

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; capital program

4 Statement of purpose of bill as introduced: This bill proposes to adopt, with
5 modifications, the Agency of Transportation’s proposed Transportation
6 Program for fiscal year 2015 and to make miscellaneous additions and changes
7 to the State’s transportation laws.

8 An act relating to the State’s Transportation Program and miscellaneous
9 changes to the State’s transportation laws

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

11 * * * Transportation Program; Definitions * * *

12 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

13 (a) The Agency of Transportation’s proposed fiscal year 2015
14 Transportation Program appended to the Agency of Transportation’s proposed
15 fiscal year 2015 budget, as amended by this act, is adopted to the extent
16 federal, State, and local funds are available.

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

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

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

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

8 (4) “TIB funds” or “TIB” refers to monies deposited in the
9 Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

10 * * * Program Development – Funding Sources * * *

11 Sec. 2. PROGRAM DEVELOPMENT – FUNDING

12 Spending authority in the Program Development program is modified in
13 accordance with this section. Among projects selected in the Secretary’s
14 discretion, the Secretary shall:

15 (1) reduce project spending authority in the total amount of
16 \$1,500,000.00 in TIB funds; and

17 (2) increase project spending authority in the total amount of
18 \$1,500,000.00 in transportation funds.

1 * * * Bike & Pedestrian Facilities Program * * *

2 Sec. 3. PROGRAM DEVELOPMENT – BIKE & PEDESTRIAN

3 FACILITIES PROGRAM

4 If the Cross Vermont Trail Association raises funds sufficient to furnish
5 \$240,911.00 of the \$325,000.00 local match required to construct the Cross
6 Vermont Trail Bridge project (Montpelier – Berlin STP CVRT(2)), the Fiscal
7 Year 2015 Program Development – Bike & Pedestrian Facilities Program shall
8 be amended to authorize spending of \$84,089.00 in transportation funds for
9 construction of the project.

10 * * * Transportation Buildings * * *

11 Sec. 4. TRANSPORTATION BUILDINGS; INTERSTATE

12 MAINTENANCE DEPOTS

13 The following project is added to the Transportation Buildings Program
14 within the fiscal year 2015 Transportation Program: Statewide Interstate
15 Maintenance Depots (study of feasibility of conversion of closed rest areas to
16 statewide interstate maintenance depots).

17 * * * Program Development – Safety and Traffic Operations * * *

18 Sec. 5. PROGRAM DEVELOPMENT – SAFETY AND TRAFFIC

19 OPERATIONS

20 The following project is added to the candidate list of the Program
21 Development – Safety and Traffic Operations Program within the fiscal year

1 2015 Transportation Program: Woodford—Searsburg—VT9 Truck Chain Up
2 Areas (areas for trucks to pull off the traveled way in order to install chains).

3 * * * Rail * * *

4 Sec. 6. RAIL

5 (a) The following project is added to the Rail Program: Leicester–New
6 Haven (upgrade track to continuously welded rail on the Vermont Railway
7 Northern Subdivision from Leicester mile post 76.99 to New Haven mile post
8 93.48).

9 (b) The Agency is encouraged to apply for a federal discretionary grant to
10 cover, in whole or in part, the cost of the Leicester–New Haven project. In the
11 event the State is awarded a grant for this project, authority to spend the federal
12 grant funds is added to the fiscal year 2015 Transportation Program—Rail
13 Program and the amount of federal funds awarded is appropriated to the fiscal
14 year 2015 Transportation Program—Rail Program.

15 Sec. 6a. RAILROAD BRIDGE LOAD RATINGS

16 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
17 activity spending authority approved in the Fiscal Year 2015 Transportation
18 Program, the Secretary, with the approval of the Secretary of Administration
19 and subject to the provisions of subsection (b) of this section, may transfer up
20 to \$3,000,000.00 in Transportation Fund appropriations, other than
21 appropriations for the Town Highway State Aid, Structures, and Class 2
22 Roadway Programs, to the Transportation – rail appropriation (8100002300)

1 for the specific purpose of paying for improvements to State-owned railroad
2 bridges to address insufficient load ratings if necessary to maintain rail service
3 at current levels.

4 (b) If a contemplated transfer of an appropriation would, by itself, have the
5 effect of significantly delaying the planned work schedule of a project, the
6 Secretary shall submit the proposed transfer for approval by the House and
7 Senate Committees on Transportation when the General Assembly is in session
8 and, when the General Assembly is not in session, by the Joint Transportation
9 Oversight Committee. In all other cases, the Secretary may execute the
10 transfer, giving prompt notice thereof to the Joint Fiscal Office and to the
11 House and Senate Committees on Transportation when the General Assembly
12 is in session and, when the General Assembly is not in session, to the Joint
13 Transportation Oversight Committee.

14 (c) This section shall expire on June 30, 2015.

15 * * * Supplemental Winter Maintenance Spending * * *

16 Sec. 6b. SUPPLEMENTAL WINTER MAINTENANCE SPENDING

17 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
18 activity spending authority approved in the Fiscal Year 2014 Transportation
19 Program, the Secretary, with the approval of the Secretary of Administration
20 and subject to the provisions of subsection (b) of this section, may transfer up
21 to \$3,000,000.00 in Transportation Fund appropriations, other than

1 appropriations for the Town Highway State Aid, Structures, and Class 2
2 Roadway Programs, to the Transportation – maintenance state system
3 appropriation (8100002000) for the specific purpose of paying for excessive
4 winter maintenance costs caused by winter weather of 2013–2014.

5 (b) If a contemplated transfer of an appropriation would, by itself, have the
6 effect of significantly delaying the planned work schedule of a project, the
7 Secretary shall submit the proposed transfer for approval by the House and
8 Senate Committees on Transportation when the General Assembly is in session
9 and, when the General Assembly is not in session, by the Joint Transportation
10 Oversight Committee. In all other cases, the Secretary may execute the
11 transfer, giving prompt notice thereof to the Joint Fiscal Office and to the
12 House and Senate Committees on Transportation when the General Assembly
13 is in session and, when the General Assembly is not in session, to the Joint
14 Transportation Oversight Committee.

15 (c) This section shall expire on June 30, 2014.

16 Sec. 6c. 2014 Acts and Resolves No. 95, Sec. 53 is amended to read:

17 Sec. 53. TRANSPORTATION – SUPPLEMENTAL APPROPRIATION

18 (a) The following is appropriated in fiscal year 2014 to the Agency of
19 Transportation:

20 Transportation Fund \$1,626,284

1 (b) The funds appropriated in subsection (a) of this section are authorized
2 for appropriation and expenditure at the discretion of the Secretary of
3 Transportation as follows:

4 (1) To the Transportation – maintenance State system appropriation
5 (8100002000) for the specific purpose of excessive winter maintenance costs
6 caused by winter weather of 2013–2014.

7 (2) To the Transportation – program development appropriation
8 (8100001100) paving program for the specific purpose of improving the
9 condition of State and Class 1 town highways that have incurred damage
10 caused by winter weather of 2013–2014.

11 (c) The Secretary shall report in July 2014 to the Joint Transportation
12 Oversight Committee on the appropriation and expenditure authorized in
13 subsection (b) of this section.

14 * * * Local Technical Assistance Program * * *

15 Sec. 7. TOWN HIGHWAY VERMONT LOCAL ROADS; LOCAL

16 TECHNICAL ASSISTANCE PROGRAM

17 (a) The Agency shall create a Local Technical Assistance Program (LTAP
18 or Program) within the Agency’s Vermont Transportation Training Center.
19 The purpose of the LTAP is to provide transportation-related technical
20 assistance and training for municipalities, including workshops, technology

1 demonstrations, computer training, distance learning, seminars, and field and
2 classroom instruction.

3 (b) The Town Highway Vermont Local Roads Program within the
4 Agency's proposed fiscal year 2015 Transportation Program is renamed the
5 Local Technical Assistance Program. Funding for the LTAP approved and
6 appropriated by the General Assembly shall be used for the Program's
7 operating expenses. If it is legally permissible for the Local Technical
8 Assistance Program to use the name Vermont Local Roads, the Agency shall
9 continue to use that program name.

10 (c) On or before December 31, 2014, the Agency shall complete the
11 transition of the Vermont Local Roads Program from a grant program operated
12 by grantee Saint Michael's College to a program operated by the Agency's
13 Vermont Transportation Training Center.

14 (d) In carrying out the Local Technical Assistance Program, the Agency
15 shall:

16 (1) offer the same or substantially similar courses as were offered by the
17 Vermont Local Roads Program, as long as demand from municipalities
18 justifies continuation of such course offerings;

19 (2) offer courses in multiple locations throughout the State, to a similar
20 or greater extent than the Vermont Local Roads Program offered courses
21 throughout the State; and

1 (3) continue providing municipalities the support functions that the
2 Vermont Local Roads Program provided, including facilitating list serves,
3 issuing informational newsletters, and supporting municipal foremen’s groups.

4 Sec. 7a. 19 V.S.A. § 318 is added to read:

5 § 318. LTAP ADVISORY COUNCIL

6 (a) The Vermont Local Technical Assistance Program (LTAP) Advisory
7 Council is established. The Council shall consist of 15 members appointed by
8 the Governor plus the Secretary of Transportation or designee. The Council
9 shall be chaired by the Secretary or designee. The Governor shall appoint as a
10 member one representative of the Vermont League of Cities and Towns, and
11 shall appoint members from each county of the State. Each appointee from a
12 county shall be a municipal official or employee who has responsibility for
13 municipal transportation.

14 (b) Members who are not employees of the State of Vermont and who are
15 not otherwise compensated or reimbursed for their attendance shall be entitled
16 to per diem compensation and reimbursement of expenses pursuant to
17 32 V.S.A. § 1010 for no more than three meetings.

18 (c) The Council is authorized to obtain administrative assistance from the
19 Agency, and the Secretary is directed to provide such assistance as required.
20 At a minimum, the LTAP employees of the Vermont Transportation Training
21 Center shall provide assistance to the Council.

1 of such request, the grant shall not be accepted until approved by the Joint
2 Fiscal Committee or the Legislature. The 30-day period may be reduced where
3 expedited consideration is warranted in accordance with adopted Joint Fiscal
4 Committee policies. During the legislative session, the Joint Fiscal Committee
5 shall file a notice with the House and Senate clerks for publication in the
6 respective calendars of any grant approval requests that are submitted by the
7 administration.

8 (3) This section shall not apply to the acceptance of grants, gifts,
9 donations, loans, or other things of value with a value of \$5,000.00 or less, or
10 to the acceptance by the Department of Forests, Parks and Recreation of
11 grants, gifts, donations, loans, or other things of value with a value of
12 \$15,000.00 or less, provided that such acceptance will not incur additional
13 expense to the State or create an ongoing requirement for funds, services, or
14 facilities. The Secretary of Administration and Joint Fiscal Office shall be
15 promptly notified of the source, value, and purpose of any items received
16 under this subdivision. The Joint Fiscal Office shall report all such items to
17 the Joint Fiscal Committee quarterly.

18 (4) With respect to acceptance of the original of a federal transportation
19 earmark or of a discretionary federal grant for a transportation project, the
20 provisions of subdivisions (a)(1) and (a)(2) shall apply, except that in addition:

1 detour on a town highway, it shall be responsible for repairing any damage
2 caused by the detoured traffic.

3 * * *

4 Sec. 13. 23 V.S.A. § 1006a is amended to read:

5 § 1006a. HIGHWAYS; EMERGENCY CLOSURE

6 (a) The ~~traffic committee~~ Traffic Committee may close any part or all of
7 any ~~state~~ State highway to public travel to protect the health, safety, or welfare
8 of the public. In such event, the ~~agency of transportation shall properly mark~~
9 ~~and~~ Agency may maintain a detour comprising State or town highways, or
10 both, around the closed section. If the Agency maintains a detour on a town
11 highway, it shall be responsible for repairing any damage caused by the
12 detoured traffic.

13 * * *

14 * * * Surplus Property * * *

15 Sec. 14. 19 V.S.A. § 26 is amended to read:

16 § 26. PURCHASE AND SALE OF PROPERTY

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

18 (A) The Agency may purchase or lease any land, taking conveyance
19 in the name of the ~~state~~ State, when land is needed in connection with the
20 layout, construction, repair, and maintenance of any State highway, or the
21 reconstruction of the highway.

1 (3) Requiring the Agency to submit one consolidated transportation
2 system and activities report will facilitate the oversight and policy-setting work
3 of the Committees and better enable the public to evaluate the State’s
4 transportation system and the Agency’s activities.

5 Sec. 16. 19 V.S.A. § 42 is amended to read:

6 § 42. REPORTS PRESERVED; CONSOLIDATED TRANSPORTATION
7 REPORT

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

12 (b) Annually, on or before January 15, the Agency shall submit a
13 consolidated transportation system and activities report to the House and
14 Senate Committees on Transportation. The report shall consist of:

15 (1) Financial and performance data of all public transit systems, as defined
16 in 24 V.S.A. § 5088(6), that receive operating subsidies in any form from the State
17 or federal government, including subsidies related to the Elders and Persons with
18 Disabilities Transportation Program for service and capital equipment. This
19 component of the report shall:

20 (A) be developed in cooperation with the Public Transit Advisory
21 Council;

1 (B) be modeled on the Federal Transit Administration’s National Transit
2 Database Program with such modifications as appropriate for the various services
3 and guidance found in the most current State policy plan;

4 (C) show as a separate category financial and performance data on the
5 Elders and Persons with Disabilities Transportation Program;

6 (D) describe any action the Agency has taken pursuant to contractual
7 authority to terminate funding for routes or to request service changes for failure
8 to meet performance standards.

9 (2) Data on pavement conditions of the State highway system that, at a
10 minimum, shall include a pavement condition index that rates the State highway
11 system and the current and historic percentage of State highway pavement mileage
12 that is rated in poor or very poor condition.

13 (3) A description of the conditions of bridges, culverts, and other structures
14 on the State highway system and on town highways and of the status of the
15 accelerated bridge program.

16 (4) Department of Motor Vehicle data, including the number of vehicle
17 registrations and licenses issued, revenues by category, transactions by category,
18 commercial motor vehicle statistics, and any other information the Commissioner
19 deems relevant.

20 (5) A summary of updates to the Agency’s strategic plans and performance
21 measurements used in its strategic plans.

1 ~~describing the actual historic percentage of state system pavement which is~~
2 ~~rated as being in poor or very poor condition.~~

3 ~~(2) The agency shall report to the house and senate committees on~~
4 ~~transportation regarding alternate formats and measurements for this report.~~

5 [Repealed.]

6 ~~(1) The agency shall by January 15 of each year submit a report on the~~
7 ~~condition of bridges, culverts, and other structures on the state system and~~
8 ~~town highways to the house and senate committees on transportation. The~~
9 ~~agency shall report to the house and senate committees on transportation on~~
10 ~~alternate formats and measurements for this report. [Repealed.]~~

11 * * *

12 Sec. 18. 19 V.S.A. § 10e(c) is amended to read:

13 ~~(c) The agency of transportation shall, by January 15 of each year, submit a~~
14 ~~rail report to the members of the house and senate committees on~~
15 ~~transportation. The report shall include the status of projects programmed for~~
16 ~~delivery during the previous calendar year and a summary of any changes to~~
17 ~~the agency's organizational structure which may affect project delivery.~~

18 [Repealed.]

1 Sec. 19. 24 V.S.A. § 5092 is amended to read:

2 § 5092. ~~REPORTS~~

3 ~~The Agency of Transportation, in cooperation with the Public Transit~~
4 ~~Advisory Council, shall develop an annual report of financial and performance~~
5 ~~data of all public transit systems that receive operating subsidies in any form~~
6 ~~from the State or federal government, including subsidies related to the elders~~
7 ~~and persons with disabilities transportation program for service and capital~~
8 ~~equipment. Financial and performance data on the elders and persons with~~
9 ~~disabilities transportation program shall be a separate category in the report.~~
10 ~~The report shall be modeled on the Federal Transit Administration’s National~~
11 ~~Transit Database Program with such modifications as appropriate for the~~
12 ~~various services and guidance found in the most current state policy plan. The~~
13 ~~report shall describe any action taken by the Agency pursuant to contractual~~
14 ~~authority to terminate funding for routes or to request service changes for~~
15 ~~failure to meet performance standards. The Agency shall deliver the report to~~
16 ~~the General Assembly by January 15 of each year. Notwithstanding 2 V.S.A.~~
17 ~~§ 20(d), this annual report shall be produced indefinitely absent specific action~~
18 ~~by the General Assembly repealing the report. [Repealed.]~~

1 (3) Since adoption of the Vermont State Standards in 1997, the Agency
2 has prepared engineering guidance and policy and planning documents related
3 to roadway design, access management, bicycle and pedestrian design,
4 Complete Streets, and safety that provide supplemental direction to designers
5 of transportation projects in Vermont.

6 (4) Pursuant to 19 V.S.A. § 10c, the Agency has standing authority to
7 establish design standards.

8 (b) Prior to updating the Vermont State Standards, the Secretary of
9 Transportation shall establish a multi-disciplinary Stakeholders Group
10 consisting of representatives of public and private sector entities from the
11 various modes of transportation affected by the Vermont State Standards. The
12 Group shall include engineers, planners, resource specialists, operations staff,
13 and legal staff. The purpose of the Stakeholders Group will be to provide the
14 Agency with critical input in revising the Standards.

15 (c) Purpose and charge. The Stakeholders Group shall:

16 (1) Review the current Vermont State Standards and identify areas of
17 the Standards that require modification to be current with state-of-practice
18 transportation facility design, and modifications to be consistent with
19 supplemental design guidance and policies prepared by the Agency since 1997.
20 In fulfilling this primary duty, the Group shall also identify other related

1 Agency standards and guidance that would need to be addressed to align with
2 the revised Vermont State Standards.

3 (2) Identify barriers, gaps, and opportunities that exist in current Agency
4 design practices, standards, and guidance to address the needs of all
5 transportation modes in a variety of contexts.

6 (3) Document the opportunities that exist to modify the existing
7 Vermont State Standards to meet current state-of-the-industry practices.

8 (4) Prepare an implementation plan and associated schedule for
9 addressing the various components of the Vermont State Standards that require
10 modification.

11 (d) On or before March 15, 2015, the Agency shall submit a written report
12 of the Stakeholder Group findings and recommendations to the House and
13 Senate Committees on Transportation.

14 * * * Scrap Dealers; Railroad Scrap * * *

15 Sec. 21. 9 V.S.A. § 3021(8) is added to read:

16 (8) “Railroad scrap” means any scrap metal consisting primarily of the
17 steel components used in railroad tracks, including rails, joint bars, tie plates,
18 anchors, turnouts, frogs, and spikes. “Railroad scrap” also includes railroad
19 signals and signal components.

1 Sec. 22. 9 V.S.A. § 3022 is amended to read:

2 § 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,
3 ~~AND PROPRIETARY ARTICLES, AND RAILROAD SCRAP~~

4 (a) [Repealed.]

5 (b) A scrap metal processor may purchase nonferrous scrap, metal articles,
6 ~~and proprietary articles, and railroad scrap~~ only if the scrap metal processor
7 complies with all the following procedures:

8 (1) At the time of sale, the processor:

9 (A) Requires the seller to provide a current government-issued
10 photographic identification that indicates the seller's full name, current
11 address, and date of birth, and records in a permanent ledger the identification
12 information of the seller, the time and date of the transaction, the license
13 number of the seller's vehicle, and a description of the items received from the
14 seller.

15 (B) Requests and, if available, collects documentation from the seller
16 of the items offered for sale, such as a bill of sale, receipt, letter of
17 authorization, or similar evidence that establishes that the seller lawfully owns
18 the items to be sold.

19 (2) After purchasing an item from a person who fails to provide
20 documentation pursuant to subdivision (1)(B) of this subsection, the processor:

1 (A) Submits to the Department of Public Safety no later than the
2 close of the following business day a report that describes the item and the
3 seller’s identifying information required in subdivision (1)(A) of this
4 subsection.

5 (B) Holds the item for at least 10 days following purchase.

6 (c) The information collected by a scrap metal processor pursuant to this
7 section shall be retained for at least five years at the processor’s normal place
8 of business or other readily accessible and secure location. On request, this
9 information shall be made available to any law enforcement official or
10 authorized security agent of a governmental entity who provides official
11 credentials at the scrap metal processor’s business location during regular
12 business hours.

13 * * * Site Plan Review; Access to State Highways * * *

14 Sec. 23. 24 V.S.A. § 4416 is amended to read:

15 § 4416. SITE PLAN REVIEW

16 (a) As prerequisite to the approval of any use other than one- and
17 two-family dwellings, the approval of site plans by the appropriate municipal
18 panel may be required, under procedures set forth in subchapter 10 of this
19 chapter. In reviewing site plans, the appropriate municipal panel may impose,
20 in accordance with the bylaws, appropriate conditions and safeguards with
21 respect to: the adequacy of parking, traffic access, and circulation for

1 pedestrians and vehicles; landscaping and screening; the protection of the
2 utilization of renewable energy resources; exterior lighting; the size, location,
3 and design of signs; and other matters specified in the bylaws. The bylaws
4 shall specify the maps, data, and other information to be presented with
5 applications for site plan approval and a review process pursuant to section
6 4464 of this title.

7 (b) Whenever a proposed site plan involves access to a State highway, the
8 application for site plan approval shall include a letter of intent from the
9 Agency of Transportation confirming that the Agency has reviewed the
10 proposed site plan and is prepared to issue an access permit under 19 V.S.A.
11 § 1111, and setting out any conditions that the Agency proposes to attach to the
12 section 1111 permit.

13 * * * Survey Plats * * *

14 Sec. 24. 27 V.S.A. § 1404(a) is amended to read:

15 (a) Survey plats prepared and filed by municipal and ~~state~~ State
16 government agencies shall be exempt from subdivision ~~1403(b)(6)~~ 1403(b)(5)
17 of this title. Each plat sheet filed under this exemption shall contain a title area
18 in the lower right-hand corner of the sheet stating the location of the land, the
19 scale expressed in engineering units, and the date of compilation. Highway
20 plats or plans filed under this exemption shall also include right-of-way detail
21 sheets and a title sheet.

1 will not unduly delay consideration of the merits and that additional notice is
2 necessary for fair consideration of the application.

3 * * *

4 * * * Effective Dates * * *

5 Sec. 26. EFFECTIVE DATES

6 (a) This section and Secs. 6b and 6c shall take effect on passage.

7 (b) All other sections shall take effect on July 1, 2014.