central Garage * * **

Sec. 22. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2013, the amount of \$1,120,000.00 is transferred from the transportation fund to the central garage fund created in 19 V.S.A. § 13.

** * * Relinquishment of State Highway Segment to Municipal Control * * **

*Sec. 23. RELINQUISHMENT OF VERMONT ROUTE 207 EXTENSION IN
THE TOWN OF ST. ALBANS*

(a) Pursuant to 19 V.S.A. § 15(2), the general assembly approves the secretary of transportation to enter into an agreement with the town of St. Albans to relinquish to the town's jurisdiction a segment of state highway right-of-way in the town of St. Albans which has not been constructed to be a traveled road, and which was to be known as the Vermont Route 207 Extension. This authority shall expire on June 30, 2022. The segment authorized to be relinquished measures approximately 1.7 acres, is approximately 160 feet in width, and starts at a point 200 feet west of the intersection of the U.S. Route 7/Vermont Route 207 centerline of highway project S0297(2), and continues westerly for 463 feet.

(b) Following relinquishment, the former state highway segment shall become a town highway and shall retain its limited access designation under 19 V.S.A. chapter 17 (limited access facilities).

(c) Following relinquishment, the state of Vermont shall retain ownership of the underlying fee interest in the former state highway segment. The town of St. Albans shall not sell or abandon any portion of the relinquishment area or allow any encroachments within the relinquishment area without the written permission of the agency of transportation.

** * * Enhancement Grant Program Priorities * * **

Sec. 24. ENHANCEMENT GRANT PROGRAM PRIORITIES

In addition to the priorities for salt and sand shed projects and bicycle or pedestrian facility projects specified in 19 V.S.A. § 38(g), in evaluating applications for enhancement grants in fiscal years 2013, 2014, and 2015, the transportation enhancement grant committee shall give preferential weighting to projects involving a municipality implementing eligible environmental mitigation projects under a river corridor plan that has been adopted by the agency of natural resources as part of a basin plan, under a municipal plan adopted pursuant to 24 V.S.A. § 4385, or under a mitigation plan adopted by the municipality and approved by the Federal Emergency Management Agency. The degree of preferential weighting afforded shall be in the complete discretion of the transportation enhancement grant committee.

** * * State Aid for Town Highways * * **

Sec. 25. 19 V.S.A. § 306(e) and (f) are amended to read:

(e) State aid for town highway structures.

(1) There shall be an annual appropriation for grants to municipalities for maintenance, (including actions to extend life expectancy,) and for construction of bridges, and culverts, and; for maintenance and construction of other structures, including causeways and retaining walls, intended to preserve the integrity of the traveled portion of class 1, 2, and 3 town highways; and for alternatives that eliminate the need for a bridge, culvert, or other structure, such as the construction or reconstruction of a highway, the purchase of parcels of land that would be landlocked by closure of a bridge, the payment of damages for loss of highway access, and the substitution of other means of access.

(2) Each fiscal year, the agency shall approve qualifying projects with a total estimated state share cost of \$5,833,500.00 at a minimum as new grants. The agency's proposed appropriation for the program shall take into account the estimated amount of qualifying invoices submitted to the agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the town highway structures program exceed the amount appropriated, the agency shall advise the governor of the need to request a supplemental appropriation from the general assembly to fund the additional project cost, provided that the agency has previously committed to completing those projects.

(3) Funds received as grants for state aid for town highway structures may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

(f) ~~[Deleted.] State aid for federal disasters.~~

(1) Towns receiving assistance under the Federal Highway Administration's emergency relief program for federal-aid highways shall be eligible for state aid when a nonfederal match is required. Eligibility for aid under this subsection shall be subject to the following criteria:

(A) Towns shall be responsible for up to 10 percent of the total eligible project costs.

(B) For towns that have adopted road and bridge standards, eligibility for reimbursement for repair or replacement of infrastructure shall be to those standards. For towns that have not adopted these standards, eligibility for reimbursement for repair or replacement of infrastructure shall be limited to the specifications of the infrastructure that preexisted the emergency event; however, the repair or replacement shall be to standards approved by the agency.

(C) Such additional criteria as may be adopted by the agency through rulemaking under 3 V.S.A. chapter 25.

(2) Notwithstanding 32 V.S.A. § 706 and the limits on authorized program spending in an approved transportation program, the secretary may

transfer appropriations between the program created in this subsection and the state aid for nonfederal disasters program created in subsection (d) of this section.

** * * Town Highway Bridges; Local Match * * **

Sec. 26. 19 V.S.A. § 309a is amended to read:

§ 309a. LOCAL HIGHWAY WORK; UNIFORM LOCAL SHARE; EXCEPTIONS

(a) Except as provided in subsection (b) or (c) of this section or in sections 309b and 309c of this title, in any case of highway or bridge construction in which a federal/state/local or state/local funding match is authorized, the municipality's share shall be ten percent of the project costs.

(b) This section shall not apply to:

(1) ~~any project phase, preliminary engineering, right-of-way acquisition or construction, which was included in the transportation construction program submitted by the agency in February 1987 and approved by the general assembly in Act No. 91 of the Acts of 1987~~ any bridge replacement project in the town highway bridge program during the construction of which the municipality closes the bridge and does not construct a temporary bridge for the duration of the project, in which event the local match shall cover five percent of the project costs; ~~or~~

(2) any project phase for which a municipality already has provided for payment of its share by issuing bonds or funding a reserve established under a capital improvement plan; ~~or~~

(3) any project on a town highway for which the general assembly has authorized a different federal/state/local funding match; and any project which serves an "economic growth center" as defined in 23 U.S.C. § 143, and for which the general assembly has authorized a different federal/state/local funding match;

(4) any project involving a bridge, including the approaches to a bridge, that extends between this state and an adjacent state;

(5) any bridge or roadway project involving a local financial share in which the municipality, after its review of the conceptual project plans, chooses not to proceed with the proposed project; in such circumstances, the agency shall pay 100 percent of the project costs incurred through the date it receives such notification from the municipality;

(6) any project where, by the mutual agreement of the municipality and agency, rehabilitation of an existing bridge is the preferred alternative, in which case the agency shall use the appropriate combination of state and federal funding to pay either 95 percent of the cost of rehabilitation, or 97.5 percent if the municipality closes the bridge and does not construct a temporary bridge for the duration of the project; or

(7) any project or portion of a project involving a structure that is part of the historic bridge program, where the agency shall use the appropriate combination of state and federal funding to pay 100 percent of the cost of rehabilitation.

* * *

** * * Tendering Payment in Condemnation Matters * * **

Sec. 27. 19 V.S.A. § 512 is amended to read:

*§ 512. ORDER FIXING COMPENSATION; INVERSE CONDEMNATION;
RELOCATION ASSISTANCE*

(a) Within 30 days after the compensation hearing, the board shall by its order fix the compensation to be paid to each person from whom land or rights are taken. Within 30 days of the board's order, the agency shall file and record the order in the office of the clerk of the town where the land is situated, deliver to each person a copy of that portion of the order directly affecting the person, and pay or tender the award to each person entitled. If an interested person has not provided the agency identification information necessary to process payment of the award, or if an interested person refuses an offer of payment, payment shall be deemed to be tendered for the purposes of this subsection when the agency pays the award into an escrow account that is accessible by the interested person upon his or her providing any necessary identification information. A person to whom a compensation award is paid or

tendered under this subsection may accept, retain, and dispose of the award to his or her own use without prejudice to the person's right of appeal, as provided in section 513 of this title. Upon the payment or tender of the award as above provided, the agency may proceed with the work for which the land is taken.

* * *

** * * Van Pool Program within State Infrastructure Bank * * **

Sec. 28. REPEAL

10 V.S.A. § 280g(a)(10) and (d) (state infrastructure bank van pool loan program) are repealed.

** * * Elimination, Modification, and Retention of Reports * * **

Sec. 29. ELIMINATION OF REPORTS

10 V.S.A. § 445(b) (report regarding expenditures and income relating to Vermont trails system); 19 V.S.A. § 10g(d)(1) (analysis of state's commitment to transportation projects); 19 V.S.A. § 10g(d)(2) (agency's plan to bring resources and cost into balance); 19 V.S.A. § 317(f) (report regarding the classification, number, and location of historic bridges); 32 V.S.A. § 706(4) (report of transfers of appropriations to cover federally reimbursable construction projects); and Sec. 50 of No. 175 of the Acts of the 2005 Adj. Sess. (2006), as amended by Sec. 61 of No. 164 of the Acts of the 2007 Adj.

Sess. (2008) (report on general condition of town assets in the bridge and culvert database), are repealed.

Sec. 30. 19 V.S.A. § 12b(d) is amended to read:

(d)(1) In coordination with the regular meetings of the joint fiscal committee in ~~mid-July, mid-September, and mid-November~~, the secretary shall prepare a report on the status of the state's transportation finances and transportation programs. If a meeting of the committee is not convened on the scheduled dates of the joint fiscal committee meetings, the secretary in advance shall transmit the report electronically to the joint fiscal office for distribution to committee members. The report shall ~~include a report on~~ list contract bid awards versus project estimates ~~and a detailed report on~~ and all known or projected cost overruns, project savings, and funding availability from delayed projects; ~~and the agency's actions taken or planned to cover the cost overruns and to reallocate the project savings and delayed project funds~~ with respect to:

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

(B) all projects in the roadway, state bridge, interstate bridge, or town bridge programs with authorized spending in the fiscal year of \$500,000.00 or more with a cost overrun equal to 20 percent or more of the

authorized spending or generating project savings or delayed project available funding equal to 20 percent or more of the authorized spending.

(2) ~~In addition, with respect to the July meeting of the joint fiscal committee, the secretary's report~~ The report required under subdivision (1) of this subsection also shall describe the agency's actions taken or planned to cover the cost overruns and to reallocate the project savings and delayed project funds, and shall discuss the agency's plans to adjust spending to any changes in the consensus forecast for transportation fund revenues.

(3) If and when applicable, the secretary shall submit electronically to the joint fiscal office for distribution to members of the joint transportation oversight committee a report summarizing any plans or actions taken to delay project schedules as a result of:

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

(B) changes in the consensus revenue forecast of the transportation fund or transportation infrastructure bond fund; or

(C) changes in the availability of federal funds.

Sec. 31. 23 V.S.A. § 304b(a) is amended to read:

(a) The commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate ~~and~~ on trucks registered for less than 26,001 pounds, and on vehicles registered to state agencies under section 376 of this title ~~and~~, but excluding

vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The commissioner of motor vehicles and the commissioner of fish and wildlife shall determine the graphic design of the special plates in a manner which serves to enhance the public awareness of the state's interest in restoring and protecting its wildlife and major watershed areas. The commissioner of motor vehicles and the commissioner of fish and wildlife may alter the graphic design of these special plates provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the commissioner and shall pay an initial fee of \$23.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of \$23.00. The commissioner ~~shall~~ may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection. ~~The commissioner of motor vehicles and the commissioner of fish and wildlife shall annually submit to the members of the house committees on transportation and fish, wildlife and water resources, and the members of the senate committees on transportation and natural resources and energy a report detailing, over a three year period, the revenue generated, the number of new conservation plates sold and the number of renewals, and recommendations for program enhancements.~~

Sec. 32. 24 V.S.A. § 5083(b) is amended to read:

(b) ~~The public transit advisory council~~ agency of transportation shall annually evaluate ~~existing services based on the goals established in subsection (a) of this section.~~ Proposals proposals for new public transit service shall be evaluated submitted by providers in response to a notice of funding availability, by examining feasibility studies submitted by providers. ~~These~~ The feasibility studies shall address criteria set forth in the most recent public transit policy plan of January 15, 2000.

Sec. 33. 19 V.S.A. § 42 is added to read:

§ 42. REPORTS PRESERVED

Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of sections 7(k), 10b(d), 10c(k), 10c(l), 10e(c), 10g, 11f(i), 12a, 12b(d), and 38(e)(2) of this title shall be preserved absent specific action by the general assembly repealing the reports or reporting requirements.

Sec. 34. 24 V.S.A. § 5092 is amended to read:

§ 5092. REPORTS

The agency of transportation, in cooperation with the public transit advisory council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form from the state or federal government, including but not limited to subsidies related to the elders and persons with disabilities transportation program for

service and capital equipment. Financial and performance data on the elders and persons with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's national transit database program with such modifications as appropriate for the various services and guidance found in the most current state policy plan. The report shall describe any action taken by the agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. ~~The report~~ agency shall be available deliver the report to the general assembly by January 15 of each year. Notwithstanding 2 V.S.A. § 20(d), this annual report shall be produced indefinitely absent specific action by the general assembly repealing the report.

** * * Technical Corrections * * **

Sec. 35. 5 V.S.A. § 3403 is amended to read:

§ 3403. ACQUISITION AND MODERNIZATION

(a) The agency of transportation, as agent for the state, and with the specific prior approval of the general assembly, is authorized to acquire by purchase or condemnation, after the approval of the ~~Interstate Commerce Commission~~ Surface Transportation Board, if necessary, any portion or portions of the line of any railroad directly affecting the state, including rails and ties, rights-of-way, land, buildings, appurtenances, and other facilities

required for the operation of the line or to facilitate its sale or lease for continued operation. This action may be taken in concert with another state or states as necessary to insure continued railroad service in this state.

* * *

Sec. 36. 5 V.S.A. § 3404 is amended to read:

§ 3404. RIGHT OF FIRST REFUSAL

(a) All railroad operating properties within the state offered for sale by a railroad, other than to another railroad for continued operation, shall also be offered to the state of Vermont. The offer shall be made in writing and shall be sent by certified mail to the agency. The offer shall include a map and a description of the property, the price, if available, a description of the present and past railroad use of the property, and any terms, reservations, or conditions the railroad proposes to include as part of the sale. Within 365 days, less any period of time that has elapsed because of the pendency of abandonment proceedings before the ~~Interstate Commerce Commission~~ Surface Transportation Board or the imposition of public use conditions under 49 U.S.C. § 10905, the agency shall accept or reject the offer. If the agency either rejects or fails to accept the offer in a timely manner, the state's preferential right under this section shall terminate, but in no event shall the railroad offer to sell the property, or any portion of it, to any other person on terms more favorable than the final terms offered to the agency.

* * *

** * * Copies of Municipal Reports* * **

Sec. 37. 24 V.S.A. § 1173 is amended to read:

§ 1173. TOWN OR VILLAGE REPORTS

The clerk of a municipality shall supply annually each library in such municipality with two copies of the municipal report, upon its publication. The clerk shall also mail to the state library two copies thereof, and one copy each to the secretary of state, commissioner of taxes, ~~highway board~~, state board of health, commissioner for children and families, commissioner of Vermont health access, auditor of accounts, and board of education. Officers making these reports shall supply the clerk of the municipality with the printed copies necessary for him or her to comply with the provisions of this section and section 1174 of this title.

** * * Transportation Funding and Expenditures * * **

Sec. 38. TRAFFIC SAFETY ENFORCEMENT COSTS

The joint fiscal office, in consultation with the commissioner of public safety or designee, shall analyze and estimate the costs incurred by the state in enforcing the state's traffic safety laws, and study how these state police costs could be apportioned between the general fund and the transportation fund. The joint fiscal office shall submit a report of its findings to the joint

transportation oversight committee and the joint fiscal committee prior to the joint fiscal committee's November 2012 meeting.

Sec. 39. ALTERNATIVE FUEL VEHICLES; USER PAY PRINCIPLE

The secretary of transportation or designee, in consultation with the joint fiscal office and the commissioner of motor vehicles, commissioner of taxes, and commissioner of public service or their designees, shall analyze options for user fees and fee collection mechanisms for motor vehicles that use energy sources not currently taxed so as to contribute to the transportation fund. The secretary shall submit a report of his or her findings, and of options for user fees and fee collection mechanisms, to the joint transportation oversight committee and the joint fiscal committee prior to the joint fiscal committee's November 2012 meeting.

Sec. 40. COMMITTEE ON TRANSPORTATION FUNDING

(a) Findings.

(1) Annual gasoline and diesel tax revenues are currently at the same level generated in 1999–2000, while vehicle miles traveled and consequent wear and tear on the state's highway system has increased by 13.2 percent.

(2) As fuel efficiency continues to improve and vehicles using fuel sources not taxed so as to contribute to the transportation fund become more common, the gap between the payments collected from system users and the wear and tear users impose on the system will continue to grow.

(3) New revenue sources and consistent revenue streams will be needed to sustain Vermont's transportation infrastructure and support economic prosperity.

(b) Composition of committee. A committee on transportation funding is established, composed of the following members:

(1) the secretary of transportation or designee, who shall serve as chair;

(2) the commissioner of motor vehicles or designee;

(3) one member appointed by the senate committee on committees;

(4) one member appointed by the speaker of the house;

(5) one member designated by the Vermont League of Cities and Towns;

(6) one member designated by the Vermont Association of Planning and Development Agencies, Inc.; and

(7) one member designated by the James M. Jeffords Center for Policy Research.

(c) Purpose and charge. The committee shall:

(1) estimate transportation and TIB fund revenues over the next five years, taking into account motor vehicle fuel efficiency mandates and trends, and identify and analyze factors likely to impact transportation and TIB fund revenues and transportation infrastructure spending in the future;

(2) estimate the gap between costs and projected revenues over the next five years (the "five-year funding gap") based on the cost of maintaining the

state's existing infrastructure, and under any other cost scenario the committee deems appropriate;

(3) evaluate potential new state revenue sources, including a vehicle miles traveled tax, and how existing state revenue sources could optimally be modified to address the five-year and longer term expected transportation funding gaps. The committee shall estimate the amount of funds that would be generated from each new and modified revenue source, and identify implementation structures, requirements, and challenges.

(d) The secretary of transportation shall call the first meeting of the committee by June 15, 2012. The committee shall deliver a written report of its findings, and of any legislative options for consideration, to the house and senate committees on transportation by January 15, 2013. The committee shall terminate on January 15, 2013.

(e) Assistance. Upon the request of the committee, the agency may contract with consultants to provide expert assistance to the committee. Any consultant fees shall be paid out of the transportation – policy and planning appropriation. Upon request, the committee shall receive administrative support from the agency of transportation and assistance from the joint fiscal office, the office of legislative council, and any unit of the executive branch the committee deems appropriate.

(f) For attendance at a meeting when the general assembly is not in session, legislative members of the committee shall be entitled to compensation for services and reimbursement of expenses as provided under 2 V.S.A. § 406(a). Other committee members who are not otherwise compensated or reimbursed by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010. Funds disbursed under this subsection shall be paid out of the transportation – policy and planning appropriation.

** * * Vermont Strong Motor Vehicle Plates * * **

Sec. 41. VERMONT STRONG MOTOR VEHICLE PLATES

The agency is authorized to expend up to \$12,000.00 from the central garage appropriation for the purchase of Vermont Strong motor vehicle plates for installation on agency vehicles in conformance with No. 71 of the Acts of the 2011 Adj. Sess. (2012).

** * * Natural Gas-Powered Motor Vehicles; Tax Proceeds * * **

Sec. 42. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

** * **

(7) Sales of motor fuels taxed or exempted under 23 V.S.A. chapter 28 of ~~Title 23~~; provided, however, that aviation jet fuel and natural gas used to propel a motor vehicle shall be taxed under this chapter with the proceeds to be allocated to the transportation fund in accordance with 19 V.S.A. § 11.

* * *

Sec. 43. 19 V.S.A. § 11 is amended to read:

§ 11. TRANSPORTATION FUND

The transportation fund shall be comprised of the following:

* * *

(4) moneys received from the sales and use tax on aviation jet fuel and on natural gas used to propel a motor vehicle under 32 V.S.A. chapter 233;

* * *

Sec. 44. 23 V.S.A. § 3101 is amended to read:

§ 3101. DEFINITIONS

(a) The term “distributor” as used in this subchapter shall mean a person, firm, or corporation who imports or causes to be imported gasoline or other motor fuel for use, distribution, or sale within the state, or any person, firm, or corporation who produces, refines, manufactures, or compounds gasoline or other motor fuel within the state for use, distribution, or sale. ~~Kerosene, diesel oil, and aircraft jet fuel shall not be considered to be motor fuel under this subchapter.~~

~~(b)~~ *When a person receives motor fuel in circumstances which preclude the collection of the tax from the distributor by reason of the provisions of the constitution and laws of the United States, and ~~shall~~ thereafter ~~sell~~ sells or ~~use~~ uses the motor fuel in the state in a manner and under circumstances as may subject the sale to the taxing power of the state, the person shall be considered a distributor and shall make the same reports, pay the same taxes, and be subject to all provisions of this subchapter relating to distributors of motor fuel.*

~~(e)~~(b) *“Dealer” means any person who sells or delivers motor fuel into the fuel supply tanks of motor vehicles owned or operated by others.*

(c) *As used in this subchapter, “gasoline or other motor fuel” or “motor fuel” shall not include kerosene, diesel oil, aircraft jet fuel, or natural gas in any form.*

(d) *“Motor vehicle” means any self-propelled vehicle using motor fuel on the public highways and registered or required to be registered for operation on these highways.*

** * * State Highway Closures * * **

Sec. 45. 19 V.S.A. § 43 is added to read:

§ 43. STATE HIGHWAY CLOSURES

(a) Before the planned closure of a state highway, the agency shall convene a regional public meeting for the purpose of listening to public concerns. The

agency shall consult with other state agencies and departments, regional chambers of commerce, regional planning commissions, local legislative bodies, emergency medical service organizations, school officials, and area businesses to develop mitigation strategies to reduce the impact of the planned closure on the local and regional economies.

(b) In developing mitigation strategies, the agency shall consider the need to provide a level of safety for the traveling public comparable to that available on the segment of state highway affected by the planned closure. If the agency finds town highways unsuitable for a signed detour, the agency will advise local legislative bodies of the reasons for its determination.

* * * *Plaque Honoring Richard W. Hube Jr.* * * *

Sec. 46. PLAQUE ON VERMONT ROUTE 30 BRIDGE

(a) Prior to or as soon as possible after the reopening of bridge #30 on Vermont Route 30 in the town of Jamaica, the agency of transportation shall install commemorative plaques on both sides of the bridge that read:

“Richard W. Hube Jr. Memorial Bridge

Vermont State Representative, 1999–2009

In recognition of his service and dedication to the people of Vermont”

(b) The plaques and their placement shall conform to the Federal Highway Administration’s Manual on Uniform Traffic Control Devices.

**** Approval of Acquisitions and Transfers of Property ****

Sec. 47. 19 V.S.A. § 26 is amended to read:

§ 26. PURCHASE AND SALE OF PROPERTY

(a)(1) Subject to subsection (b) of this section:

(A) The agency may purchase or lease any land, taking conveyance in the name of the state, when land is needed in connection with the layout, construction, repair, and maintenance of any state highway, or the reconstruction of the highway.

(B) The agency may acquire or construct buildings necessary for use in connection with this work.

(C) When any of the land or the buildings acquired or the buildings constructed become no longer necessary for these purposes, the agency may sell or lease the property.

(2) The proceeds from any sale or lease shall be deposited in the transportation fund and, unless otherwise required by federal law or regulation, shall be credited to transportation buildings to be used for transportation building projects previously authorized by the general assembly.

(b) An acquisition or transfer or the construction under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or the acquisition or transfer of an option to acquire

property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the general assembly of the acquisition, transfer, or construction and its terms or, if the general assembly is not in session, with the specific prior approval of the joint transportation oversight committee. The requirement of this subsection shall not apply, however, if the general assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

Sec. 48. 5 V.S.A. § 204 is amended to read:

§ 204. POWERS OF AGENCY GENERALLY

(a) To carry out the purposes of this part, the transportation agency shall have power, subject to subsection (b) of this section:

(1) to contract in the name of the state with individuals, firms, or corporations, with officials of a town, city, or village, with officials of a group of either or both of such governmental units, with officials of another state, or with officials or agencies of the federal government to carry out the purposes of this part;

(2) to receive, manage, use, or expend, for purposes directed by the donor, gifts, grants, or contributions of any name or nature made to the state for the promotion or development of aeronautics or for aeronautics facilities;

(3) to operate, manage, use, exchange, lease, or otherwise deal with or dispose of, in whole or in part, land and rights in land acquired in the name of the state by purchase, gift, or otherwise, under authorization of this part, and to charge reasonable fees for such use or the use of landing areas, parking areas, buildings, and other facilities, or for services rendered. Moneys received from the fees shall be paid into the state treasury and credited to the transportation fund;

(4) to acquire on behalf of the state, acting either alone or with local governmental units or the federal government, by purchase or by the exercise of the right of eminent domain, property, easements, or other rights in property needed to carry out the purposes of this part. In taking property, easements, or rights in property located in this state, the right of eminent domain shall be exercised in the manner and subject to the limitations provided for in 19 V.S.A. chapter 5, except as otherwise provided in chapter 15, subchapter 2 of this part.

(b) An acquisition or transfer under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the general assembly of the acquisition or transfer and its terms or, if the general assembly is not in session, with the specific prior approval of the joint

transportation oversight committee. The requirement of this subsection shall not apply, however, if the general assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

Sec. 49. 5 V.S.A. § 3002 is amended to read:

§ 3002. POWERS OF AGENCY

(a) To carry out the purposes of 19 V.S.A. § 10e, the agency of transportation may, subject to subsection (b) of this section:

(1) Contract in the name of the state with federal agencies, the National Railroad Passenger Corporation (Amtrak), railroads, municipalities, adjacent states, or other responsible persons to carry out the purposes of this chapter.

(2) Receive, manage, use, or expend, for the purposes of this chapter, federal and state funds appropriated to the agency for the promotion or development of intercity rail passenger service or for intercity rail passenger service facilities.

(3) Operate, manage, use, exchange, lease, or otherwise deal with or dispose of, in whole or in part, land and rights in land acquired in the name of the state under authorization of this chapter, and to charge reasonable fees for such use or the use of land, buildings, and other facilities, or for services rendered. Moneys received from the fees shall be credited to the transportation fund.

(4) Acquire on behalf of the state, acting either alone or with municipalities or the federal government, land and rights in land needed to carry out the purposes of this chapter.

(b) An acquisition or transfer under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the general assembly of the acquisition or transfer and its terms or, if the general assembly is not in session, with the specific prior approval of the joint transportation oversight committee. The requirement of this subsection shall not apply, however, if the general assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

** * * Effective Dates * * **

Sec. 50. EFFECTIVE DATES

(a) This section and Secs. 3 (portable hot mix plant), 4 (program development – roadway), 12 (Rutland–Burlington rail and crossings project), 13 (purchase of rail bridge inspection vehicle), 14 (anticipation of federal receipts – rail program), 16 (VTrans training center facility), 18 (powers of secretary of transportation), 19 (authority to issue transportation infrastructure bonds), 21 (agency of transportation positions), 25 (state aid for

town highways), 37 (copies of municipal reports), 38 (traffic safety enforcement cost study), 39 (alternative fuel vehicles; user pay study), 40 (committee on transportation funding), and 41 (Vermont Strong plates) of this act shall take effect on passage. The authority granted by Sec. 25(f) of this act (state aid for federal disasters) shall be retroactive to March 1, 2011.

(b) Secs. 42–44 of this act shall take effect on July 1, 2013.

(c) Sec. 27 (tendering payment in condemnation matters) of this act shall take effect on July 2, 2012, if H.523 (introduced on January 11, 2012) as passed by the house and senate does not become law on or before July 1, 2012. If H.523 becomes law on or before July 1, 2012, Sec. 27 shall not take effect.

(d) All other sections of this act shall take effect on July 1, 2012.