

1 H.457

2 Introduced by Representatives Audette of South Burlington, Minter of
3 Waterbury, Aswad of Burlington, French of Randolph, Gilbert
4 of Fairfax, Head of South Burlington, Hooper of Montpelier,
5 Johnson of South Hero, Keenan of St. Albans City, Klein of
6 East Montpelier, Lanpher of Vergennes, Lorber of Burlington,
7 Masland of Thetford, McCullough of Williston, McDonald of
8 Berlin, O'Brien of Richmond, Poirier of Barre City, Pugh of
9 South Burlington, Stevens of Waterbury, Taylor of Barre City
10 and Zuckerman of Burlington

11 Referred to Committee on

12 Date:

13 Subject: Transportation; public transit

14 Statement of purpose: This bill proposes to enable the creation of regional
15 public transportation authorities.

16 An act relating to the creation of regional public transportation authorities

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

1 Sec. 1. The title of chapter 127 of Title 24 is redesignated to read:

2 CHAPTER 127. ~~MASS TRANSIT~~ REGIONAL PUBLIC
3 TRANSPORTATION AUTHORITIES

4 Sec. 2. 24 V.S.A. § 5101 is amended to read:

5 § 5101. DEFINITIONS

6 * * *

7 (3) “County” means one of the political jurisdictions established by the
8 general assembly under chapter 1 of Title 24.

9 (4) “Local public transportation” service means a mode or modes of
10 public transportation service financially supported in part by federal transit
11 administration funds that operate exclusively within the boundaries of a
12 municipality.

13 (5) “Regional public transportation” service means a mode or modes of
14 public transportation service financially supported in part by federal transit
15 administration funds that operate in more than one municipality or county.

16 Sec. 3. 24 V.S.A. § 5102 is amended to read:

17 § 5102. AREA OF OPERATION

18 The area of operation for an authority created under the provisions of this
19 chapter shall be the area of the member counties and adjacent municipalities.

1 Sec. 4. 24 V.S.A. § 5103 is amended to read:

2 § 5103. MEMBERSHIP IN AND VOTE TO ESTABLISH THE
3 AUTHORITY

4 Two or more public transportation providers now existing or created in the
5 future that serve two or more counties and the municipalities adjacent to those
6 counties may form a ~~mass~~ regional public transportation authority for the
7 purpose of delivering local and regional public transportation services.
8 Membership in the authority shall consist of those counties and adjacent
9 municipalities which elect to join the authority by majority vote of ~~its~~ their
10 voters present and voting on the question at an annual or special meeting duly
11 warned for that purpose. A vote on whether to form or add to a regional public
12 transportation authority will be conducted on a countywide basis in each
13 applicable county and on a municipal basis for adjacent municipalities. A
14 majority of the voters voting in the affirmative in each county to form or join a
15 regional public transportation authority shall be required. For adjacent
16 municipalities a majority of voters voting in the affirmative to join a regional
17 public transportation authority shall be required, and such votes shall not count
18 in the countywide vote tally. The ~~initial meeting of~~ election in a county or in
19 an adjacent municipality called to determine whether or not to join ~~the~~ an
20 authority shall be warned in the manner provided by law, except ~~that for such~~
21 ~~meeting only, any warning need not be posted~~ no warning is required to be
22 posted for a period in excess of 30 days in advance of the date of the election,

1 any other provision of law or municipal charter to the contrary
2 notwithstanding. ~~Membership~~ Once established, membership may be
3 terminated only in the manner provided in section 5109 of this title.

4 Sec. 5. 24 V.S.A. § 5104(11) is amended to read:

5 § 5104. PURPOSES AND POWERS

6 * * *

7 (11) within its area of operation, to acquire by the exercise of the power
8 of eminent domain any real property which it may ~~have found~~ find necessary
9 for its purposes, in the manner provided for the condemnation of land or rights
10 therein as set forth in sections 221-233 of Title 19 and acts amending or
11 supplementing those sections;

12 Sec. 6. 24 V.S.A. § 5105 is amended to read:

13 § 5105. GRAND LIST; DEBT LIMIT

14 The grand list of ~~the an~~ authority shall be deemed to be the total of the
15 grand lists of ~~member~~ included municipalities, and the debt limit of ~~the an~~
16 authority shall not be diminished by any obligation incurred by a ~~member~~
17 municipality alone. Obligations incurred under chapter 53 of this title shall be
18 the ~~joint and several~~ obligations of the authority and ~~of each member~~
19 ~~municipality but~~ shall not affect any limitation on indebtedness of a ~~member~~
20 municipality. The annual cost of debt service on outstanding debt shall be
21 included in the annual budget of ~~the an~~ authority ~~as provided in section 4108 of~~
22 ~~this title~~, and shall be allocated among the ~~member~~ included municipalities as

1 ~~provided in that section~~ in such a manner as the authority shall determine
2 through a policy adopted by its board of commissioners. Where voter approval
3 is required pursuant to chapter 53 of this title, the board of commissioners shall
4 determine the number and location of polling places. The voters of all
5 included counties and adjacent municipalities shall be authorized voters, and
6 when a majority of all the voters present and voting on the question ~~from all of~~
7 ~~the member municipalities at the meeting~~ vote to authorize the issuance of
8 bonds, the board of commissioners shall be authorized to issue the bonds as
9 provided in chapter 53 of this title. The counting of ballots shall be conducted
10 by the board of commissioners together with the town or city clerk from each
11 ~~member~~ included municipality or his or her designee.

12 Sec. 7. 24 V.S.A. § 5107 is amended to read:

13 § 5107. GOVERNMENT AND ORGANIZATION

14 (a) The powers, duties, and responsibilities of ~~the~~ an authority shall be
15 exercised by a board of commissioners, ~~consisting of two commissioners from~~
16 ~~each member municipality. The commissioners shall be appointed by and~~
17 ~~serve at the pleasure of the legislative body of the member municipality for~~
18 ~~terms of three years. Any vacancies on the board of commissioners shall be~~
19 ~~filled by the legislative body of the respective member municipality, but in the~~
20 ~~event that the legislative body fails to appoint a commissioner within two~~
21 ~~months from the date of the occurrence of the vacancy, the vacancy shall be~~
22 ~~filled by the board of commissioners. Commissioners shall serve without pay~~

1 who shall be appointed or elected according to a governance plan submitted to
2 and approved by the secretary of the agency of transportation and presented to
3 the voters prior to the vote authorized in section 5103 of this title. The plan
4 shall be developed by the existing public transportation service providers of the
5 proposed service area of the regional public transportation authority, but shall
6 provide that commissioners shall be appointed for terms of three years with
7 each term ending on June 30 and until a successor is duly appointed. Initial
8 terms may be staggered in the plan. Any vacancies on the board of
9 commissioners shall be filled in accordance with the approved plan, but in the
10 event that the appointing authority under the plan fails to appoint a
11 commissioner within two months from the date of the communication of the
12 vacancy, the vacancy shall be filled by the board of commissioners. The plan
13 shall contain a provision that provides for a process of amending the
14 appointment or election plan. Commissioners may be reimbursed for travel
15 and meals for authority business. The goal of the plan is to spread
16 representation geographically across the state and between urban and rural
17 portions of the authority. Representation shall be based upon populations
18 served by public transportation services and may include proportional
19 representation. The plan shall also include a process for transfer of public
20 transportation capital assets from existing service providers to the new public
21 transportation authority.

1 (b) In addition to the plan referenced in subsection (a) of this section, the
2 public transportation investment plan referenced in section 5108 of this title
3 must also be submitted to and approved by the secretary and made available to
4 the public at least 30 days prior to the vote regarding the formation of an
5 authority.

6 (c) Annually, the board of commissioners shall elect from among its
7 members a chair, vice chair, treasurer and secretary, and such other officers
8 that are necessary for the conduct of its business.

9 (d) The board of commissioners shall create advisory boards as it deems
10 necessary to ensure all stakeholders have access to the transit planning process
11 and address issues of service delivery in local communities.

12 ~~(e)~~(e) The board of commissioners may appoint a transit director, and may
13 authorize the transit director to employ such other personnel as is necessary for
14 the conduct of the business of the authority. The board of commissioners shall
15 have the power to prescribe their duties, fix their compensation, and delegate
16 to them such responsibilities for the management and control of the operation
17 of the authority, as its interest may require.

18 Sec. 8. 24 V.S.A. § 5108 is amended to read:

19 § 5108. ANNUAL BUDGET AND ASSESSMENTS

20 (a) The fiscal year of an authority shall be July 1 to June 30. On or before
21 ~~February~~ January 15 in each year the board of commissioners shall prepare a
22 budget for the authority for the next fiscal year, which shall include an estimate

1 of the revenue of the authority from fares and other sources, except
2 ~~membership~~ local and regional assessments, and the expenses for the next
3 fiscal year, including debt service. The board of commissioners shall ~~call a~~
4 ~~meeting of the residents of~~ conduct one or more public hearings within its
5 ~~member municipalities~~ regional service area for the purpose of presenting the
6 proposed budget. The ~~meeting~~ hearings shall be held at a place within the area
7 of operation and shall be warned by a notice published in a newspaper of
8 general circulation in each county of the area of operation at least 15 days prior
9 to the ~~meeting~~ hearing, which notice shall contain a copy of the proposed
10 budget or a summary of its principal provisions and a reference to the location
11 where either hard copies or electronic copies of the entire document may be
12 reviewed. Members of the legislative body of each ~~member~~ municipality in
13 the regional service area shall be notified of the meeting by ~~certified mail or~~
14 e-mail.

15 * * *

16 (c) The treasurer of the authority, following adoption of the budget, shall
17 apportion the sums required to be contributed by each ~~member~~ municipality
18 according to the ~~average number of weekly miles of service for the 12 month~~
19 ~~period preceding the adoption of the budget, for each member community, as~~
20 ~~compared to the average number of weekly miles of service for all member~~
21 ~~communities for the same period~~ assessment policy established by the board of
22 commissioners. The assessment policy shall differentiate between local public

1 transportation services and regional public transportation services and shall
2 equitably apportion the local and regional assessment in support of each. The
3 ~~formula~~ policy for apportionment may be changed by the board of
4 commissioners ~~with the concurrence of each of the legislative bodies of the~~
5 ~~member municipalities~~ at a regular meeting and after public hearings in the
6 regional service area. The treasurer of the authority shall immediately notify
7 the treasurer of each ~~member~~ included municipality and the ~~chairman~~
8 chairperson of the legislative body in each member municipality, of the
9 amount of such local assessment, and the member municipality shall add such
10 local assessment to its own budget and shall assess such tax as is necessary to
11 raise the amount of the assessment. The amount of the local assessment in
12 each member municipality shall be paid to the treasurer of the authority on or
13 before July 15 in each year.

14 (d) In the event that the budget of the authority in any year becomes
15 insufficient to support the operations of the authority, the board of
16 commissioners may assess the member municipalities for additional sums,
17 apportioned in the manner provided in this section. The additional local
18 assessment shall require the approval of each of the legislative bodies of the
19 member municipalities.

1 Sec. 9. 24 V.S.A. § 5108a is added to read:

2 § 5108a. REGIONAL PUBLIC TRANSPORTATION INVESTMENT PLAN

3 (a) Prior to the vote to establish a regional public transportation authority,
4 the boards of the local service providers that would be included in the regional
5 public transportation authority shall jointly develop a five-year regional public
6 transportation investment plan which shall be submitted to the secretary for his
7 or her approval. Such plan shall, at a minimum, detail the following:

8 (1) public transportation investments, both operating and capital, to be
9 made in the region over a five-year period;

10 (2) description of new services, and the type of service and market it is
11 intended to serve;

12 (3) local share percentages to be provided for existing and new local
13 services;

14 (4) state funds necessary to support local match requirements for new
15 regional services; and

16 (5) ridership projections for new services.

17 (b) New regional services funded by a regional public transportation
18 authority shall receive state funds for local match requirements under the
19 applicable federal program.

20 (c) The regional public transportation investment plan, once approved by
21 the secretary, shall represent a statement of the administration's intentions to
22 fund new public transportation services in that region for a five-year period.

1 The governor shall then include the funding necessary for the projects in the
2 regional public transportation investment plan in the recommended state
3 budget and include the projects in the recommended state transportation capital
4 program for each fiscal year of the investment plan.

5 Sec. 10. 24 V.S.A. § 5109 is amended to read:

6 § 5109. TERMINATION OF MEMBERSHIP

7 (a) A ~~member~~ county or adjacent municipality may withdraw from
8 membership in the authority, if notification of withdrawal is given more than
9 one year after the county or adjacent member municipality joined such
10 authority. The withdrawal shall take effect at the end of the first full fiscal
11 year following a notification of withdrawal. The notification shall be in the
12 form of a resolution duly adopted by a majority of the legislative bodies in the
13 county or by the legislative body of the withdrawing member an adjacent
14 municipality and delivered to the board of commissioners at a regular meeting.

15 * * *

16 Sec. 11. 24 V.S.A. § 5110 is amended to read:

17 § 5110. MISCELLANEOUS PROVISIONS

18 (a) The authority shall prepare an annual report of its activities, including a
19 financial statement, and submit the report to the legislative bodies of the
20 ~~member~~ municipalities in its regional service area.

21 * * *

1 Sec. 12. LEGISLATIVE STUDY ON REGIONAL TAXES FOR SUPPORT
2 OF PUBLIC TRANSPORTATION

3 (a) The legislative council and the legislative joint fiscal office shall
4 conduct a study that identifies and explores the effects of various taxing
5 mechanisms that can raise regional taxes for the support of regional public
6 transportation authorities. The study shall include the following:

7 (1) identification of how demographically similar states fund regional
8 public transportation services or authorities or both;

9 (2) identification of an appropriate type of regional tax to be levied in
10 support of regional public transportation;

11 (3) discussion of the appropriate policy relationship between the tax
12 imposed and the corresponding effect, if any, on the potential increase in
13 ridership for public transportation in the region;

14 (4) weighing the ease of collection of the tax within the current taxation
15 systems;

16 (5) discussion of the applicability and acceptability of the tax to the
17 service provided;

18 (6) discussion of proposed methods for voter approval of the regional
19 tax;

20 (7) discussion of the proposed level of taxation of that revenue source
21 compared to the level of taxation of demographically similar states.

1 (b) The legislative council and the joint fiscal office shall deliver the study
2 report to the house committees on ways and means and on transportation and
3 to the senate committees on finance and on transportation on January 15, 2011.

4 Sec. 13. UNIONS RETAIN RIGHTS UNDER LAW

5 Those employees of involved entities who are represented by a collective
6 bargaining organization shall remain represented in accordance with statutory
7 authority. Additional organization by collective bargaining entities may occur
8 as Vermont statutes permit. Notwithstanding anything to the contrary in law,
9 those portions of the authority whose employees are represented by collective
10 bargaining organizations shall remain represented by such organizations and
11 those portions which are not so represented shall remain in their current status.

12 Sec 14. EFFECTIVE DATE

13 This bill shall become effective on passage.