

H.784

Introduced by Committee on Transportation

Date:

Subject: Transportation; transportation program

Statement of purpose: This bill proposes to approve, with modifications, the state's transportation program for fiscal year 2011 and to make miscellaneous changes in statutes relating to transportation.

An act relating to the state's transportation program

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

~~Sec. 1. TRANSPORTATION PROGRAM~~

~~(a) The state's proposed fiscal year 2011 transportation program appended to the agency of transportation's proposed fiscal year 2011 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) the term "agency" means the agency of transportation;~~

~~(2) the term "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) the term "ARRA funds" refers to federal funds allocated to the state by the American Recovery and Reinvestment Act of 2009;~~

~~(5) the term "TIB funds" refers to monies deposited in the transportation infrastructure bond fund in accordance with 19 V.S.A. § 11f; and~~

~~(6) the column heading "TIB" in the agency's proposed fiscal year 2011 transportation program refers to TIB funds and to the proceeds of transportation infrastructure bonds issued pursuant to this act.~~

Sec. 2. RAIL

~~(a) A new project is added for Albany, New York – Bennington, Vermont – Rutland, Vermont bi-state intercity rail corridor track 3 planning with the following spending authority:~~

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,000,000	1,000,000
Total	0	1,000,000	1,000,000
<u>Source of funds</u>			
State	0	250,000	250,000
Federal	0	500,000	500,000
Local	0	250,000	250,000

4 (b) A new project is added for Amtrak Vermonter – New England Central
5 Railroad track 1 improvements with the following spending authority:

6	<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
7	Construction	0	26,231,846	26,231,846
8	Total	0	26,231,846	26,231,846

9 Sources of funds

10	State	0	0	0
11	Federal	0	0	0
12	ARRA	0	26,231,846	26,231,846
13	Local	0	0	0
14	Total	0	26,231,846	26,231,846

15 Sec. 3. DEPARTMENT OF MOTOR VEHICLES

16 ~~Spending authority for the department of motor vehicles is amended to read:~~

	<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18	Personal Services	15,786,441	15,786,441	0
19	Operating Expenses	8,377,553	8,303,553	-74,000
20	Grants	136,476	136,476	0
21	Total	24,300,470	24,226,470	-74,000

Sources of funds

State	23,096,730	23,022,730	-74,000
Federal	1,203,740	1,203,740	0
Total	24,300,470	24,226,470	-74,000

Sec. 4. PROGRAM DEVELOPMENT

Spending authority in program development is modified as follows:

(1) Among eligible projects selected in the secretary's discretion, the secretary shall replace project spending authority in the total amount of \$1,949,321.00 in transportation funds with the same amount in TIB funds.

(2) Among eligible projects selected in the secretary's discretion, the secretary shall replace project spending authority in the total amount of \$130,000.00 in transportation funds with the same amount in federal funds via the use of federal toll credits.

Sec. 5. AGENCY PERSONAL SERVICES SPENDING

Total spending authority for agency personal services is reduced by \$500,000.00 in transportation funds to reflect fiscal year 2011 pension benefit savings. The agency shall apportion the reduction among its programs and activities accordingly.

Sec. 6. PUBLIC TRANSIT

Spending authority for the public transit program is increased by \$30,000.00 in transportation funds. The agency shall allocate \$30,000.00 in

1 ~~transportation funds to fund a grant to the Vermont Kidney Association to~~
2 ~~support the transportation costs of dialysis patients.~~

3 * * * ARRA Maintenance of Effort – Appropriation Transfers * * *

4 Sec. 7. AMERICAN RECOVERY AND REINVESTMENT ACT;

5 TRANSPORTATION MAINTENANCE OF EFFORT

6 (a) ~~The general assembly finds that the state should maximize the federal~~
7 ~~money available for transportation. It is the intent of this section to assist the~~
8 ~~state in complying with the maintenance of effort requirements in section 1201~~
9 ~~of the American Recovery and Reinvestment Act of 2009 (ARRA), Public~~
10 ~~Law 111-5, which requires the state to certify and maintain planned levels of~~
11 ~~expenditure of state funds for the types of projects funded by ARRA during the~~
12 ~~period February 17, 2009, through September 30, 2010. Failure to maintain~~
13 ~~the certified level of effort will prohibit the state from receiving additional~~
14 ~~federal funds through the August 2011 redistribution of federal aid highway~~
15 ~~and safety programs.~~

16 (b) ~~Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or~~
17 ~~activity spending authority in the fiscal year 2010 and 2011 transportation~~
18 ~~programs, the secretary, with the approval of the secretary of administration~~
19 ~~and subject to the provisions of subsection (c) of this section, may transfer~~
20 ~~transportation fund or federal fund appropriations, other than appropriations~~
21 ~~for the town highway state aid, structures, and class 2 roadway programs, to~~

1 ~~redirect funding to activities eligible for inclusion in, and for the specific~~
2 purpose of complying with, the maintenance of effort requirements of section
3 1201 of the American Recovery and Reinvestment Act of 2009, Public Law
4 111-5. Any appropriations so transferred shall be expended on projects or
5 activities within the fiscal year 2010 or 2011 transportation programs.

6 (c) If a contemplated transfer of an appropriation would, by itself, have the
7 effect of significantly delaying the planned work schedule of a project which
8 formed the basis of the project's funding in the fiscal year of the contemplated
9 transfer, the secretary shall submit the proposed transfer for approval by the
10 house and senate committees on transportation when the general assembly is in
11 session, and when the general assembly is not in session, by the joint
12 transportation oversight committee. In all other cases, the secretary may
13 execute the transfer, giving prompt notice thereof to the joint fiscal office and
14 to the house and senate committees on transportation when the general
15 assembly is in session, and when the general assembly is not in session, to the
16 joint transportation oversight committee.

17 (d) This section shall be repealed on September 30, 2010.

~~*** FY 2011 Transportation Infrastructure Bonds ***~~

Sec. 8. AUTHORITY TO ISSUE TRANSPORTATION

INFRASTRUCTURE BONDS

(a) The state treasurer is authorized to issue transportation infrastructure bonds pursuant to 32 V.S.A. § 972 for the purpose of funding the appropriations of Sec. 9 of this act and associated costs of the transportation infrastructure bonds as defined in 32 V.S.A. § 972(b) in the amount of \$13,500,000.00 in fiscal year 2011.

(b) In the event that the state treasurer determines that the creation and funding of a bond reserve or debt service reserve is advisable to support the successful issuance of transportation infrastructure bonds, and that the balance of the TIB fund as of the end of fiscal year 2010 is insufficient to fund such reserves, the treasurer is authorized to increase the issue of transportation infrastructure bonds authorized in subsection (a) of this section up to a total amount of \$16,500,000.00.

Sec. 9. TRANSPORTATION INFRASTRUCTURE BONDS;

APPROPRIATION

The amount of up to \$13,500,000.00 from the issuance of transportation infrastructure bonds is appropriated in fiscal year 2011 to the agency of transportation program development appropriation (8100001100) for use on

1 ~~eligible projects as defined in 32 V.S.A. § 972(c) in the state's fiscal year 2011~~
2 transportation program.

3 * * * Transportation Infrastructure Bond Reserves * * *

4 Sec. 10. FISCAL YEAR END 2010 TRANSPORTATION FUND SURPLUS

5 Subject to the funding of the transportation fund stabilization reserve in
6 accordance with 32 V.S.A. § 308a and notwithstanding 32 V.S.A. § 308c
7 (transportation fund surplus reserve), any surplus in the transportation fund as
8 of the end of fiscal year 2010 up to a maximum amount of \$3,000,000.00 shall
9 be transferred to the TIB fund.

10 Sec. 11. AUTHORITY TO TRANSFER APPROPRIATIONS TO CREATE

11 TIB BOND RESERVES AS OF FISCAL YEAR END 2010

12 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
13 activity spending authority in the fiscal year 2010 transportation program, the
14 secretary, with the approval of the secretary of administration and subject to
15 the provisions of subsection (b) of this section, may transfer transportation
16 fund appropriations, other than appropriations for the town highway state aid,
17 structures, and class 2 roadway programs, or TIB fund appropriations, to the
18 TIB fund for the specific purpose of creating and funding as of the end of fiscal
19 year 2010 such TIB fund bond or debt service reserves in such form and in
20 such amounts as may be recommended by the treasurer to support the issuance
21 of transportation infrastructure bonds authorized by this act.

1 ~~(b) The secretary's authority under subsection (a) of this section to transfer~~
2 appropriations is limited to appropriations, the transfer of which, by itself, will
3 not have the effect of significantly delaying the planned fiscal year 2010 work
4 schedule of a project which formed the basis of the project's funding in fiscal
5 year 2010.

6 (c) When any appropriation is transferred pursuant to this section, the
7 secretary shall report the transfer to the joint fiscal office and to 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, to the joint transportation
10 oversight committee.

11 Sec. 12. CHANGE TO CONSENSUS REVENUE FORECAST

12 In the event the July 2010 consensus revenue forecast of fiscal year 2011
13 transportation fund revenue is increased above the January 2010 forecast, up to
14 \$3,000,000.00 of the increase shall be transferred to the TIB fund to create and
15 fund as of the end of fiscal year 2011 such TIB fund bond or debt service
16 reserves in such form and in such amounts as may be required under the terms
17 of, or recommended by the treasurer to support, the issuance of transportation
18 infrastructure bonds authorized by this act.

~~Sec. 13. AUTHORITY TO TRANSFER APPROPRIATIONS TO CREATE~~

~~TIB BOND RESERVES AS OF FISCAL YEAR END 2011~~

~~(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2011 transportation program, the secretary, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, to the TIB fund for the specific purpose of creating and funding as of the end of fiscal year 2011 such TIB fund bond or debt service reserves in such form and in such amounts as may be required under the terms of, or recommended by the treasurer to support, the issuance of transportation infrastructure bonds authorized by this act.~~

~~(b) The secretary's authority under subsection (a) of this section to transfer appropriations is limited to appropriations, the transfer of which, by itself, in the context of any spending authorized for the project in the fiscal year 2012 transportation program, will not have the effect of significantly delaying the planned work schedule of the project which formed the basis of the project's funding in fiscal years 2011 and 2012.~~

~~(c) The agency shall expedite the procedures required to determine the eligibility and certification of federal toll credits with respect to potentially~~

1 ~~qualifying capital expenditures made by Vermont entities through the end of~~
2 fiscal year 2010 which, subject to compliance with federal maintenance of
3 effort requirements, would be available for use by the state in fiscal year 2012.
4 The fiscal year 2012 transportation program shall reserve up to \$3,000,000.00
5 of such potentially available federal toll credits and federal formula funds and
6 authorize the secretary to utilize the federal toll credits and federal formula
7 funds to accomplish the objectives of this section.

8 (d) When any appropriation is transferred pursuant to this section, the
9 secretary shall report the transfer to the joint fiscal office and to the house and
10 senate committees on transportation when the general assembly is in session,
11 and when the general assembly is not in session, to the joint transportation
12 oversight committee.

13 * * * FY 2011 Contingent Transportation Bonding Authority * * *

14 Sec. 14. FY 2011 BONDING AUTHORITY

15 Notwithstanding 32 V.S.A. § 980 (authority to issue transportation
16 infrastructure bonds), the state treasurer is authorized to issue transportation
17 infrastructure bonds for fiscal year 2011 of up to \$10,000,000.00 more than the
18 amounts authorized in the preceding sections of this act, provided that the
19 agency of transportation requests and the general assembly, or if the general
20 assembly is not in session, the joint transportation oversight committee,
21 approves of such issue.

~~*** Central Garage ***~~

Sec. 15. TRANSFER TO CENTRAL GARAGE FUND

~~Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2011, 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.~~

Sec. 16. REPEAL

~~19 V.S.A § 13(g) (report on central garage activity, equipment rental, and~~
~~fleet condition) is repealed.~~

~~*** Notification of Emergency and Safety Projects; Reporting of~~
~~Expenditures and Carry Forwards ***~~

Sec. 17. 19 V.S.A. § 10g is amended to read:

§ 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

ADVANCEMENTS, CANCELLATIONS, AND DELAYS

(a) The agency of transportation shall annually present to the general assembly a multiyear transportation program covering the same number of years as the statewide transportation improvement plan (STIP), consisting of the recommended budget for all agency activities for the ensuing fiscal year and projected spending levels for all agency activities for the following fiscal years. The program shall include a description and year-by-year breakdown of recommended and projected funding of all projects proposed to be funded within the time period of the STIP and, in addition, a description of all projects

1 ~~which are not recommended for funding in the first fiscal year of the proposed~~
2 ~~program but which are projected to be ready~~ scheduled for construction ~~at that~~
3 ~~time (shelf projects)~~ during the time period covered by the STIP. The program
4 shall be consistent with the planning process established by No. 200 of the
5 Acts of the 1987 Adj. Sess. (1988), as codified in ~~3 V.S.A.~~ chapter 67 of
6 Title 3 and ~~24 V.S.A.~~ chapter 117 of Title 24, the statements of policy set forth
7 in sections 10b-10f of this title, and the long-range systems plan, corridor
8 studies, and project priorities developed through the capital planning process
9 under section 10i of this title.

10 * * *

11 (e)(1) The agency's annual transportation program shall include a separate
12 report summarizing with respect to the most recently ended fiscal year:

13 (A) all expenditures of funds by source; and

14 (B) all unexpended appropriations of transportation funds and TIB
15 funds that have been carried forward from the previous fiscal year to the
16 ensuing fiscal year.

17 (2) The summary shall identify expenditures and carry forwards for each
18 program category included in the proposed annual transportation program as
19 adopted for the closed fiscal year in question and such other information as the
20 agency deems appropriate.

21 * * *

1 ~~(g) The agency's annual transportation program shall include a separate~~
2 ~~report referencing this section describing all proposed projects in the program~~
3 ~~which would be new to the state transportation program if adopted.~~

(h) Should capital projects in the transportation program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or state funds, the secretary is authorized to advance projects in the approved transportation program, giving priority to shelf projects. The secretary is further authorized to undertake projects to resolve emergency or safety issues. *Upon authorizing a project to resolve an emergency or safety issue, the secretary shall give prompt notice of the decision and action taken 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, the joint transportation oversight committee.* ~~Upon authorizing a project to resolve an emergency or safety issue, the secretary shall promptly inform the members of the senate and house committees on transportation and the joint fiscal office of the decision and action taken.~~ Should an approved project in the current transportation program require additional funding to maintain the approved schedule, the agency is authorized to allocate the necessary resources. However, the secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are

~~not available. In such case, the secretary shall notify the members of the joint transportation oversight committee and the joint fiscal office.~~ With respect to projects in the approved transportation program, the secretary shall notify, in the district affected, the regional planning commission, the municipality, legislators, ~~and~~ members of the senate and house committees on transportation, ~~and the joint fiscal office~~ of any significant change in design, change in construction cost estimates requiring referral to the transportation board under ~~19 V.S.A. § section 10h of this title,~~ or any change which likely will affect the fiscal year in which the project is planned to go to construction. No project shall be cancelled without the approval of the general assembly.

* * * Joint Transportation Oversight Committee; Meetings * * *

Sec. 18. 19 V.S.A. § 12b is amended to read:

§ 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

(a) There is created a joint transportation oversight committee composed of the chairs of the house and senate committees on appropriations, the house and senate committees on transportation, the house committee on ways and means, and the senate committee on finance. The committee shall be chaired alternately by the chairs of the house and senate committees on transportation, and the ~~two-year~~ two-year term shall run concurrently with the biennial session of the legislature. The chair of the senate committee on transportation shall chair the committee during the 2009–2010 legislative session.

1 ~~(b) The committee shall meet during adjournment for official duties.~~

2 Meetings shall be convened by the chair and when practicable shall be
3 coordinated with the regular meetings of the joint fiscal committee. Members
4 shall be entitled to compensation and reimbursement pursuant to 2 V.S.A.
5 § 406. The committee shall have the assistance of the staff of the legislative
6 council and the joint fiscal office.

7 (c) The committee shall provide legislative overview of the transportation
8 fund revenues collection and the operation and administration of the agency of
9 transportation construction, paving and rehabilitation programs. The secretary
10 of transportation shall report to the oversight committee upon request.

11 (d)(1) In coordination with the regular meetings of the joint fiscal
12 committee, ~~the joint transportation oversight committee shall meet~~ in mid-July,
13 mid-September, and mid-November. ~~At these meetings,~~ the secretary shall
14 prepare a report on the status of the state's transportation finances and
15 transportation programs, including. If a meeting of the committee is not
16 convened on the scheduled dates of the joint fiscal committee meetings, the
17 secretary in advance shall transmit the report electronically to the joint fiscal
18 office for distribution to committee members. The report shall include a report
19 on contract bid awards versus project estimates and a detailed report on all
20 known or projected cost overruns, project savings and funding availability
21 from delayed projects; and the agency's actions taken or planned to cover the

1 ~~cost overruns and to reallocate the project savings and delayed project funds~~

2 with respect to:

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

4 and

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

10 (2) In addition, ~~at~~ with respect to the July meeting of the joint
11 ~~transportation oversight~~ fiscal committee, the ~~secretarys shall~~ secretary's report
12 ~~to the committee on~~ shall discuss the agency's plans to adjust spending to any
13 changes in the consensus forecast for transportation fund revenues.

14 * * * Vermont Bridge Maintenance Program * * *

15 Sec. 19. REPEAL

16 The following are repealed:

17 (1) 19 V.S.A. § 40 (Vermont bridge maintenance program).

18 (2) Sec. 56 of No. 80 of the Acts of 2005 (allocation of vehicle
19 inspection change revenue).

1 ~~Sec. 20. 23 V.S.A. § 1230 is amended to read:~~

2 ~~§ 1230. CHARGE~~

3 ~~For each inspection certificate issued by the department of motor vehicles,~~
4 ~~the commissioner shall be paid \$4.00 provided that state and municipal~~
5 ~~inspection stations that inspect only state or municipally owned and registered~~
6 ~~vehicles shall not be required to pay a fee. All vehicle inspection certificate~~
7 ~~charge revenue shall be allocated to the transportation fund with one-half~~
8 ~~reserved for bridge maintenance activities.~~

9 Sec. 21. CARRY-FORWARD AUTHORITY – BRIDGE MAINTENANCE

10 Notwithstanding any other provisions of law and subject to the approval of
11 the secretary of administration, transportation fund appropriations remaining
12 unexpended on June 30, 2010, in the transportation – bridge maintenance
13 appropriation (8100005400) shall be carried forward, shall be designated for
14 expenditure in the transportation – program development appropriation
15 (8100001100), and shall be used for the purpose of bridge maintenance.

16 * * * Vermont Route 114 Bridge Naming * * *

17 Sec. 22. VERMONT ROUTE 114 BRIDGE NAMING

18 Bridge #8 on Vermont Route 114 in the town of Lyndon shall be named the
19 “Cola H. Hudson Memorial Bridge.” In fiscal year 2011, the agency of
20 transportation shall place a commemorative plaque or erect a sign on or near
21 the bridge to reflect its naming. This plaque or sign shall conform to the

~~Federal Highway Administration's Manual on Uniform Traffic Control
Devices.~~

* * * Cancellation of Locally Managed Projects * * *

Sec. 23. 19 V.S.A. § 5(d) is amended to read:

(d) The board shall:

* * *

(12) maintain the accounting functions for the duties imposed by
~~9 V.S.A. chapter 108 of Title 9~~ separately from the accounting functions
relating to its other duties;

(13) hear and determine disputes involving a determination of the
agency under section 309c of this title that the municipality is responsible for
repayment of federal funds required by the Federal Highway Administration.

Sec. 24. 19 V.S.A. § 309c is added to read:

§ 309c. CANCELLATION OF LOCALLY MANAGED PROJECTS

(a) Notwithstanding section 309a of this title, a municipality or other local
sponsor responsible for a locally managed project through a grant agreement
with the agency shall be responsible for the repayment, in whole or in part, of
federal funds required by the Federal Highway Administration or other federal
agency because of cancellation of the project by the municipality or other local
sponsor due to circumstances or events wholly or partly within the
municipality's or other local sponsor's control. Prior to any such

1 ~~determination that cancellation of a project was due to circumstances or events~~
2 wholly or partly within a municipality's or other local sponsor's control, the
3 agency shall consult with the municipality or other local sponsor to attempt to
4 reach an agreement to determine the scope of the municipality's or other local
5 sponsor's repayment obligation.

6 (b) Within 15 days of an agency determination under subsection (a) of this
7 section, a municipality may petition the board for a hearing to determine if
8 cancellation of the project was due to circumstances or events in whole or in
9 part outside the municipality's control. The board shall hold a hearing on the
10 petition within 30 days of its receipt and shall issue an appropriate order within
11 30 days thereafter. If the board determines that cancellation of the project was
12 due in whole or in part to circumstances or events outside the municipality's
13 control, it shall order that the municipality's repayment obligation be reduced
14 proportionally, in whole or in part. The municipality shall have no obligation
15 to make a repayment under this section until the board issues its order.

16 * * * Renaming Caledonia County State Airport * * *

17 Sec. 25. CALEDONIA COUNTY STATE AIRPORT; RENAMING

18 The Caledonia County State Airport in Lyndonville shall be renamed the
19 "Thomas E. Winans State Airport." In fiscal year 2011, the agency of
20 transportation shall replace any existing road sign for the airport to reflect its

1 ~~renaming. Any such sign shall conform to the Federal Highway~~
2 Administration's Manual on Uniform Traffic Control Devices.

3 * * * Filing of Transportation Deeds and Leases * * *

4 Sec. 26. 3 V.S.A. § 103 is amended to read:

5 § 103. DOCUMENTS REQUIRED TO BE FILED

6 (a) All deeds, contracts of sale, leases, and other documents or copies of
7 same conveying land or an interest therein to the state, except for ~~highway~~
8 ~~rights-of-way~~ transportation rights-of-way, leases, and conveyances, shall be
9 filed in the office of the secretary of state.

10 (b) All deeds, contracts of sale, leases, and other documents conveying land
11 or an interest in land from the state as grantor, except for transportation
12 rights-of-way, leases, and conveyances, shall be made out in duplicate by the
13 authorized agent of the state. The original shall be delivered to the grantee and
14 the duplicate copy, so marked, shall be filed in the office of the secretary of
15 state.

16 (c) The secretary of state shall also record the state treasurer's bonds and
17 other documents required to be recorded in ~~his~~ the secretary of state's office
18 and give copies of the same upon tender of ~~his~~ the secretary of state's legal
19 fees.

~~*** Transportation Board; Town Reports ***~~

Sec. 27. 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, ~~transportation board~~, state board of health, commissioner for children and families, director of the office 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.

~~*** State-owned Railroad Property ***~~

Sec. 28. 5 V.S.A. § 3406(b) is amended to read:

(b) The secretary shall have authority, with the approval of the governor, to sell ~~to any person or legal entity part or all of any parcel of state-owned railroad property or rights therein, provided that the terms of the sale are approved by the legislature or, in the event that the general assembly is not in session, by the joint fiscal committee~~ within the right-of-way of a state-owned rail line, other than the rail line itself, which the secretary determines is no longer needed to support existing and planned operations on the rail line:

1 ~~(1) if the appraised value of the property is \$100,000.00 or above, with~~
2 ~~the prior approval of the general assembly of the sale and its terms, or, in the~~
3 ~~event that the general assembly is not in session, with the prior approval of the~~
4 ~~joint transportation oversight committee;~~

5 ~~(2) if the appraised value of the property is below \$100,000.00, without~~
6 ~~further approval.~~

7 Sec. 29. 5 V.S.A. § 3408 is amended to read:

8 § 3408. RAILBANKING; NOTIFICATION

9 (a) If the secretary finds that the continued operation of any state-owned
10 railroad property is not economically feasible under present conditions, he or
11 she may place the line in railbanked status after giving advance notice of such
12 planned railbanking to the house and senate committees on transportation
13 when the general assembly is in session, and when the general assembly is not
14 in session, to the joint transportation oversight committee. The agency, on
15 behalf of the state, shall continue to hold the right-of-way of a railbanked line
16 for reactivation of railroad service or for other public purposes not inconsistent
17 with future reactivation of railroad service. Such railbanking shall not be
18 treated, for purposes of any law or rule of law, as an abandonment of the use of
19 the rights-of-way for railroad purposes.

20 * * *

~~Sec. 30. APPROVAL OF TRANSACTIONS REGARDING~~

~~STATE- OWNED RAILROAD PROPERTY~~

~~(a) The secretary of transportation, as agent for the state of Vermont, is authorized to sell to New England Central Railroad, Inc., for fair market value, a segment of the so-called Fonda Branch of the former Central Vermont Railway, Inc. in the town of Swanton, beginning at approximate mile post 137.86 and extending northerly a distance of approximately 1.26 miles to approximate mile post 139.12, which is the northerly abutment of the railroad bridge over the Missisquoi River.~~

~~(b) The secretary, as agent for the state of Vermont, is authorized to sell to Shelburne Limestone Corporation, for fair market value, a segment of the so-called Fonda Branch of the former Central Vermont Railway, Inc. in the town of Swanton, beginning at approximate mile post 139.12, which is the northerly abutment of the railroad bridge over the Missisquoi River, and extending northerly a distance of approximately 0.58 miles to approximate mile post 139.70, which is the southwesterly line of U.S. Route 7.~~

~~(c) In aid of the descriptions contained in this section, reference may be had to valuation plans V8/138-140 for the former Central Vermont Railway Company (dated June 30, 1917); the October 17, 1973 quit-claim deed of Central Vermont Railway, Inc. to the St. Johnsbury & Lamoille County Railroad, which is recorded at book 81, page 278 of the Swanton land records;~~

1 ~~and the December 7, 1973 quit claim deed of the St. Johnsbury & Lamoille~~
2 County Railroad to the Vermont Transportation Authority, which is recorded at
3 book 81, page 368 of the Swanton land records.

4 * * * Passenger Rail Service * * *

5 Sec. 31. PASSENGER RAIL SERVICE; BURLINGTON TO RUTLAND TO
6 BENNINGTON TO ALBANY

7 (a) The agency of transportation shall prepare a comprehensive detailed
8 project plan to create passenger rail service from Burlington to Rutland to
9 Bennington to Albany, New York. The plan shall include rail, ties, and rail
10 bed installation and improvement, bridge repair where necessary, and safe
11 on-grade rail crossings where needed.

12 (b) The detailed project plan shall identify each task of the project
13 sequentially with a time schedule for the start and completion of each task and
14 include a Gantt chart, a cost estimate for each task, and a time rate of
15 expenditure of cost for the total project, including funding sources. The
16 comprehensive project plan shall be delivered to both the house and senate
17 committees on transportation on or before January 15, 2011.

18 * * * Establishing Speed Limits * * *

19 Sec. 32. 23 V.S.A. § 1003(a) is amended to read:

20 (a) When the traffic committee constituted under 19 V.S.A. § 1(24)
21 determines, on the basis of an engineering and traffic investigation that shall

1 ~~take into account, if applicable, safe speeds within school zones (or safe speeds~~
2 ~~within 200 feet of school district-operated prekindergarten program facilities)~~
3 ~~when children are traveling to or from such schools or facilities, that a~~
4 maximum speed limit established by this chapter is greater or less than is
5 reasonable or safe under conditions found to exist at any place or upon any part
6 of a state highway, ~~except~~ including the Dwight D. Eisenhower national
7 system of interstate and defense highways, it may determine and declare a
8 reasonable and safe limit which is effective when appropriate signs stating the
9 limit are erected. This limit may be declared to be effective at all times or at
10 times indicated upon the signs; and differing limits may be established for
11 different times of day, different types of vehicles, varying weather conditions,
12 or based on other factors, bearing on safe speeds which are effective when
13 posted upon appropriate fixed or alterable signs.

14 Sec. 33. 23 V.S.A. § 1004(a) is amended to read:

15 (a) The traffic committee has exclusive authority to make and publish, and
16 from time to time may alter, amend, or repeal, rules pertaining to vehicular,
17 pedestrian, and animal traffic, ~~speed limits,~~ and the public safety on the
18 Dwight D. Eisenhower national system of interstate and defense highways and
19 other limited access and controlled access highways within this state. The
20 rules and any amendments or revisions may be made by the committee only in
21 accordance with chapter 25 of Title 3. The rules shall be consistent with

1 ~~accepted motor vehicle codes or standards, shall be consistent with law, and~~
2 shall not be unreasonable or discriminatory in respect to persons engaged in
3 like, similar, or competitive activities. The rules are applicable only to the
4 extent that they are not in conflict with regulations or orders issued by any
5 agency of the United States having jurisdiction and shall be drawn with due
6 consideration for the desirability of uniformity of law of the several states of
7 the United States.

8 * * * Authorized Emergency and Enforcement Vehicles * * *

9 Sec. 34. 23 V.S.A. § 1011 is amended to read:

10 § 1011. APPLICABILITY OF THIS CHAPTER; AUTHORIZED
11 ENFORCEMENT VEHICLES

12 (a) The provisions of this chapter relating to the operation of motor
13 vehicles apply to operation upon public highways only, except where a
14 different place is specifically referred to.

15 (b)(1) ~~On-duty On-duty enforcement officers are exempt from the speed~~
16 ~~limits established in accordance with sections 1003 and 1007 of this title, and~~
17 ~~fixed by section 1081 of this title.;~~

18 (A) may park or stand contrary to the provisions of this chapter;

19 (B) may proceed past a red or stop signal or stop sign, but only after
20 slowing down as may be necessary for safe operation;

~~(C) shall come to a full stop when approaching a school bus flashing red lights and may proceed only when the flashing red lights are extinguished;~~

~~(D) may exceed the maximum speed limits;~~

~~(E) may disregard regulations governing direction of movement or turning in specified directions.~~

~~(2) Unless an officer is conducting covert operations, the exemptions granted in this subsection shall apply only when the officer's vehicle is displaying a signal lamp or sounding a siren meeting the requirements of this title.~~

~~(c) The provisions of subsection (b) of this section shall not relieve an on-duty officer from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the officer from the consequences of his or her reckless disregard for the safety of others.~~

~~(d) The operator of a school bus, upon the approach of an on-duty officer in a vehicle displaying a blue or blue and white signal lamp or sounding a siren, shall take action immediately to ensure the safety of the schoolchildren, and shall thereafter extinguish any flashing red lights.~~

Sec. 35. 23 V.S.A. § 1015 is amended to read:

§ 1015. AUTHORIZED EMERGENCY VEHICLES

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when responding to, but not returning from, a fire alarm and

1 ~~a law enforcement officer operating an authorized emergency vehicle in fresh~~
2 ~~pursuit of a suspected violator of the law:~~

3 (1) may park or stand contrary to the provisions of this chapter;

4 (2) may proceed past a red or stop signal or stop sign, but only after
5 slowing down as may be necessary for safe operation;

6 (3) shall come to a full stop when approaching a school bus ~~which is~~
7 flashing red lights and may proceed only when the flashing red lights are
8 extinguished;

9 (4) may exceed the maximum speed limits;

10 (5) may disregard regulations governing direction of movement or
11 turning in specified directions.

12 (b) The exemptions granted to an authorized emergency vehicle apply only
13 when the vehicle is ~~making use of audible or visual signals~~ displaying a signal
14 lamp or sounding a siren meeting the requirements of this title.

15 (c) The foregoing provisions shall not relieve the driver of an authorized
16 emergency vehicle from the duty to drive with due regard for the safety of all
17 persons, nor shall such provisions protect the driver from the consequences of
18 his or her reckless disregard for the safety of others.

19 (d) The operator of a school bus, upon the approach of an authorized
20 emergency vehicle ~~as described in subsection (a) of this section~~ displaying a
21 signal lamp or sounding a siren, shall take action immediately to ~~get school~~

1 ~~children out of the public highway and to a safe place ensure the safety of the~~
2 schoolchildren and shall thereafter extinguish ~~the~~ any flashing red lights.

3 * * * Out-of-state First Responder Vehicles * * *

4 Sec. 36. 23 V.S.A. § 1252(c) is added to read:

5 (c) Notwithstanding the provisions of subdivision (a)(2) of this section,
6 when responding to emergencies, out-of-state ambulances, fire vehicles, or
7 vehicles owned or leased by, or provided to, volunteer firefighters or rescue
8 squad members may use sirens and red or red and white signal lamps in
9 Vermont, and a permit shall not be required for such use, as long as the vehicle
10 is properly permitted in its home state.

11 * * * Replacement of Gasoline Dispensers * * *

12 Sec. 37. 10 V.S.A. § 583 is amended to read:

13 § 583. REPEAL OF STAGE II VAPOR RECOVERY REQUIREMENTS

14 (a) Effective January 1, 2013, all rules of the secretary pertaining to stage II
15 vapor recovery controls at gasoline dispensing facilities are repealed. The
16 secretary may not issue further rules requiring such controls. For purposes of
17 this section, "stage II vapor recovery" means a system for gasoline vapor
18 recovery of emissions from the fueling of motor vehicles as described in
19 42 U.S.C. § 7511a(b)(3).

20 (b) Prior to January 1, 2013, stage II vapor recovery rules shall not apply
21 to:

* * *

(4) Any existing gasoline dispensing facility that, after May 1, 2009, replaces all of its existing gasoline dispensers with ~~new~~ gasoline dispensers that support triple data encryption standard (TDES) usage or replaces one or more of its gasoline dispensers pursuant to a plan to achieve full TDES compliance, upon verification and approval by the secretary.

* * *

* * * Limited Access Facility Sign Restriction; Exemption * * *

Sec. 38. ON-PREMISE SIGN ON LIMITED ACCESS FACILITY

Notwithstanding the restriction on on-premise signs located as to be readable primarily from a limited access facility set forth in 10 V.S.A. § 495(b) and the requirement set forth in 10 V.S.A. § 493(1) that on-premise signs be erected no more than 1,500 feet from a main entrance from the highway to the activity or premises advertised, an on-premise sign directing traffic to the facilities of a postsecondary educational institution may be erected at the intersection of U.S. Route 4 Western Bypass and U.S. Route 7 in the town of Rutland.

Sec. 38. 10 V.S.A. § 495(b) is amended to read:

(b) No on-premise or exempt sign may be erected if it is so located as to be readable primarily from a limited access facility, except that this restriction shall not apply to signs directing traffic to facilities of postsecondary educational institutions.

* * * School Zone Warning Signs * * *

Sec. 39. 19 V.S.A. § 921 is amended to read:

§ 921. SCHOOL ZONES

1 ~~(a) Municipalities shall erect or cause to be erected on all public highways~~
2 ~~near a school warning signs bearing the legend "school zone." The signs shall~~
3 ~~conform conforming to the standards of the manual on uniform traffic control~~
4 ~~devices as provided in 23 V.S.A. § 1025.~~

5 (b) For the purposes of this section and 23 V.S.A. § 1025, the term
6 "school" shall include school district-operated prekindergarten program
7 facilities.

8 * * * Transportation Projects; Construction Claims * * *

9 Sec. 40. 19 V.S.A. § 5(d) is amended to read:

10 (d) The board shall:

11 * * *

12 (4) provide appellate review, when requested in writing, regarding legal
13 disputes in the execution of contracts awarded by the agency or by
14 municipalities cooperating with the agency to advance projects in the state's
15 transportation program;

16 * * *

17 * * * Transportation Contracts; Procurement Standards * * *

18 Sec. 41. 19 V.S.A. § 10 is amended to read:

19 § 10. DUTIES

20 The agency shall, except where otherwise specifically provided by law:

1 ~~(1) Award contracts on terms as it deems to be in the best interest of the~~
2 state, for the construction, repair, or maintenance of transportation related
3 facilities; for the use of any machinery or equipment either with or without
4 operators or drivers; for the operation, repair, maintenance, or storage of any
5 state-owned machinery or equipment; for professional engineering services,
6 inspection of work or materials, diving services, mapping services,
7 photographic services, including aerial photography or surveys, and any other
8 services, with or without equipment, in connection with the planning,
9 construction, and maintenance of transportation facilities. Persons rendering
10 these services shall not be within the classified service, and the services shall
11 not entitle the provider to rights under any state retirement system.
12 Notwithstanding ~~3 V.S.A. chapter 13 of Title 3,~~ the agency may contract for
13 services also provided by persons in the classified service, either at present or
14 at some time in the past. ~~Any contract of more than \$50,000.00 shall be~~
15 ~~advertised and awarded to the lowest qualified bidder unless determined~~
16 ~~otherwise by the board. The solicitation and award of contracts by the agency~~
17 shall follow procurement standards approved by the secretary of administration
18 as well as applicable federal laws and regulations.

19 * * *

20 * * * Relinquishment of State Highway Segments to Municipalities * * *

~~Sec. 42. RELINQUISHMENT OF FORMER VERMONT ROUTE 109 TO~~

~~TOWN OF BELVIDERE~~

~~(a) Under the authority of 19 V.S.A. § 15(2), approval is granted for the~~
~~secretary to enter into an agreement with the town of Belvidere to relinquish to~~
~~the town's jurisdiction a segment of former Vermont Route 109 beginning at a~~
~~point in the northerly right-of-way boundary of the present Vermont Route~~
~~109, said point also being the northerly right-of-way boundary of the former~~
~~Vermont Route 109, being 35 feet distant northerly radially from station 73+00~~
~~of the established centerline of Highway Project Belvidere S 0282(1); thence~~
~~155 feet, more or less, southeasterly, crossing the former Vermont Route 109,~~
~~to a point in the northerly right-of-way boundary of the present Vermont Route~~
~~109, said point also being in the southerly right-of-way boundary of the former~~
~~Vermont Route 109, being 45 feet distant northerly radially from station 74+55~~
~~of the centerline; thence northeasterly, easterly, and southeasterly along the~~
~~southerly right-of-way boundary of the former Vermont Route 109 to a point~~
~~in the northerly right-of-way boundary of the present Vermont Route 109,~~
~~being 70 feet distant northerly at right angle from station 82+15 of the~~
~~centerline; thence 79 feet, more or less, northeasterly crossing the former~~
~~Vermont Route 109 to a point in the northerly right-of-way boundary of~~
~~present Vermont Route 109, being 92 feet distant northerly at right angle from~~
~~station 82+90 of the centerline; thence northwesterly, westerly, and~~

1 ~~southwesterly along the northerly right of way boundary of the former~~
2 ~~Vermont Route 109 to the point and place of beginning.~~

3 ~~(b) The relinquishment shall include a three-rod (49.5') right-of-way and~~
4 ~~slope rights within the area and is subject to the rights of utility companies~~
5 ~~under chapter 71 of Title 30 and other statutes of similar effect.~~

*Sec. 43. RELINQUISHMENT OF U.S. ROUTE 5 AND NORWICH
STATE HIGHWAY IN THE TOWN OF NORWICH*

(a) Pursuant to 19 V.S.A. § 15(2), approval is granted for the secretary of transportation to enter into an agreement with the town of Norwich to relinquish to the town's jurisdiction a segment of the state highway known as VT Route 10A in the town of Norwich, beginning at the low-water mark of the Connecticut River at a point in the center of VT Route 10A and continuing 2,756 feet (approximately 0.52 miles) westerly to mile marker 1.218 where VT Route 10A intersects with U.S. Route 5 (this point also is station 78+00 on the U.S. Route 5 centerline of Highway Project Hartford-Norwich I 91-2(5)). The relinquishment shall continue 6,496 feet (approximately 1.230 miles) northerly and easterly along the center of U.S. Route 5 (Church Street) to its intersection with the Norwich State Highway at approximately U.S. Route 5 mile marker 2.448.

(b) Control of the highways but not ownership of the lands or easements within the highway right-of-way shall be relinquished to the town of Norwich. The town of Norwich shall not sell or abandon any portion of the relinquishment areas or allow any encroachments within the relinquishment areas without written permission of the agency of transportation.

6 ~~Sec. 43. RELINQUISHMENT OF U.S. ROUTE 5 AND NORWICH~~
7 ~~STATE HIGHWAY IN THE TOWN OF NORWICH~~

8 ~~(a) Pursuant to 19 V.S.A. § 15(2), approval is granted for the secretary of~~
9 ~~transportation to enter into an agreement with the town of Norwich to~~
10 ~~relinquish to the town's jurisdiction a segment of the state highway known as~~
11 ~~U.S. Route 5 (Church Street) in the town of Norwich, beginning at a point in~~

1 ~~the center of U.S. Route 5 which is 1,012 feet northerly of its intersection with~~
2 Vermont Route 10A approximately at mile marker 1.218. This point is also
3 station 78+00 on the U.S. Route 5 centerline of Highway Project
4 Hartford-Norwich I 91-2(5). The relinquishment shall continue 6,496 feet
5 (approximately 1.230 miles) northerly and easterly along the center of U.S.
6 Route 5 to its intersection with the Norwich State Highway approximately at
7 U.S. Route 5 mile marker 2.448.

8 (b) Pursuant to 19 V.S.A. § 15(2), approval is granted for the secretary of
9 transportation to enter into an agreement with the town of Norwich to
10 relinquish to the town's jurisdiction a segment of the state highway known as
11 Norwich State Highway, beginning at a point in the center of the Norwich
12 State Highway 110 feet northerly of its intersection with Vermont Route 10A.
13 This point is also station 1+10 on the Norwich State Highway centerline of
14 Highway Project Norwich S 0170(1). The relinquishment shall continue 5,961
15 feet (approximately 1.129 miles) northerly along the center of the Norwich
16 State Highway to its intersection with U.S. Route 5 approximately at Norwich
17 State Highway mile marker 1.150.

18 (c) Control of the highways but not ownership of the lands or easements
19 within the highway right-of-way shall be relinquished to the town of Norwich.
20 The town of Norwich shall not sell or abandon any portion of the

~~relinquishment areas or allow any encroachments within the relinquishment
areas without written permission of the agency of transportation.~~

* * * Town of Bennington; Adjustments to State Highway System * * *

Sec. 44. TOWN OF BENNINGTON; ADJUSTMENTS TO STATE
HIGHWAY SYSTEM

(a) Under the authority of 19 V.S.A. § 15(2), the general assembly
authorizes the secretary to enter into an agreement with the town of
Bennington to relinquish to the town's jurisdiction approximately 1.07 miles of
U.S. Route 7 (South Street) between mile marker 1.088 (near Carpenter Hill
Road [TH #48]) and mile marker 2.156 (near the entrance to the Park Lawn
Cemetery) to become a class 1 town highway.

(b) Under the authority of 19 V.S.A. § 15(2), the general assembly
authorizes the secretary to enter into an agreement with the town of
Bennington to accept as part of the state highway system approximately 1,300
feet of Vermont Route 9 (Main Street [TH #2]) between mile marker 5.655,
near the location of a crosswalk to be constructed under the transportation
project Bennington NH 019-1(51), and mile marker 5.901, which is the
existing jurisdictional boundary between the state highway and the class 1
town highway. The agreement shall provide for the town of Bennington to be
responsible for maintenance of sidewalks within the subject area.

~~*** Short range Public Transit Plan ***~~

Sec. 45. REPEAL

The following are repealed:

(1) 24 V.S.A. § 5088(7) (definition of “short range public transit plan”).

(2) 24 V.S.A. § 5091(f) (requirement that grantees shall be eligible for
funding only if a short range public transit plan has been completed).

~~*** Scenery Preservation Council ***~~

Sec. 46. The title of 10 V.S.A. chapter 19 is amended to read:

~~CHAPTER 19. SCENERY PRESERVATION COUNCIL~~ PROTECTION

Sec. 47. REPEAL

10 V.S.A. § 425 (scenery preservation council) is repealed.

Sec. 48. 19 V.S.A. § 2501 is amended to read:

§ 2501. STATE SCENIC ROADS; DESIGNATION AND
DISCONTINUANCE

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

1 ~~(b) Annually, the council agency shall provide information to the agency of~~
2 ~~commerce and community development on designated scenic roads for~~
3 ~~inclusion on state maps.~~

4 (c) A state scenic road shall not be reconstructed or improved unless the
5 reconstruction or improvement conforms to the standards established by the
6 agency of transportation pursuant to 10 V.S.A. § 425.

7 Sec. 49. 30 V.S.A. § 218c(d)(2) is amended to read:

8 (2) Prior to the adoption of any transmission system plan, a utility
9 preparing a plan shall host at least two public meetings at which it shall present
10 a draft of the plan and facilitate a public discussion to identify and evaluate
11 nontransmission alternatives. The meetings shall be at separate locations
12 within the state, in proximity to the transmission facilities involved or as
13 otherwise required by the board, and each shall be noticed by at least two
14 advertisements, each occurring between one and three weeks prior to the
15 meetings, in newspapers having general circulation within the state and within
16 the municipalities in which the meetings are to be held. Copies of the notices
17 shall be provided to the public service board, the department of public service,
18 any entity appointed by the public service board pursuant to subdivision
19 209(d)(2) of this title, the agency of natural resources, the division for historic
20 preservation, the department of health, ~~the scenery preservation council, the~~
21 ~~agency of transportation, the attorney general, the chair of each regional~~

1 ~~planning commission, each retail electricity provider within the state, and any~~
2 public interest group that requests, or has made a standing request for, a copy
3 of the notice. A verbatim transcript of the meetings shall be prepared by the
4 utility preparing the plan, shall be filed with the public service board and the
5 department of public service, and shall be provided at cost to any person
6 requesting it. The plan shall contain a discussion of the principal contentions
7 made at the meetings by members of the public, by any state agency, and by
8 any utility.

9 Sec. 50. 30 V.S.A. § 248(a)(4)(C) is amended to read:

10 (C) At the time of filing its application with the board, copies shall be
11 given by the petitioner to the attorney general and the department of public
12 service, and, with respect to facilities within the state, the department of health,
13 agency of natural resources, historic preservation division, ~~scenery~~
14 ~~preservation council~~, state planning office, agency of transportation, the
15 agency of agriculture, food and markets and to the chairperson or director of
16 the municipal and regional planning commissions and the municipal legislative
17 body for each town and city in which the proposed facility will be located.

18 * * * State Highways; Condemnation Procedures * * *

19 Sec. 51. 3 V.S.A. § 816(d) is added to read:

20 (d) Sections 809–814 of this title shall not apply to any acts, decisions,
21 findings, or determinations by the agency of transportation or the

1 ~~transportation board or their duly authorized agents under chapter 5 of Title 19~~
2 ~~or to any procedures or hearings before or by them or their agents under~~
3 ~~chapter 5 of Title 19.~~

4 Sec. 52. 5 V.S.A. § 652 is amended to read:

5 § 652. NECESSITY PETITION TO SUPERIOR COURT

6 The ~~secretary agency of transportation~~ or the legislative body of a
7 municipality, as defined in 24 V.S.A. § 2001, or the committee representing
8 two or more municipalities, when authorized by vote of their legislative bodies,
9 may petition ~~a superior judge~~ the secretary of transportation to designate a
10 hearing examiner as provided in ~~19 V.S.A. chapter 5 of Title 19~~, except as
11 otherwise provided in this subchapter.

12 Sec. 53. 19 V.S.A. § 502 is amended to read:

13 § 502. AUTHORITY; PRECONDEMNATION PROCEDURE

14 (a) The ~~transportation board agency~~, when in its judgment the interest of
15 the state requires, ~~shall request the agency to~~ may take any land or rights in
16 land, including easements of access, air, view and light, deemed necessary to
17 lay out, relocate, alter, construct, reconstruct, maintain, repair, widen, grade, or
18 improve any state highway including affected portions of town highways. All
19 property rights shall be taken in fee simple whenever practicable. In
20 furtherance of these purposes, the agency may enter upon land adjacent to the
21 proposed highway or upon other lands for the purpose of examination and

1 ~~making necessary surveys. However, that work shall be done with minimum~~
2 damage to the land and disturbance to the owners.

3 * * *

4 (c)(1) ~~A~~ Before initiating proceedings under this chapter for the acquisition
5 of any lands or rights, the agency shall hold a public hearing ~~shall be held~~ for
6 the purpose of receiving suggestions and recommendations from the public
7 ~~prior to the agency's initiating proceedings under this chapter for the~~
8 ~~acquisition of any lands or rights. The hearing shall be conducted by the~~
9 ~~agency. Public~~ The agency shall give public notice ~~shall be given~~ by printing
10 the official notice not less than 30 days prior to the hearing in a newspaper
11 having general circulation in the area affected. ~~A~~ The agency shall mail a copy
12 of the notice ~~shall be mailed to the board,~~ the legislative bodies of the
13 municipalities affected and send a copy ~~sent~~ by certified mail to all known
14 owners of lands and rights in land affected by the proposed improvement.

15 (2) The notice shall set forth the purpose for which the land or rights are
16 desired and shall generally describe the improvement to be made.

17 ~~The board may designate one or more members to attend the hearing and~~
18 ~~shall do so if a written request is filed with the board at least 10 days prior to~~
19 ~~the public hearing.~~

1 ~~(3) At the hearing the agency shall set forth the reasons for the selection~~
2 of the route intended and shall hear and consider all objections, suggestions for
3 changes, and recommendations made by any person interested.

4 ~~If no board member attended the hearing, a written request may be filed~~
5 ~~with the board within 30 days after the public hearing asking the board to~~
6 ~~review the project and the record of the hearing. In such event, the board shall~~
7 ~~complete its review within 30 days after the request.~~

8 ~~(4) Following the hearing, unless otherwise directed by the board, the~~
9 ~~agency may proceed to lay out the highway and survey and acquire the land to~~
10 ~~be taken or affected, giving consideration to any objections, suggestions, and~~
11 ~~recommendations received from the public.~~

12 (d) The agency shall not take land or any right in land that is owned by a
13 town or union school district and being used for school purposes until the
14 voters of the district have voted on the issue of taking at a meeting called for
15 that purpose. A Upon receiving notice of a public hearing under this section,
16 the town or union school district shall promptly call a special meeting of the
17 town or union school district shall be called promptly upon receiving notice of
18 a public hearing unless the annual meeting is to be held within 30 days after
19 receiving the notice of public hearing. Due In determining necessity, the
20 agency shall give due consideration shall be given by the court to the result of

1 ~~the vote, in addition to the other factors referred to in section 501 of this title,~~
2 ~~in determining necessity.~~

3 * * *

4 Sec. 54. 19 V.S.A. § 503 is amended to read:

5 § 503. SURVEY

6 When the agency of transportation desires to acquire land or any rights in
7 land for the purpose of laying out, relocating, altering, constructing,
8 reconstructing, maintaining, repairing, widening, grading or improving a state
9 highway, it shall cause the land to be acquired or affected to be surveyed.

10 Sec. 55. 19 V.S.A. § 504 is amended to read:

11 § 504. PETITION FOR HEARING TO DETERMINE NECESSITY;

12 HEARING EXAMINER

13 (a) ~~Upon~~ After completion of the survey, ~~unless the land or rights have~~
14 ~~been acquired by negotiation,~~ the agency ~~may~~ shall prepare a petition a
15 ~~superior judge,~~ setting forth ~~in the petition~~ that it proposes to acquire certain
16 land, or rights in land, and describing the lands or rights, ~~and the~~. The survey
17 shall be attached to the petition and made a part of the petition. The petition
18 shall set forth the purposes for which the land or rights are desired, and shall
19 ~~contain a request that the judge fix~~ request a time and place when ~~he or she, or~~
20 ~~some other superior judge,~~ a hearing examiner designated by the secretary will
21 hear all parties concerned and determine whether the taking is necessary.

~~(b) The secretary, in consultation with the board, shall approve a pool of three or more hearing examiners from which appointments shall be made. A hearing examiner shall not participate in deciding a matter in which he or she has a personal or pecuniary interest or the appearance of a personal or pecuniary interest.~~

Sec. 56. 19 V.S.A. § 505 is amended to read:

§ 505. HEARING TO DETERMINE NECESSITY

~~(a) The superior judge to whom the petition is presented hearing examiner shall fix the time for hearing, which shall not be more than 60 nor or less than 40 days from the date he or she signs the order notice. Likewise, he or she shall fix the place for hearing, which shall be the superior court or any other place within the county in which the land in question is located. If the superior judge to whom the petition is presented cannot hear the petition at the time set he or she shall call upon the administrative judge to assign another superior judge to hear the cause at the time and place assigned in the order.~~

(b) If the land proposed to be acquired extends into two or more counties, then a single hearing to determine necessity may be held in one of the counties. In fixing the place for hearing, the superior judge to whom the petition is presented hearing examiner shall take into consideration the needs of the parties.

~~(c) The hearing examiner shall conduct the hearing for the purpose of issuing findings of fact, conclusions of law, and a decision. The hearing examiner may administer oaths and otherwise exercise the powers of a judicial officer regarding the conduct of a fair and impartial hearing.~~

Sec. 57. 19 V.S.A. § 506 is amended to read:

§ 506. SERVICE AND PUBLICATION OF NECESSITY PETITION AND
NOTICE OF HEARING; ANSWER

* * *

(e) Unless an answer denying the necessity or propriety of the proposed taking is filed by one or more parties served or appearing in the proceedings on or before the date set in the notice of hearing on the petition, the necessity and propriety shall be deemed to be conceded, and the ~~court~~ hearing examiner shall so find.

Sec. 58. 19 V.S.A. § 507 is amended to read:

§ 507. HEARING AND ORDER OF NECESSITY

(a) At the time and place appointed for the hearing, ~~the court, consisting of the superior judge signing the order or the other superior judge as may be assigned and, if available within the meaning of 4 V.S.A. § 112, the assistant judges of the county in which the hearing is held~~ hearing examiner shall hear all persons interested and wishing to be heard. If any person owning or having an interest in the land to be taken or affected appears and objects to the

1 ~~necessity of taking the land included within the survey or any part of the~~
2 ~~survey, then the court shall require the agency of transportation to shall~~
3 proceed with the introduction of evidence of the necessity of the taking. The
4 burden of proof of the necessity of the taking shall be upon the agency of
5 ~~transportation~~ and shall be established by a fair preponderance of the evidence;
6 ~~and the.~~ The exercise of reasonable discretion upon the part of the agency
7 shall not be presumed. The court hearing examiner may cite in additional
8 parties including other property owners whose interest may be concerned or
9 affected and shall cause to be notified; the legislative body of all adjoining
10 cities, towns, villages, or other municipal corporations affected by any taking
11 of land or interest in land based on any ultimate order of the court. The court
12 hearing examiner shall make findings of fact and conclusions of law and shall
13 file them and any. Any party in interest may appeal under the rules of
14 appellate procedure adopted by the supreme court aggrieved by the decision of
15 a hearing examiner under this section may have the decision reviewed on the
16 record by the superior court pursuant to Rule 74 of the Vermont Rules of Civil
17 Procedure. The court hearing examiner shall, by its his or her order, determine
18 whether the necessity of the state requires the taking of the land and rights as
19 set forth in the petition and may find from the evidence that another route or
20 routes are preferable in which case the agency shall proceed in accordance

1 ~~with section 502 of this title and this section and may modify or alter the~~
2 ~~proposed taking in such respects as to the court may seem proper.~~

3 (b) By ~~its~~ his or her order, the ~~court~~ hearing examiner may also direct the
4 agency of ~~transportation~~ to install passes under the highway as specified in this
5 chapter for the benefit of the large modern farm properties, the fee title of
6 which is owned by any party to the proceedings, where a reasonable need is
7 shown by the owner. The ~~court~~ hearing examiner may consider evidence
8 relative to present and anticipated future highway traffic volume, future land
9 development in the area, and the amount and type of acreage separated by the
10 highway in determining the need for an underpass of larger dimensions than a
11 standard cattle-pass of reinforced concrete, metal, or other suitable material
12 which provides usable dimensions five feet wide by six feet three inches high.
13 Where a herd of greater than fifty milking cows is consistently maintained on
14 the property, the ~~court~~ hearing examiner may direct that the dimensions of the
15 larger underpass shall be eight feet in width and six feet three inches in height
16 to be constructed of reinforced concrete, ~~and~~. In such event, the owner of the
17 farm property shall pay one-fourth of the difference in overall cost between the
18 standard cattle-pass and the larger underpass. Where the owner of the farm
19 property desires an underpass of dimensions greater than eight feet in width
20 and six feet three inches in height, the underpass may be constructed if feasible
21 and in accordance with acceptable design standards, and the total additional

1 ~~costs over the dimensions specified shall be paid by the owner. The provisions~~
2 of this section shall not be interpreted to prohibit the agency of transportation
3 and the property owner from determining the specifications of a cattle-pass or
4 underpass by mutual agreement at any time, either prior or subsequent to the
5 date of the court's order. The owner of a fee title shall be interpreted to
6 include lessees of so-called lease land.

7 Sec. 59. 19 V.S.A. § 509 is amended to read:

8 § 509. PROCEDURE

9 (a) The stipulation shall be filed with the appropriate superior court,
10 ~~together with the~~ petition for an order of necessity. Notice of the hearing on
11 the petition shall be published in accordance with section 506 of this title.
12 Other interested persons who have not stipulated to necessity shall be notified
13 and served in accordance with section 506 of this title. The court hearing
14 examiner may also cite in additional parties in accordance with section 507 of
15 this title.

16 (b) If a person claiming to be affected or concerned files a notice of
17 objection to a proposed finding of necessity prior to the date of the hearing, the
18 ~~court hearing examiner~~ shall at the necessity hearing determine if the person
19 has an interest in lands or rights to be taken such as to be entitled to object to
20 the proposed finding of necessity, and, if he or she is so affected or concerned,
21 whether there is necessity for the taking, in accordance with section 507 of this

1 ~~title. Nothing in this section shall prohibit an interested person from~~
2 consenting to necessity. The ~~court~~ hearing examiner may continue the hearing
3 to allow proper preparation by the agency ~~of transportation~~ and interested
4 parties.

5 (c) If all interested persons and municipalities stipulate as to the necessity
6 of the taking, the ~~court~~ hearing examiner may immediately issue an order of
7 necessity.

8 (d) Interested persons or municipalities who do not consent to necessity are
9 entitled to a necessity hearing in accordance with the provisions of this chapter.

10 (e) ~~A~~ The agency shall mail by certified mail, return receipt requested, a
11 copy of the order finding necessity ~~shall be mailed~~ to each person and
12 municipality who consented by stipulation to necessity, ~~by certified mail,~~
13 ~~return receipt requested.~~

14 (f) The stipulation of necessity shall not affect the rights of the person with
15 regard to fixing the amount of compensation to be paid in accordance with
16 sections 511–514 of this title. However, the ~~transportation board~~ agency may
17 enter into an agreement for purchase of lands or rights affected, provided the
18 agreement is conditioned upon the issuance of an order of necessity.

1 ~~Sec. 60. 19 V.S.A. § 510 is amended to read:~~

2 § 510. APPEAL FROM ORDER OF NECESSITY

3 (a) ~~If the state, municipal corporation or any owner affected by the order of~~
4 ~~the court is aggrieved by the order~~ An interested person aggrieved by the order
5 of necessity may have the decision reviewed on the record by the superior
6 court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. If an
7 interested person is aggrieved by the order of the superior court, an appeal may
8 be taken to the supreme court. In the event an appeal is taken according to
9 these provisions from an order of necessity, its effect may be stayed by the
10 hearing examiner, the superior court, or the supreme court where the person
11 requesting the stay establishes:

12 (1) that he or she has a likelihood of success on the merits;

13 (2) that he or she will suffer irreparable harm in the absence of the
14 requested stay;

15 (3) that other interested parties will not be substantially harmed if a stay
16 is granted; and

17 (4) that the public interest supports a grant of the proposed stay.

18 (b) If no stay is granted at any stage of appeal or, if a stay is granted, upon
19 final disposition of ~~the any~~ appeal, the agency shall record a copy of the order
20 of ~~the court shall be recorded~~ necessity within 30 days in the office of the clerk
21 of each town in which the land affected lies.

1 ~~(c) Thereafter for a period of one year, the agency of transportation may~~
2 ~~request the transportation board to institute proceedings for the condemnation~~
3 ~~of the land included in the survey as finally approved by the court in the~~
4 ~~necessity hearing without further hearing or consideration of any question of~~
5 ~~the necessity of the taking. In no event shall title to or possession of the~~
6 ~~appealing landowner's property pass to the state until there is a final~~
7 ~~adjudication of the issue of the necessity and propriety of the proposed taking.~~

8 (d) If the agency of transportation is delayed in requesting the
9 ~~transportation~~ board to institute condemnation proceedings within the one-year
10 period by court actions or federal procedural actions, the time lost pending
11 final determination shall not be counted as part of the one-year necessity
12 period.

13 Sec. 61. 19 V.S.A. § 511 is amended to read:

14 § 511. HEARING TO DETERMINE AMOUNT OF COMPENSATION

15 (a) Following a determination of the necessity of the taking as above
16 provided, when an owner of land or rights and the agency of transportation are
17 unable to agree on the amount of compensation to be paid, and if the agency of
18 ~~transportation~~ desires to proceed with the taking, the ~~transportation~~ board shall
19 appoint a time and place in the county where the land is situated for examining
20 the premises and hearing parties interested, giving at least 10 days' notice in
21 writing to the person owning the land or having an interest in the land. At that

1 ~~time and place, a member or members of the transportation board shall hear~~
2 any person having an interest in the land and desiring to be heard.

3 (b) If the land proposed to be acquired extends into two or more counties,
4 the board may hold a single hearing in one of the counties to determine
5 compensation. In fixing the place for hearing, the ~~transportation~~ board shall
6 take into consideration the needs of the parties.

7 Sec. 62. 19 V.S.A. § 512 is amended to read:

8 § 512. ORDER FIXING COMPENSATION; INVERSE CONDEMNATION;
9 RELOCATION ASSISTANCE

10 (a) Within ~~45~~ 30 days after the compensation hearing, the ~~transportation~~
11 board shall by its order fix the compensation to be paid to each person from
12 whom land or rights are taken, ~~and~~. Within 30 days of the board's order, the
13 agency ~~of transportation~~ shall file and record the order in the office of the clerk
14 of the town where the land is situated, ~~and shall deliver to each person or~~
15 ~~persons~~ a copy of that portion of the order directly affecting the person ~~or~~
16 ~~persons~~ and shall pay or tender the award to each person entitled ~~which~~. A
17 person to whom a compensation award is paid or tendered under this
18 subsection may be accepted, retained and disposed accept, retain, and dispose
19 of the award to his or her own use without prejudice to the person's right of
20 appeal, as provided in section 513 of this title. Upon the payment or tender of

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

3 * * *

4 * * * Effective Dates * * *

5 ~~Sec. 46-63. EFFECTIVE DATES~~

6 ~~(a) The following sections of this act shall take effect on passage:~~

7 ~~(1) Sec. 7 (ARRA maintenance of effort – appropriation transfers).~~

8 ~~(2) Sec. 11 (TIB bond reserves end FY10).~~

9 ~~(3) Sec. 32 (speed limits).~~

10 ~~(4) Sec. 33 (traffic committee rulemaking).~~

11 ~~(5) Sec. 37 (replacement of gasoline dispensers). Notwithstanding~~

12 ~~1 V.S.A. § 214, Sec. 37 shall apply retroactively to gasoline dispensers~~

13 ~~installed at an existing gasoline dispensing facility after May 1, 2009.~~

14 ~~(b) All other sections of this act not specificallye numerated in subsection~~

15 ~~(a) of this section shall take effect on July 1, 2010.~~

Sec. 1. TRANSPORTATION PROGRAM

*(a) The state's proposed fiscal year 2011 transportation program
appended to the agency of transportation's proposed fiscal year 2011 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) the term "agency" means the agency of transportation;

(2) the term "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) the term “ARRA funds” refers to federal funds allocated to the state by the American Recovery and Reinvestment Act of 2009;

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

(6) the term “debt service reserve” refers to funds required to be segregated under the terms of a trust agreement entered into to secure transportation infrastructure bonds issued pursuant to subchapter 4 of chapter 13 of Title 32;

(7) the column heading “TIB” in the agency’s proposed fiscal year 2011 transportation program refers to TIB funds and to the proceeds of transportation infrastructure bonds issued pursuant to Sec. 13 of this act; and

(8) the term “TIB bond” refers to the proceeds of transportation infrastructure bonds issued pursuant to Sec. 19 of this act.

Sec. 2. RAIL

The following modifications are made to the rail program:

(1) A new project is added for Albany, New York – Bennington, Vermont – Rutland, Vermont bi-state intercity rail corridor track 3 planning with the following spending authority:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Other</i>	0	1,000,000	1,000,000
<i>Total</i>	0	1,000,000	1,000,000
<u>Source of funds</u>			
<i>State</i>	0	250,000	250,000
<i>Federal</i>	0	500,000	500,000
<i>Local</i>	0	250,000	250,000
<i>Total</i>	0	1,000,000	1,000,000

The local share indicated represents the state of New York participation in the project.

(2) A new project is added for Amtrak Vermonter – New England Central Railroad track 1 improvements with the following spending authority:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	0	26,231,846	26,231,846
Total	0	26,231,846	26,231,846
<u>Sources of funds</u>			
State	0	0	0
Federal	0	0	0
ARRA	0	26,231,846	26,231,846
Local	0	0	0
Total	0	26,231,846	26,231,846

Sec. 3. DEPARTMENT OF MOTOR VEHICLES

Spending authority for the department of motor vehicles is amended to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	15,786,441	15,786,441	0
Operating Expenses	8,377,553	8,303,553	-74,000
Grants	136,476	136,476	0
Total	24,300,470	24,226,470	-74,000
<u>Sources of funds</u>			
State	23,096,730	23,022,730	-74,000
Federal	1,203,740	1,203,740	0
Total	24,300,470	24,226,470	-74,000

* * * Program Development * * *

Sec. 4. PROGRAM DEVELOPMENT – ROADWAY

The following modifications are made to the program development — roadway program:

(1) Authorized spending on the Waterbury FEGC F 013-4(13) project is amended to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	100,000	100,000	0
Construction	0	350,000	350,000
Total	100,000	450,000	350,000

Sources of funds

State	3,000	3,000	0
TIB fund	0	10,500	10,500
Federal	95,000	427,500	332,500
Local	2,000	9,000	7,000
Total	100,000	450,000	350,000

(2) Authorized spending on the Cabot-Danville FEGC F 028-3(26)C/1 project is amended to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	100,000	100,000	0
Construction	500,000	447,500	-52,500
Total	600,000	547,500	-52,500

Sources of funds

State	5,000	5,000	0
TIB fund	25,000	14,500	-10,500
Federal	570,000	528,000	-42,000
Total	600,000	547,500	-52,500

(3) The following project has received a federal earmark and is added to program development – roadway program – roadway projects candidate list as follows:

Rutland STP 3000() - Rutland Center Street Marketplace Improvements - \$973,834.00; 100 percent federal funds.

Sec. 5. PROGRAM DEVELOPMENT – INTERSTATE BRIDGE

The following modification is made to the program development – interstate bridge program:

Authorized spending on the Littleton, NH – Waterford, VT IM 093-1() project (rehabilitation of I-93 bridges over CT River connecting VT and NH) is added to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	0	500,000	500,000
Total	0	500,000	500,000

Sources of funds

State	0	0	0
TIB fund	0	50,000	50,000
Federal	0	450,000	450,000
Total	0	500,000	500,000

Sec. 6. PROGRAM DEVELOPMENT – BIKE AND PEDESTRIAN FACILITIES

The following project has received a federal earmark and is added to program development – bike and pedestrian facilities – bike and pedestrian facilities candidates list:

Thetford STP 0180() – Thetford Village Pedestrian Improvements – \$438,225.00; 100 percent federal funds.

Sec. 7. 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 replace project spending authority in the total amount of \$1,949,321.00 in transportation funds with the same amount in TIB funds.

(2) Among eligible projects selected in the secretary's discretion, the secretary shall replace project spending authority in the total amount of \$130,000.00 in transportation funds with the same amount in federal funds via the use of federal toll credits.

* * * Aviation * * *

Sec. 8. AVIATION

The following modifications are made to the aviation program:

(1) Spending authority for the South Burlington – Burlington International AIP Program project is amended to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
ROW	4,050,000	4,050,000	0
Construction	10,880,000	10,850,000	-30,000
Total	14,930,000	14,900,000	-30,000

Sources of funds

State	218,200	447,000	228,800
Federal	14,183,500	14,155,000	-28,500
Local	528,300	298,000	-230,300

<i>Total</i>	<i>14,930,000</i>	<i>14,900,000</i>	<i>-30,000</i>
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(2) Spending authority for the Berlin CAP HQ project is amended to read as follows. The agency is authorized to proceed with the Berlin CAP HQ project if a federal earmark can be secured for the project.

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>PE</i>	<i>100,000</i>	<i>0</i>	<i>-100,000</i>
<i>Construction</i>	<i>900,000</i>	<i>0</i>	<i>-900,000</i>
<i>Total</i>	<i>1,000,000</i>	<i>0</i>	<i>-1,000,000</i>

Sources of funds

<i>State</i>	<i>100,000</i>	<i>0</i>	<i>-100,000</i>
<i>Federal</i>	<i>900,000</i>	<i>0</i>	<i>-900,000</i>
<i>Total</i>	<i>1,000,000</i>	<i>0</i>	<i>-1,000,000</i>

(3) Spending authority for Statewide – Facility Improvements is amended to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Construction</i>	<i>322,000</i>	<i>263,600</i>	<i>-58,400</i>
<i>Total</i>	<i>322,000</i>	<i>263,600</i>	<i>-58,400</i>

Sources of funds

<i>State</i>	<i>322,000</i>	<i>263,600</i>	<i>-58,400</i>
<i>Total</i>	<i>322,000</i>	<i>263,600</i>	<i>-58,400</i>

* * * Vermont Local Roads * * *

Sec. 9. TOWN HIGHWAY – VERMONT LOCAL ROADS

Spending authority for the town highway – Vermont local roads program is amended to read:

<u>FY11</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Grants</i>	<i>375,000</i>	<i>390,000</i>	<i>15,000</i>
<i>Total</i>	<i>375,000</i>	<i>390,000</i>	<i>15,000</i>

Sources of funds

<i>State</i>	<i>235,000</i>	<i>235,000</i>	<i>0</i>
<i>Federal</i>	<i>140,000</i>	<i>155,000</i>	<i>15,000</i>
<i>Total</i>	<i>375,000</i>	<i>390,000</i>	<i>15,000</i>

* * * Public Transit * * *

Sec. 10. PUBLIC TRANSIT

The following modifications are made to the public transit program:

(1) Spending authority for the public transit program is increased by \$30,000.00 in transportation funds. The agency shall allocate \$30,000.00 in transportation funds for a grant to the Vermont Kidney Association to support the transportation costs of dialysis patients.

(2) From the funds allocated to the public transit general capital program, \$100,000.00 in federal funds shall be held by the agency in reserve to cover shortfalls in the funding of the elders and persons with disabilities program (E&D) that occur as a result of unanticipated demand for non-Medicaid transportation services. Transit agencies that have grant agreements with the agency for the provision of E&D services shall be eligible to receive disbursements from the reserve. Disbursements from the reserve funds shall be limited to transit agencies that have administered appropriately constrained E&D programs.

* * * Personal Services Spending * * *

Sec. 11. AGENCY PERSONAL SERVICES SPENDING

Total spending authority for agency personal services is reduced by up to \$686,400.00 in transportation funds to reflect fiscal year 2011 personnel pension benefit savings. The agency shall apportion the reduction among its programs and activities accordingly.

* * * ARRA Maintenance of Effort – Appropriation Transfers * * *

**Sec. 12. AMERICAN RECOVERY AND REINVESTMENT ACT;
TRANSPORTATION MAINTENANCE OF EFFORT**

(a) The general assembly finds that the state should maximize the federal money available for transportation. It is the intent of this section to assist the state in complying with the maintenance of effort requirements in section 1201 of the American Recovery and Reinvestment Act of 2009 (ARRA), Public Law 111-5, which requires the state to certify and maintain planned levels of expenditure of state funds for the types of projects funded by ARRA during the period February 17, 2009 through September 30, 2010. Failure to maintain the certified level of effort will prohibit the state from receiving additional federal funds through the August 2011 redistribution of federal aid highway and safety programs.

(b) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2010 and 2011 transportation programs, the secretary, with the approval of the secretary of administration and subject to the provisions of subsection (c) of this section, may transfer transportation fund or federal fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to redirect funding to activities eligible for inclusion in, and for the specific

purpose of complying with, the maintenance of effort requirements of section 1201 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5. Any appropriations so transferred shall be expended on projects or activities within the fiscal year 2010 or 2011 transportation programs.

(c) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session, and when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary may execute the transfer, giving prompt notice thereof 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.

(d) This section shall expire on September 30, 2010.

** * * FY 2011 Transportation Infrastructure Bonds * * **

Sec. 13. AUTHORITY TO ISSUE TRANSPORTATION INFRASTRUCTURE BONDS

(a) The state treasurer is authorized to issue transportation infrastructure bonds pursuant to 32 V.S.A. § 972 for the purpose of funding the appropriations of Sec. 14 of this act and associated costs of the transportation infrastructure bonds as defined in 32 V.S.A. § 972(b) in the amount of \$13,500,000.00 in fiscal year 2011.

(b) The state treasurer is authorized to increase the issue of transportation infrastructure bonds authorized in subsection (a) of this section up to a total amount of \$16,500,000.00 in the event the state treasurer determines that:

(1) the creation and funding of a debt service reserve is advisable to support the successful issuance of transportation infrastructure bonds, or the cost of preparing, issuing, and marketing the bonds is likely to exceed \$202,500.00; and

(2) the balance of the TIB fund as of the end of fiscal year 2010 is insufficient to fund a debt service reserve and to pay associated issuance costs of the bonds.

Sec. 14. TRANSPORTATION INFRASTRUCTURE BONDS; APPROPRIATION

The amount of up to \$13,500,000.00 from the issuance of transportation infrastructure bonds is appropriated in fiscal year 2011 to the agency of

transportation program development appropriation (8100001100) for use on eligible projects as defined in 32 V.S.A. § 972(c) in the state's fiscal year 2011 transportation program.

* * * Transportation Infrastructure Bond Reserves * * *

Sec. 15. FISCAL YEAR END 2010 TRANSPORTATION FUND SURPLUS

Subject to the funding of the transportation fund stabilization reserve in accordance with 32 V.S.A. § 308a and notwithstanding 32 V.S.A. § 308c (transportation fund surplus reserve), any surplus in the transportation fund as of the end of fiscal year 2010 up to a maximum amount of \$3,000,000.00 shall be transferred to the TIB fund.

Sec. 16. AUTHORITY TO REDUCE FISCAL YEAR 2010 APPROPRIATIONS AND TRANSFER TRANSPORTATION FUNDS TO THE TIB FUND TO PAY FISCAL YEAR 2011 BOND OBLIGATIONS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2010 transportation program, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may reduce fiscal year 2010 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, and transfer in fiscal year 2010 the amount of the reductions from the transportation fund to the TIB fund for the specific purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds authorized by this act, to pay the issuance costs of such bonds, or to pay the principal and interest due on such bonds in fiscal year 2011.

(b) The secretary's authority under subsection (a) of this section to reduce appropriations is limited to appropriations, the reduction of which, by itself, will not have the effect of significantly delaying the planned fiscal year 2010 work schedule of a project which formed the basis of the project's funding in fiscal year 2010.

(c) When any appropriation is reduced pursuant to this section, the secretary shall report the reduction 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. 17. CHANGE TO CONSENSUS REVENUE FORECAST

In the event the July 2010 consensus revenue forecast of fiscal year 2011 transportation fund revenue is increased above the January 2010 forecast, the increase up to \$3,000,000.00 shall be transferred to the TIB fund to provide

the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds authorized by this act, to pay the issuance costs of such bonds, or to pay the principal and interest due on such bonds in fiscal year 2011 or fiscal year 2012.

Sec. 18. AUTHORITY TO REDUCE FISCAL YEAR 2011 APPROPRIATIONS AND TRANSFER THE BALANCE TO THE TIB FUND TO PAY FISCAL YEAR 2012 BOND OBLIGATIONS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2011 transportation program, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may reduce fiscal year 2011 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, and transfer in fiscal year 2011 the amount of the reductions from the transportation fund to the TIB fund for the specific purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds authorized by this act or to pay the principal and interest due on such bonds in fiscal year 2012.

(b) The secretary's authority under subsection (a) of this section to reduce appropriations is limited to appropriations, the reduction of which, by itself, in the context of any spending authorized for the project in the fiscal year 2011 transportation program, will not have the effect of significantly delaying the planned work schedule of the project which formed the basis of the project's funding in fiscal years 2011 and 2012.

(c) The agency shall expedite the procedures required to determine the eligibility and certification of federal toll credits with respect to potentially qualifying capital expenditures made by Vermont entities through the end of fiscal year 2010 which, subject to compliance with federal maintenance of effort requirements, would be available for use by the state in fiscal year 2012. The fiscal year 2012 transportation program shall reserve up to \$3,000,000.00 of such potentially available federal toll credits and federal formula funds and authorize the secretary to utilize the federal toll credits and federal formula funds to accomplish the objectives of this section.

(d) When any appropriation is reduced pursuant to this section, the secretary shall report the reduction 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.

* * * FY 2011 Contingent Transportation Bonding Authority * * *

Sec. 19. FY 2011 CONTINGENT BONDING AUTHORITY; WESTERN CORRIDOR GRANT APPLICATION

(a) Notwithstanding 32 V.S.A. § 980 (authority to issue transportation infrastructure bonds), the state treasurer is authorized to issue transportation infrastructure bonds for fiscal year 2011 of up to \$15,000,000.00 more than the amounts authorized in the preceding sections of this act, provided that the agency describes the proposed use of the funding and receives approval from the general assembly, or if the general assembly is not in session, the joint transportation oversight committee, of such issue and the proposed use of the funds.

(b) The agency is authorized to apply for a Federal Railroad Administration High-Speed Intercity Passenger Rail (HSIPR) grant to cover, in whole or in part, the cost of upgrading the state's western rail corridor for intercity passenger rail service. In applying for a grant, the agency is authorized to identify the bonds authorized by this section as a possible source of nonfederal match dollars which could be included in and would thereby strengthen the application. Upon its completion, the agency shall send an electronic copy of the grant application to the joint fiscal office.

(c) In the event transportation infrastructure bonds are issued pursuant to subsection (a) of this section for purposes other than the funding of the potential Federal Railroad Administration HSIPR grant referenced in subsection (b) of this section, the proposed spending of bond proceeds approved by the general assembly or by the joint transportation oversight committee is authorized, and the amount of the approved spending is appropriated to the programs as identified by the agency.

(d) In the event the state is awarded a Federal Railroad Administration HSIPR grant for infrastructure improvements to upgrade the state's western rail corridor for intercity passenger rail service as referenced in subsection (b) of this section:

(1) a project for the improvements covered by the grant is added to the state's transportation program;

(2) authority to spend the federal grant funds is added as follows and the specified amount of federal funds is appropriated to the rail program; and

(3) to the extent that other state funds are not available and transportation infrastructure bonds are issued pursuant to subsection (a) of this section to fund the project, authority to spend the bond proceeds on the project is added as follows and the specified amount of transportation infrastructure bond proceeds is appropriated to the rail program:

FY11

As Proposed

As Amended

Change

<i>Other</i>	<i>0</i>	<i>7,500,000</i>	<i>7,500,000</i>
<i>Total</i>	<i>0</i>	<i>7,500,000</i>	<i>7,500,000</i>
<u><i>Sources of funds</i></u>			
<i>TIB bond</i>	<i>0</i>	<i>1,500,000</i>	<i>1,500,000</i>
<i>Federal</i>	<i>0</i>	<i>6,000,000</i>	<i>6,000,000</i>
<i>Total</i>	<i>0</i>	<i>7,500,000</i>	<i>7,500,000</i>

** * * Central Garage * * **

Sec. 20. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2011, 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.

Sec. 21. REPEAL

19 V.S.A § 13(g) (report on central garage activity, equipment rental, and fleet condition) is repealed.

** * * Notification of Emergency and Safety Projects; Reporting of
Expenditures and Carry Forwards * * **

Sec. 22. 19 V.S.A. § 10g is amended to read:

*§ 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;
ADVANCEMENTS, CANCELLATIONS, AND DELAYS*

(a) The agency of transportation shall annually present to the general assembly a multiyear transportation program covering the same number of years as the statewide transportation improvement plan (STIP), consisting of the recommended budget for all agency activities for the ensuing fiscal year and projected spending levels for all agency activities for the following fiscal years. The program shall include a description and year-by-year breakdown of recommended and projected funding of all projects proposed to be funded within the time period of the STIP and, in addition, a description of all projects which are not recommended for funding in the first fiscal year of the proposed program but which are ~~projected to be ready~~ scheduled for construction ~~at that time (shelf projects)~~ during the time period covered by the STIP. The program shall be consistent with the planning process established by No. 200 of the Acts of the 1987 Adj. Sess. (1988), as codified in ~~3-V.S.A.~~ chapter 67 of Title 3 and ~~24-V.S.A.~~ chapter 117 of Title 24, the statements of policy set forth in sections 10b-10f of this title, and the long-range systems plan, corridor studies, and project priorities developed through the capital planning process under section 10i of this title.

* * *

(e)(1) The agency's annual transportation program shall include a separate report summarizing with respect to the most recently ended fiscal year:

(A) all expenditures of funds by source; and

(B) all unexpended appropriations of transportation funds and TIB funds that have been carried forward from the previous fiscal year to the ensuing fiscal year.

(2) The summary shall identify expenditures and carry forwards for each program category included in the proposed annual transportation program as adopted for the closed fiscal year in question and such other information as the agency deems appropriate.

* * *

(g) The agency's annual transportation program shall include a separate report referencing this section describing all proposed projects in the program which would be new to the state transportation program if adopted.

(h) Should capital projects in the transportation program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or state funds, the secretary is authorized to advance projects in the approved transportation program, giving priority to shelf projects. The secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the secretary shall give prompt notice of the decision and action taken 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. Should an approved project in the current transportation program require additional funding to maintain the approved schedule, the agency is authorized to allocate the necessary resources. However, the secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the secretary shall notify the members of the joint transportation oversight committee and the joint fiscal office. With respect to projects in the approved transportation program, the secretary shall notify, in the district affected, the regional planning commission, the municipality, legislators, and members of the senate and house committees on transportation, and the joint fiscal office of any significant change in design, change in construction cost estimates requiring referral to the transportation board under 19 V.S.A. § section 10h of this title, or any change which likely

will affect the fiscal year in which the project is planned to go to construction. No project shall be cancelled without the approval of the general assembly.

** * * Joint Transportation Oversight Committee; Meetings * * **

Sec. 23. 19 V.S.A. § 12b is amended to read:

§ 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

(a) There is created a joint transportation oversight committee composed of the chairs of the house and senate committees on appropriations, the house and senate committees on transportation, the house committee on ways and means, and the senate committee on finance. The committee shall be chaired alternately by the chairs of the house and senate committees on transportation, and the ~~two-year~~ two-year term shall run concurrently with the biennial session of the legislature. The chair of the senate committee on transportation shall chair the committee during the 2009–2010 legislative session.

(b) The committee shall meet during adjournment for official duties. Meetings shall be convened by the chair and when practicable shall be coordinated with the regular meetings of the joint fiscal committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § 406. The committee shall have the assistance of the staff of the legislative council and the joint fiscal office.

(c) The committee shall provide legislative overview of the transportation fund revenues collection and the operation and administration of the agency of transportation construction, paving and rehabilitation programs. The secretary of transportation shall report to the oversight committee upon request.

(d)(1) In coordination with the regular meetings of the joint fiscal committee, ~~the joint transportation oversight committee shall meet~~ in mid-July, mid-September, and mid-November. ~~At these meetings,~~ the secretary shall prepare a report on the status of the state's transportation finances and transportation programs, including. 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 contract bid awards versus project estimates and a detailed report on 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, ~~at~~ with respect to the July meeting of the joint transportation oversight fiscal committee, the secretaries shall ~~secretary's report to the committee on~~ shall discuss the agency's plans to adjust spending to any changes in the consensus forecast for transportation fund revenues.

* * * Vermont Bridge Maintenance Program * * *

Sec. 24. REPEAL

The following are repealed:

(1) 19 V.S.A. § 40 (Vermont bridge maintenance program).

(2) Sec. 56 of No. 80 of the Acts of 2005 (allocation of vehicle inspection charge revenue).

Sec. 25. 23 V.S.A. § 1230 is amended to read:

§ 1230. CHARGE

For each inspection certificate issued by the department of motor vehicles, the commissioner shall be paid \$4.00 provided that state and municipal inspection stations that inspect only state or municipally owned and registered vehicles shall not be required to pay a fee. All vehicle inspection certificate charge revenue shall be allocated to the transportation fund with one-half reserved for bridge maintenance activities.

Sec. 26. CARRY-FORWARD AUTHORITY – BRIDGE MAINTENANCE

Notwithstanding any other provisions of law and subject to the approval of the secretary of administration, transportation fund appropriations remaining unexpended on June 30, 2010, in the transportation – bridge maintenance appropriation (8100005400) shall be carried forward, shall be designated for expenditure in the transportation – program development appropriation (8100001100), and shall be used for the purpose of bridge maintenance.

* * * Transportation Projects; Construction Claims * * *

Sec. 27. 19 V.S.A. § 5(d) is amended to read:

(d) The board shall:

* * *

(4) provide appellate review, when requested in writing, regarding legal disputes in the execution of contracts awarded by the agency or by

municipalities cooperating with the agency to advance projects in the state's transportation program;

* * *

* * * *Transportation Contracts; Procurement Standards* * * *

Sec. 28. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The agency shall, except where otherwise specifically provided by law:

(1) Award contracts on terms as it deems to be in the best interest of the state, for the construction, repair, or maintenance of transportation related facilities; for the use of any machinery or equipment either with or without operators or drivers; for the operation, repair, maintenance, or storage of any state-owned machinery or equipment; for professional engineering services, inspection of work or materials, diving services, mapping services, photographic services, including aerial photography or surveys, and any other services, with or without equipment, in connection with the planning, construction, and maintenance of transportation facilities. Persons rendering these services shall not be within the classified service, and the services shall not entitle the provider to rights under any state retirement system. Notwithstanding ~~3 V.S.A. chapter 13 of Title 3~~, the agency may contract for services also provided by persons in the classified service, either at present or at some time in the past. ~~Any contract of more than \$50,000.00 shall be advertised and awarded to the lowest qualified bidder unless determined otherwise by the board.~~ The solicitation and award of contracts by the agency shall follow procurement standards approved by the secretary of administration as well as applicable federal laws and regulations.

* * *

* * * *Cancellation of Locally Managed Projects* * * *

Sec. 29. 19 V.S.A. § 5(d) is amended to read:

(d) The board shall:

* * *

(12) maintain the accounting functions for the duties imposed by ~~9 V.S.A. chapter 108 of Title 9~~ separately from the accounting functions relating to its other duties;

(13) hear and determine disputes involving a determination of the agency under section 309c of this title that the municipality is responsible for repayment of federal funds required by the Federal Highway Administration.

Sec. 30. 19 V.S.A. § 309c is added to read:

§ 309c. CANCELLATION OF LOCALLY MANAGED PROJECTS

(a) Notwithstanding section 309a of this title, a municipality or other local sponsor responsible for a locally managed project through a grant agreement with the agency shall be responsible for the repayment, in whole or in part, of federal funds required by the Federal Highway Administration or other federal agency because of cancellation of the project by the municipality or other local sponsor due to circumstances or events wholly or partly within the municipality's or other local sponsor's control. Prior to any such determination that cancellation of a project was due to circumstances or events wholly or partly within a municipality's or other local sponsor's control, the agency shall consult with the municipality or other local sponsor to attempt to reach an agreement to determine the scope of the municipality's or other local sponsor's repayment obligation.

(b) Within 15 days of an agency determination under subsection (a) of this section, a municipality may petition the board for a hearing to determine if cancellation of the project was due to circumstances or events in whole or in part outside the municipality's control. The board shall hold a hearing on the petition within 30 days of its receipt and shall issue an appropriate order within 30 days thereafter. If the board determines that cancellation of the project was due in whole or in part to circumstances or events outside the municipality's control, it shall order that the municipality's repayment obligation be reduced proportionally, in whole or in part. The municipality shall have no obligation to make a repayment under this section until the board issues its order.

** * * Filing of Transportation Deeds and Leases * * **

Sec. 31. 3 V.S.A. § 103 is amended to read:

§ 103. DOCUMENTS REQUIRED TO BE FILED

(a) All deeds, contracts of sale, leases, and other documents or copies of same conveying land or an interest therein to the state, except for ~~highway rights-of-way~~ transportation rights-of-way, leases, and conveyances, shall be filed in the office of the secretary of state.

(b) All deeds, contracts of sale, leases, and other documents conveying land or an interest in land from the state as grantor, except for transportation rights-of-way, leases, and conveyances, shall be made out in duplicate by the authorized agent of the state. The original shall be delivered to the grantee and the duplicate copy, so marked, shall be filed in the office of the secretary of state.

(c) *The secretary of state shall also record the state treasurer's bonds and other documents required to be recorded in ~~his~~ the secretary of state's office and give copies of the same upon tender of ~~his~~ the secretary of state's legal fees.*

** * * Transportation Board; Town Reports * * **

Sec. 32. 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, ~~transportation board~~, state board of health, commissioner for children and families, director of the office 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.

** * **

** * * Signs and Other Traffic Control Devices * * **

Sec. 33. 23 V.S.A. § 1025 is amended to read:

§ 1025. STANDARDS

(a) The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) for streets and highways as amended shall be the standards for all traffic control signs, signals, and markings within the state. The latest revision of the MUTCD shall be adopted upon its effective date except in the case of projects beyond a preliminary state of design that are anticipated to be constructed within two years of the otherwise applicable effective date; such projects may be constructed according to the MUTCD standards applicable at the design stage. Existing signs, signals, and markings shall be valid until such time as they are replaced or reconstructed. When new traffic control devices are erected or placed or existing traffic control devices are replaced or repaired the equipment, design, method of installation, placement or repair shall conform with ~~such standards~~ the MUTCD.

(b) ~~These~~ The standards of the MUTCD shall apply for both state and local authorities as to traffic control devices under their respective jurisdiction.

** * **

** * * School Zone Warning Signs * * **

Sec. 34. 19 V.S.A. § 921 is amended to read:

§ 921. SCHOOL ZONES

(a) Municipalities shall erect or cause to be erected on all public highways near a school warning signs ~~bearing the legend "school zone."~~ ~~The signs shall conform~~ conforming to the standards of the manual on uniform traffic control devices as provided in 23 V.S.A. § 1025.

(b) For the purposes of this section and 23 V.S.A. § 1025, the term "school" shall include school district-operated prekindergarten program facilities owned or leased by a school district.

** * * State Airports * * **

*Sec. 35. WILLIAM H. MORSE STATE AIRPORT (BENNINGTON);
AUTHORIZATION TO ACCEPT DONATION OF HANGAR*

(a) The secretary of transportation, as agent for the state of Vermont, is authorized to accept donation of an existing hangar building at the William H. Morse State Airport in the town of Bennington from Business Air, Inc., d/b/a Air Now. Notwithstanding 19 V.S.A. § 26a, the secretary is further authorized to enter into an amendment of Air Now's existing lease to allow Air Now to use the hangar building rent free, subject to Air Now's continuing to do business at the airport and maintaining the building at no expense to the state. In the event that Air Now ceases to do business at the airport or requests to assign its leasehold to some other person, the requirement to pay fair market value rent pursuant to 19 V.S.A. § 26a shall resume.

(b) Upon accepting conveyance of the hangar building under subsection (a) of this section, the secretary of transportation shall notify the secretary of administration so the hangar building can be added to the inventory of state-owned buildings maintained for purposes of 32 V.S.A. §§ 3701–3707.

** * * State-owned Railroad Property * * **

Sec. 36. 5 V.S.A. § 3406(b) is amended to read:

(b) ~~The secretary shall have authority, with the approval of the governor, to sell to any person or legal entity part or all of any parcel of state-owned railroad property or rights therein, provided that the terms of the sale are approved by the legislature or, in the event that the general assembly is not in session, by the joint fiscal committee~~ subject to the following conditions:

(1) the property is located more than 33 feet from the centerline of main line track (or former main line track), and the secretary determines that the property no longer is needed for railroad operating purposes or for railbanking under section 3408 of this title; and

(2)(A) if the appraised value of the property is \$100,000.00 or above, with the prior approval of the general assembly of the sale and its terms, or, in the event that the general assembly is not in session, with the prior approval of the joint transportation oversight committee; or

(B) if the appraised value of the property is below \$100,000.00, without further approval.

Sec. 37. 5 V.S.A. § 3408 is amended to read:

§ 3408. RAILBANKING; NOTIFICATION

(a) If the secretary finds that the continued operation of any state-owned railroad property is not economically feasible under present conditions, he or she may place the line in railbanked status after giving advance notice of such planned railbanking 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. The agency, on behalf of the state, shall continue to hold the right-of-way of a railbanked line for reactivation of railroad service or for other public purposes not inconsistent with future reactivation of railroad service. Such railbanking shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of the rights-of-way for railroad purposes.

* * *

Sec. 38. APPROVAL OF TRANSACTIONS REGARDING STATE-OWNED RAILROAD PROPERTY

(a) The secretary of transportation, as agent for the state of Vermont, is authorized to sell to New England Central Railroad, Inc., for fair market value, a segment of the so-called Fonda Branch of the former Central Vermont Railway, Inc. in the town of Swanton, beginning at approximate mile post 137.86 and extending northerly a distance of approximately 1.26 miles to approximate mile post 139.12, which is the northerly abutment of the railroad bridge over the Missisquoi River.

(b) The secretary, as agent for the state of Vermont, is authorized to sell to Shelburne Limestone Corporation, for fair market value, a segment of the so-called Fonda Branch of the former Central Vermont Railway, Inc. in the town of Swanton, beginning at approximate mile post 139.12, which is the northerly abutment of the railroad bridge over the Missisquoi River, and extending northerly a distance of approximately 0.58 miles to approximate mile post 139.70, which is the southwesterly line of U.S. Route 7.

(c) In aid of the descriptions contained in this section, reference may be had to valuation plans V8/138-140 for the former Central Vermont Railway Company (dated June 30, 1917); the October 17, 1973 quit-claim deed of

Central Vermont Railway, Inc. to the St. Johnsbury & Lamoille County Railroad, which is recorded at book 81, page 278 of the Swanton land records; and the December 7, 1973 quit-claim deed of the St. Johnsbury & Lamoille County Railroad to the Vermont Transportation Authority, which is recorded at book 81, page 368 of the Swanton land records.

** * * Out-of-State First Responder Vehicles * * **

Sec. 39. 23 V.S.A. § 1251 is amended to read:

§ 1251. SIRENS AND COLORED SIGNAL LAMPS; OUT OF STATE EMERGENCY AND RESCUE VEHICLES

(a) No motor vehicle shall be operated upon a highway of this state equipped with a siren or signal lamp colored other than amber unless a permit authorizing such equipment, issued by the commissioner of motor vehicles, is carried in the vehicle. The commissioner may adopt additional rules as may be required to govern the acquisition of permits and the use pertaining to sirens and colored signal lamps.

(b) Notwithstanding the provisions of subsection (a) of this section, when responding to emergencies, law enforcement vehicles, ambulances, fire vehicles, or vehicles owned or leased by, or provided to, volunteer firefighters or rescue squad members which are registered or licensed by another state or province may use sirens and signal lamps in Vermont, and a permit shall not be required for such use, as long as the vehicle is properly permitted in its home state or province.

** * * Establishing Speed Limits * * **

Sec. 40. 23 V.S.A. § 1003(a) is amended to read:

(a) When the traffic committee constituted under 19 V.S.A. § 1(24) determines, on the basis of an engineering and traffic investigation that shall take into account, if applicable, safe speeds within school zones (or safe speeds within 200 feet of school district-operated prekindergarten program facilities owned or leased by a school district) when children are traveling to or from such schools or facilities, that a maximum speed limit established by this chapter is greater or less than is reasonable or safe under conditions found to exist at any place or upon any part of a state highway, ~~except~~ including the Dwight D. Eisenhower national system of interstate and defense highways, it may determine and declare a reasonable and safe limit which is effective when appropriate signs stating the limit are erected. This limit may be declared to be effective at all times or at times indicated upon the signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, or based on other factors, bearing on safe speeds which are effective when posted upon appropriate fixed or alterable signs.

Sec. 41. 23 V.S.A. § 1004(a) is amended to read:

(a) The traffic committee has exclusive authority to make and publish, and from time to time may alter, amend, or repeal, rules pertaining to vehicular, pedestrian, and animal traffic, ~~speed limits~~, and the public safety on the Dwight D. Eisenhower national system of interstate and defense highways and other limited access and controlled access highways within this state. The rules and any amendments or revisions may be made by the committee only in accordance with chapter 25 of Title 3. The rules shall be consistent with accepted motor vehicle codes or standards, shall be consistent with law, and shall not be unreasonable or discriminatory in respect to persons engaged in like, similar, or competitive activities. The rules are applicable only to the extent that they are not in conflict with regulations or orders issued by any agency of the United States having jurisdiction and shall be drawn with due consideration for the desirability of uniformity of law of the several states of the United States.

** * * Special Occasions * * **

Sec. 42. 23 V.S.A. § 1010 is amended to read:

§ 1010. SPECIAL OCCASIONS; TOWN HIGHWAY MAINTENANCE

(a) When it appears that traffic will be congested by reason of a public occasion or when a town highway is being reconstructed or maintained or where utilities are being installed, relocated, or maintained, the legislative body of a municipality may make special regulations as to the speed of motor vehicles, may exclude motor vehicles from ~~certain public~~ town highways and may make such traffic rules and regulations as the public good requires. However, signs indicating the special regulations must be conspicuously posted in and near all affected areas, giving as much notice as possible to the public so that alternative routes of travel could be considered.

** * **

** * * Replacement of Gasoline Dispensers * * **

Sec. 43. 10 V.S.A. § 583 is amended to read:

§ 583. REPEAL OF STAGE II VAPOR RECOVERY REQUIREMENTS

(a) Effective January 1, 2013, all rules of the secretary pertaining to stage II vapor recovery controls at gasoline dispensing facilities are repealed. The secretary may not issue further rules requiring such controls. For purposes of this section, "stage II vapor recovery" means a system for gasoline vapor recovery of emissions from the fueling of motor vehicles as described in 42 U.S.C. § 7511a(b)(3).

(b) Prior to January 1, 2013, stage II vapor recovery rules shall not apply to:

** * **

(4) Any existing gasoline dispensing facility that, after May 1, 2009, replaces all of its existing gasoline dispensers with ~~new~~ gasoline dispensers that support triple data encryption standard (TDES) usage or replaces one or more of its gasoline dispensers pursuant to a plan to achieve full TDES compliance, upon verification and approval by the secretary.

** * **

** * * Relinquishment of State Highway Segments to Municipalities * * **

Sec. 44. RELINQUISHMENT OF FORMER VERMONT ROUTE 109 TO TOWN OF BELVIDERE

(a) Under the authority of 19 V.S.A. § 15(2), approval is granted for the secretary to enter into an agreement with the town of Belvidere to relinquish to the town's jurisdiction a segment of former VT Route 109 beginning at a point in the northerly right-of-way boundary of the present VT Route 109, said point also being the northerly right-of-way boundary of the former VT Route 109, being 35 feet distant northerly radially from station 73+00 of the established centerline of Highway Project Belvidere S 0282(1); thence 155 feet, more or less, southeasterly, crossing the former VT Route 109, to a point in the northerly right-of-way boundary of the present VT Route 109, said point also being in the southerly right-of-way boundary of the former VT Route 109, being 45 feet distant northerly radially from station 74+55 of the centerline; thence northeasterly, easterly, and southeasterly along the southerly right-of-way boundary of the former VT Route 109 to a point in the northerly right-of-way boundary of the present VT Route 109, being 70 feet distant northerly at right angle from station 82+15 of the centerline; thence 79 feet, more or less, northeasterly crossing the former VT Route 109 to a point in the northerly right-of-way boundary of present VT Route 109, being 92 feet distant northerly at right angle from station 82+90 of the centerline; thence northwesterly, westerly, and southwesterly along the northerly right-of-way boundary of the former VT Route 109 to the point and place of beginning.

(b) The relinquishment shall include a three-rod (49.5 feet) right-of-way and slope rights within the area and is subject to the rights of utility companies under chapter 71 of Title 30 and other statutes of similar effect.

Sec. 45. RELINQUISHMENT OF HIGHWAY SEGMENTS IN THE TOWN OF NORWICH

(a) Pursuant to 19 V.S.A. § 15(2), approval is granted for the secretary of transportation to enter into an agreement with the town of Norwich to

relinquish to the town's jurisdiction a segment of the state highway known as VT Route 10A in the town of Norwich, beginning at the low-water mark of the Connecticut River at a point in the center of VT Route 10A and continuing 2,756 feet (approximately 0.52 miles) westerly to mile marker 1.218 where VT Route 10A intersects with U.S. Route 5 (this point also is station 78+00 on the U.S. Route 5 centerline of Highway Project Hartford-Norwich I 91-2(5)). The relinquishment shall continue 6,496 feet (approximately 1.230 miles) northerly and easterly along the center of U.S. Route 5 (Church Street) to its intersection with the Norwich State Highway at approximately U.S. Route 5 mile marker 2.448.

(b) Control of the highways but not ownership of the lands or easements within the highway right-of-way shall be relinquished to the town of Norwich. The town of Norwich shall not sell or abandon any portion of the relinquishment areas or allow any encroachments within the relinquishment areas without written permission of the agency of transportation.

* * * Town of Bennington; Adjustments to State Highway System * * *

Sec. 46. TOWN OF BENNINGTON; ADJUSTMENTS TO STATE HIGHWAY SYSTEM

(a) Under the authority of 19 V.S.A. § 15(2), the general assembly authorizes the secretary to enter into an agreement with the town of Bennington to relinquish to the town's jurisdiction approximately 1.07 miles of U.S. Route 7 (South Street) between mile marker 1.088 (near Carpenter Hill Road [TH #48]) and mile marker 2.156 (near the entrance to the Park Lawn Cemetery) to become a class 1 town highway.

(b) Under the authority of 19 V.S.A. § 15(2), the general assembly authorizes the secretary to enter into an agreement with the town of Bennington to accept as part of the state highway system approximately 1,300 feet of VT Route 9 (Main Street [TH #2]) between mile marker 5.655, near the location of a crosswalk to be constructed under the transportation project Bennington NH 019-1(51), and mile marker 5.901, which is the existing jurisdictional boundary between the state highway and the class 1 town highway. The agreement shall provide for the town of Bennington to be responsible for maintenance of sidewalks within the subject area.

* * * Short-Range Public Transit Plan * * *

Sec. 47. REPEAL

The following are repealed:

(1) 24 V.S.A. § 5088(7) (definition of "short-range public transit plan").

(2) 24 V.S.A. § 5091(f) (requirement that grantees shall be eligible for funding only if a short-range public transit plan has been completed).

* * * Study of Councils * * *

Sec. 48. RAIL, AVIATION, PUBLIC TRANSIT ADVISORY, AND SCENERY PRESERVATION COUNCILS

The agency of transportation shall examine the current functions of the Vermont Rail Advisory Council, the Vermont Aviation Advisory Council, the public transit advisory council, and the scenery preservation council. The agency shall, in consultation with the respective council being examined, consider the structure, composition, and format of each council and shall report back to the senate and house committees on transportation with any recommendations for modifications to improve the efficiency and effectiveness of each council by January 15, 2011.

* * * Scenery Preservation Council * * *

Sec. 49. 10 V.S.A. § 425 is amended to read:

§ 425. SCENERY PRESERVATION COUNCIL

(a) The scenery preservation council shall:

(1) upon request, advise and consult with organizations, municipal planning commissions or legislative bodies, or regional planning commissions concerning byway program grants and in the designation of municipal scenic roads or byways;

(2) recommend for designation state scenic roads or byways after holding a public meeting to determine local support for designation; and

(3) encourage and assist in fostering public awareness, understanding, and participation in the objectives and functions of scenery preservation and in stimulating public participation and interest.

(b) ~~There is created within the state planning office a scenery preservation council to advise and assist the state planning director in the performance of his duties with respect to this chapter. The scenery preservation council shall consist of ten seven members including: the secretary of the agency of natural resources, or his or her designee; the secretary of the agency of transportation and the director of the state planning office or their designees. The governor shall appoint his or her designee; and five members appointed by the governor. The speaker of the house shall appoint one member of the house as member and the committee on committees of the senate shall appoint one senator as member. The terms of the members appointed by the governor shall be for three years, except that he or she shall appoint the first members so that the terms of the members end in one year, two years, and three years. The~~

~~terms of the members appointed by the speaker of the house and the committee on committees of the senate shall end on January 15 in every odd numbered year and their successors shall be appointed at that time.~~ The governor shall designate an appointed member to serve as chairman at the governor's pleasure. Except as provided in this section, no state employee or member of any state commission ~~nor~~ or any federal employee or member of any federal commission shall be eligible for membership on the scenery preservation council. Members of the council who are not full-time state employees; ~~including members of the general assembly when the general assembly is not in session,~~ shall be entitled to a per diem ~~of \$30.00 as provided in 32 V.S.A. § 1010(b)~~ and their actual necessary expenses. The council shall meet no more than two times per year, and meetings may be called by the chair of the council or the secretary of transportation or his or her designee.

~~(b) The scenery preservation council shall:~~

~~(1) upon request, advise and consult with municipal planning commissions or legislative bodies and regional planning commissions in the designation of municipal scenic roads;~~

~~(2) recommend for designation state scenic roads, after consultation with regional planning commissions, pursuant to the provisions of chapter 25 of Title 19;~~

~~(3) encourage and assist in fostering public awareness, understanding and participation in the objectives and functions of scenery preservation and in stimulating public participation and interest;~~

~~(4) report biennially to the governor and the general assembly upon the effectiveness of this chapter and make continuing recommendations regarding scenic corridors, scenic areas and scenic sites. The reports shall indicate the status of all state and town designated scenic roads;~~

~~(5) prepare and recommend to the transportation board prior to January 1, 1978 aesthetic criteria to carry out the purposes of this chapter.~~

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* * * Highway Condemnation Orders * * *

Sec. 50. 19 V.S.A. § 512 is amended to read:

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

(a) Within ~~45~~ 30 days after the compensation hearing, the ~~transportation~~ board shall by its order fix the compensation to be paid to each person from whom land or rights are taken, ~~and~~. Within 30 days of the board's order, the agency ~~of transportation~~ shall file and record the order in the office of the

~~clerk of the town where the land is situated, and shall deliver to each person or persons a copy of that portion of the order directly affecting the person or persons, and shall pay or tender the award to each person entitled which. A person to whom a compensation award is paid or tendered under this subsection may be accepted, retained and disposed 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 of transportation may proceed with the work for which the land is taken.~~

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* * * *Traveler Information Services* * * *

Sec. 51. INTERSTATE 91 TRAVELER INFORMATION SERVICES FACILITY

(a) Pursuant to Sec. 109(b) of No. 50 of the Acts of 2009, the commissioner of buildings and general services (BGS) is authorized to negotiate and contract with businesses interested in providing travel information services near Exit 7 of Interstate 91 for the purpose of establishing a privately operated travel information center near this exit.

(b) The agency of transportation shall work with BGS and the Federal Highway Administration to implement a signage strategy to clearly direct travelers to businesses providing travel information services at any travel information center established pursuant to subsection (a) of this section.

Sec. 52. INFORMATION CENTERS; CROSS-BORDER OPPORTUNITIES

The commissioner of buildings and general services may evaluate opportunities to reach agreement with neighboring states and provinces concerning advertising at information centers or the joint operation of information centers. The commissioner shall report findings and recommendations related to any evaluation conducted pursuant to this section to the senate and house committees on transportation by January 15, 2011.

* * * *Lake Champlain Bridge Facilities* * * *

Sec. 53. LAKE CHAMPLAIN BRIDGE FACILITIES

(a) The secretary of transportation and the commissioner of fish and wildlife shall work together in consultation with the division for historic preservation to develop plans regarding the repair and expansion of existing fishing access facilities at the Lake Champlain bridge at Crown Point.

(b) The secretary of transportation and the commissioner of buildings and general services shall work together in consultation with the division for historic preservation in seeking federal funds for renovations to Chimney Point State Historic Site facilities and the repair and expansion of existing fishing

access facilities in connection with construction of the Lake Champlain bridge at Crown Point.

* * * *Official Business Directional Sign Fees* * * *

Sec. 54. 10 V.S.A. § 501 is amended to read:

§ 501. FEES

Subject to the provisions of subsection 486(c) of this title, an applicant for an official business directional sign or an information plaza plaque shall pay to the travel information council an initial license fee and an annual renewal fee as established by this section.

* * *

(2) Annual renewal fees shall be as follows:

(A) for full and half-sized official business directional signs, ~~\$125.00~~
\$100.00 per sign;

(B) information plaza plaques, \$25.00 per plaque.

* * * *Rest Area Advisory Committee* * * *

Sec. 55. REPEAL

19 V.S.A. § 12c (rest area advisory committee) is repealed.

* * * *Low-Bed Trailer Permits* * * *

Sec. 56. 23 V.S.A. § 1402(e) is amended to read:

~~(e) Pilot project allowing annual permits for low-bed trailers.~~

(1) The commissioner may issue an annual permit to allow the transportation of a so-called "low-bed" trailer. A "low-bed" trailer is defined as a trailer manufactured for the primary purpose of carrying heavy equipment on a flat-surfaced deck, which deck is at a height equal to or lower than the top of the rear axle group.

(2) A blanket permit may be obtained for an annual fee of \$275.00 per unit, provided the total vehicle length does not exceed 75 feet, does not exceed a loaded width of 12'6", does not exceed a total weight of 108,000 lbs., and has a height not exceeding 14 feet.

(3) Warning signs and flags shall be required if the vehicle exceeds 75 feet in length, or exceeds 8'6" in width.

~~(4) This subsection shall expire on June 30, 2010. No later than January 15, 2010, the department of motor vehicles, after consultation with the agency of transportation, Vermont League of Cities and Towns, and Vermont Truck and Bus Association, shall report to the house and senate committees on~~

~~transportation on the results of this two-year pilot project. The report shall include recommendations on extending this provision on low-bed trailers, as well as other recommendations relating to longer vehicle lengths. [Repealed.]~~

~~*** Limited Access Facility Sign Restriction; Exemption ***~~

~~Sec. 57. ON-PREMISE SIGN ON LIMITED ACCESS FACILITY~~

~~Notwithstanding the restriction on on-premise signs located as to be readable primarily from a limited access facility set forth in 10 V.S.A. § 495(b) and the requirement set forth in 10 V.S.A. § 493(1) that on-premise signs be erected no more than 1,500 feet from a main entrance from the highway to the activity or premises advertised, an on-premise sign directing traffic to the facilities of a postsecondary educational institution may be erected at the intersection of U.S. Route 4 Western Bypass and U.S. Route 7 in the city of Rutland.~~

~~*** Effective Dates ***~~

~~Sec. 58. EFFECTIVE DATES~~

~~(a) This section and the following sections of this act shall take effect on passage:~~

~~(1) Sec. 12 (ARRA maintenance of effort – appropriation transfers).~~

~~(2) Sec. 13 (FY11 transportation infrastructure bonds).~~

~~(3) Sec. 15 (end FY10 transportation fund surplus).~~

~~(4) Sec. 16 (authority to reduce FY10 appropriations).~~

~~(5) Sec. 40 (speed limits).~~

~~(6) Sec. 41 (traffic committee rulemaking).~~

~~(7) Sec. 43 (replacement of gasoline dispensers). Notwithstanding 1 V.S.A. § 214, Sec. 43 shall apply retroactively to gasoline dispensers installed at an existing gasoline dispensing facility after May 1, 2009.~~

~~(8) Sec. 56 (low-bed trailer permits).~~

~~(b) All other sections of this act not specifically enumerated in subsection (a) of this section shall take effect on July 1, 2010.~~