

1 H.32

2 Introduced by Representatives Potter of Clarendon, Bissonnette of Winooski,  
3 Burke of Brattleboro, Kilmartin of Newport City, Lanpher of  
4 Vergennes, McCarthy of St. Albans City, and Russell of  
5 Rutland City

6 Referred to Committee on

7 Date:

8 Subject: Conservation and development; highways; stream alteration; road and  
9 bridge standards; culverts

10 Statement of purpose of bill as introduced: This bill proposes to require the  
11 Secretary of Natural Resources to adopt a state stream alteration standard for  
12 culvert replacement. The bill would require the Agency of Transportation to  
13 revise the town road and bridge standards to incorporate as a minimum  
14 requirement the stream alteration standard for culvert replacement.

15 An act relating to establishing a uniform statewide standard for culvert  
16 replacement

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

1 Sec. 1. 10 V.S.A. § 1027 is amended to read:

2 § 1027. RULEMAKING; EMERGENCY PERMIT

3 (a) The ~~secretary~~ Secretary may adopt rules to implement the requirements  
4 of this subchapter.

5 (b) The ~~secretary~~ Secretary shall adopt rules regarding the permitting of  
6 stream alteration activities under this subchapter during a state of emergency  
7 declared under 20 V.S.A. chapter 1 or during flooding or other emergency  
8 conditions that pose an imminent risk to life or a risk of damage to public or  
9 private property. Any rule adopted under this subsection shall comply with  
10 National Flood Insurance Program requirements. A rule adopted under this  
11 subsection shall include a requirement that an activity receive an individual  
12 stream alteration emergency permit or receive coverage under a general stream  
13 alteration emergency permit.

14 (1) A rule adopted under this subsection shall establish:

15 (A) criteria for coverage under an individual permit and criteria for  
16 coverage under a general emergency permit;

17 (B) criteria for different categories of activities covered under a  
18 general emergency permit, including emergency protective measures under  
19 subsection 1021(b) of this title;

20 (C) requirements for public notification of permitted activities,  
21 including notification after initiation or completion of a permitted activity;

1 (D) requirements for coordination with state and municipal  
2 authorities; and

3 (E) requirements that the ~~secretary~~ Secretary document permitted  
4 activity, including, at a minimum, requirements for documenting permit terms,  
5 documenting permit duration, and documenting the nature of an activity when  
6 the rules authorize notification of the ~~secretary~~ Secretary after initiation or  
7 completion of the activity.

8 (2) A rule adopted under this section may:

9 (A) establish reporting requirements for categories of activities;

10 (B) authorize an activity that does not require reporting to the  
11 ~~secretary~~ Secretary; or

12 (C) authorize an activity that requires reporting to the ~~secretary~~  
13 Secretary after initiation or completion of an activity.

14 (c) On or before July 1, 2013, the Secretary shall adopt by rule a standard  
15 that shall be met when the state, a municipality, or another entity replaces a  
16 culvert for which a permit is required under this chapter. The standard adopted  
17 under this section shall be designed to satisfy the cost share assistance  
18 requirements of the Federal Emergency Management Agency's Public  
19 Assistance Policy.

1 Sec. 2. 19 V.S.A. § 996 is amended to read:

2 § 996. HIGHWAY CONSTRUCTION, MAINTENANCE, AND REPAIR

3 BEST MANAGEMENT PRACTICES

4 (a) The ~~agency of transportation~~ Agency of Transportation shall work with  
5 municipal representatives to revise the ~~agency of transportation's~~ Agency of  
6 Transportation's town road and bridge standards in order to incorporate a suite  
7 of practical and cost-effective best management practices, as approved by the  
8 ~~agency of natural resources~~ Agency of Natural Resources, for the construction,  
9 maintenance, and repair of all existing and future state and town highways.  
10 These best management practices shall address activities which have a  
11 potential for causing pollutants to enter the groundwater and waters of the  
12 state, including stormwater runoff and direct discharges to state waters. The  
13 best management practices shall not supersede any requirements for  
14 stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that  
15 apply to state and town highways. The ~~agency of transportation~~ Agency of  
16 Transportation shall report to the ~~house and senate committees on~~  
17 ~~transportation, the house committee on fish, wildlife and water resources, and~~  
18 ~~the senate committee on natural resources and energy~~ by House and Senate  
19 Committees on Transportation, the House Committee on Fish, Wildlife and  
20 Water Resources, and the Senate Committee on Natural Resources and Energy  
21 on or before January 15, 2011, on the best management practices to be

1 incorporated into the agency of transportation's town road and bridge  
2 standards.

3 (b) Beginning January 15, 2013, and every four years thereafter, the  
4 ~~secretary~~ Secretary in consultation with municipal representatives and with  
5 approval from the ~~agency of natural resources~~ Agency of Natural Resources  
6 shall review and revise, as appropriate, town road and bridge standards in order  
7 to ensure the standards are protective of water quality.

8 (c) On or before September 1, 2013, the Agency of Transportation shall  
9 revise the town road and bridge standards to incorporate as a minimum  
10 requirement the Agency of Natural Resources stream alteration standard  
11 adopted under 10 V.S.A. § 1027 for culvert replacement.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on passage.