

1 H.510

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; capital program; highways

5 Statement of purpose of bill as introduced: This bill proposes to adopt, with
6 modifications, the Agency of Transportation's proposed transportation
7 program for fiscal year 2014, to make miscellaneous additions and changes to
8 the law governing the State's transportation system, and to amend the State's
9 taxation of motor fuels.

10 An act relating to the State's transportation program and miscellaneous
11 changes to the State's transportation laws

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

13 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

14 (a) The Agency of Transportation's proposed fiscal year 2014
15 transportation program appended to the Agency of Transportation's proposed
16 fiscal year 2014 budget, as amended by this act, is adopted to the extent
17 federal, state, and local funds are available.

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

19 (1) "Agency" means the Agency of Transportation.

20 (2) "Secretary" means the Secretary of Transportation.

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

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

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

11 Sec. 1a. PROGRAM DEVELOPMENT – FUNDING

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

15 (1) reduce project spending authority in the total amount of
16 \$2,087,500.00 in transportation funds; and

17 (2) increase project spending authority in the total amount of
18 \$2,087,500.00 in TIB bond proceeds on projects eligible under 32 V.S.A.
19 § 972.

1 * * * Program Development – Roadway * * *

2 Sec. 1b. PROGRAM DEVELOPMENT–ROADWAY; ACQUISITION OF
3 RIGHT-OF-WAY

4 (a) Spending authority for the Bennington Bypass South project
5 (NH-F 019-1(4)) within the development and evaluation list of the program
6 development – roadway program is amended to read:

7	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	PE	0	0	0
9	ROW	0	35,000	35,000
10	Construction	0	0	0
11	Total	0	35,000	35,000
12	<u>Sources of funds</u>			
13	State	0	7,000	7,000
14	TIB	0	0	0
15	Federal	0	28,000	28,000
16	Total	0	35,000	35,000

17 (b) In connection with the Bennington Bypass South project
18 (NH-F 019-1(4)) on the development and evaluation list of the program
19 development – roadway program, the Secretary shall, in accordance with the
20 Uniform Relocation Assistance and Real Property Acquisition Policies Act,

1 enter into negotiations to acquire parcel #58 50 7800. If negotiations result in
2 an agreement, the Agency shall acquire the parcel for up to \$35,000.00.

3 * * * Town Highway Bridge * * *

4 Sec. 2. TOWN HIGHWAY BRIDGE

5 The following modification is made to the town highway bridge program:

6 (1) Spending authority for the Mount Tabor project to replace bridge 2
7 on town highway 1 (VT FH 17-1(1)) is added to read:

8	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
9	PE	0	0	0
10	Construction	0	1,579,500	1,579,500
11	Total	0	1,579,500	1,579,500
12	<u>Sources of funds</u>			
13	State	0	0	0
14	TIB	0	0	0
15	Federal	0	1,579,500	1,579,500
16	Local	0	0	0
17	Total	0	1,579,500	1,579,500

18 * * * Maintenance * * *

19 Sec. 3. MAINTENANCE

20 (a) Total authorized spending in the maintenance program is amended as
21 follows:

	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Personal services	39,744,134	39,744,134	0
3	Operating expenses	50,687,536	48,877,536	-1,810,000
4	Grants	75,000	75,000	0
5	Total	90,506,670	88,696,670	-1,810,000
6	<u>Sources of funds</u>			
7	State	79,961,670	78,151,670	-1,810,000
8	Federal	10,445,000	10,445,000	0
9	Interdep't transfer	100,000	100,000	0
10	Total	90,506,670	88,696,670	-1,810,000

11 (b) The reduction in authorized maintenance program spending under
12 subsection (a) of this section shall be allocated among maintenance activities
13 as specified by the Secretary.

14 * * * Paving * * *

15 Sec. 4. PROGRAM DEVELOPMENT – PAVING

16 (1) Spending authority for the statewide–district leveling activity within the
17 program development–paving program is amended to read:

	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18				
19	PE	0	0	0
20	Construction	6,000,000	5,338,000	-662,000
21	Total	6,000,000	5,338,000	-662,000

1	<u>Sources of funds</u>			
2	State	6,000,000	5,338,000	-662,000
3	TIB	0	0	0
4	Federal	0	0	0
5	Total	6,000,000	5,338,000	-662,000

6 (2) Spending authority for the Bethel–Randolph Resurface VT 12

7 project (STP 2921()) is amended to read:

8	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
9	PE	0	0	0
10	Construction	5,200,000	5,200,000	0
11	Total	5,200,000	5,200,000	0

12 Sources of funds

13	State	1,585,563	983,840	-601,723
14	TIB	-601,723	0	601,723
15	Federal	4,216,160	4,216,160	0
16	Total	5,200,000	5,200,000	0

17 (3) Spending authority for the Bolton–Waterbury Resurface US 2

18 project (STP 2709(1)) is amended to read:

19	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
20	PE	0	0	0
21	Construction	6,530,000	6,530,000	0

1	Total	6,530,000	6,530,000	0
2	<u>Sources of funds</u>			
3	State	0	601,723	601,723
4	TIB	1,235,476	633,753	-601,723
5	Federal	5,294,524	5,294,524	0
6	Total	6,530,000	6,530,000	0

7 (4) Spending authority on the Weathersfield Resurface VT 131 project
8 (STP 2913(1)) within the program development – paving program is amended
9 to read:

10	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
11	PE	0	0	0
12	Construction	5,000,000	5,000,000	0
13	Total	5,000,000	5,000,000	0
14	<u>Sources of funds</u>			
15	State	946,000	696,000	-250,000
16	TIB	0	250,000	250,000
17	Federal	4,054,000	4,054,000	0
18	Total	5,000,000	5,000,000	0

*** Rest Areas ***

Sec. 5. REST AREAS

Spending authority on the Derby–Welcome Center project within the rest area program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	50,000	0
Construction	2,500,000	0	-2,500,000
Total	2,550,000	50,000	-2,500,000
<u>Sources of funds</u>			
State	0	0	0
TIB	255,000	5,000	-250,000
Federal	2,295,000	45,000	-2,250,000
Total	2,550,000	50,000	-2,500,000

*** Rail ***

Sec. 6. RAIL

(a) A new project is added to the rail program for the purchase of a rail-equipped underbridge inspection vehicle (“inspection vehicle”).

Authorized spending on the project is as follows:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	520,000	520,000
Total	0	520,000	520,000

1 Sources of funds

2	State	0	520,000	520,000
3	TIB	0	0	0
4	Federal	0	0	0
5	Total	0	520,000	520,000

6 (b) The Secretary shall reduce by \$600,000.00 the spending of fiscal year
7 2014 state transportation funds on projects or activities within the rail program
8 selected at his or her discretion.

9 (c) Authorized spending in the fiscal year 2014 rail program shall be
10 reduced by \$200,000.00 in transportation funds, and \$500,000.00 in TIB funds,
11 which were previously authorized in the fiscal year 2013 transportation
12 program and appropriated in the 2013 appropriations bill.

13 Sec. 7. CANCELLATION OF RAIL PROJECTS

14 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
15 projects), the General Assembly approves cancellation of the following rail
16 projects:

17 (1) St. Johnsbury – STP 2037(11) – 05G098 – Crossing;

18 (2) Salisbury-Middlebury – 05G342 – Rail Improvements;

19 (3) White River Junction-Newport – 05G350 – Improve RR Bridges;

20 (4) Proctor-New Haven – STRB(37) – 08G090 – Repair and/or Replace

21 6 Bridges;

1 (5) Cavendish-Ludlow – STP GMRC(3) – 08G220 – Replacement of
2 Rail and OTM;

3 (6) Middlebury – WCRS() – 09G108 – Bridge 236;

4 (7) Waterbury – STP 2036(10) – 09G364 – Crossing;

5 (8) Rutland-Fair Haven – 09G372 – 2 Miles of CWR;

6 (9) Barre City – WACR(4) – 11G006 – Bridge 308.

7 Sec. 8. PITTSFORD BRIDGE 219 PROJECT

8 For the Pittsford Bridge 219 Project (HPP ABRB(9)), the estimate of total
9 construction costs of \$10,350,000.00 is deleted and replaced with the amount
10 of \$2,100,000.00, and the estimate of the total cost of all activities of
11 \$11,863,814.00 is deleted and replaced with the amount of \$3,613,814.00.

12 * * * Aviation * * *

13 Sec. 9. AVIATION

14 (a) Spending authority on the Statewide-Airport Facilities Maintenance and
15 Improvements project (AIR 04-3144) within the aviation program is amended
16 to read:

17	<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18	Construction	1,850,758	1,710,758	-140,000
19	Total	1,850,758	1,710,758	-140,000

1	<u>Sources of funds</u>			
2	State	1,810,758	1,670,758	-140,000
3	TIB	0	0	0
4	Federal	40,000	40,000	0
5	Total	1,850,758	1,710,758	-140,000

6 (b) The Secretary shall reduce the spending of state transportation funds on
7 activities within the Statewide-Airport Facilities Maintenance and
8 Improvements project selected at his or her discretion in the amount specified
9 in subsection (a) of this section.

10 * * * Fiscal Year 2014 Transportation Infrastructure Bonds * * *

11 Sec. 10. AUTHORITY TO ISSUE TRANSPORTATION

12 INFRASTRUCTURE BONDS

13 Pursuant to 32 V.S.A. § 972, the State Treasurer is authorized to issue
14 transportation infrastructure bonds up to a total amount of \$11,700,000.00 for
15 the purpose of funding:

16 (1) the spending authorized in Sec. 11 of this act;

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

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

1 Sec. 11. TRANSPORTATION INFRASTRUCTURE BONDS; SPENDING
2 AUTHORITY

3 The amount of \$10,387,500.00 from the issuance of transportation
4 infrastructure bonds is authorized for expenditure in fiscal year 2014 on
5 eligible projects as defined in 32 V.S.A. § 972(d) on projects in the State's
6 fiscal year 2014 program development program.

7 * * * Transportation Alternatives Grant Program* * *

8 Sec. 12. 19 V.S.A. § 38 is amended to read:

9 § 38. TRANSPORTATION ~~ENHANCEMENT~~ ALTERNATIVES GRANT
10 PROGRAM

11 (a) The ~~Vermont transportation enhancement grant committee~~
12 Transportation Alternatives Grant Committee is created and shall be comprised
13 of:

14 (1) the ~~secretary of transportation~~ Secretary of Transportation or his or
15 her designee;

16 (2) a representative from the ~~division of historic preservation~~ Division
17 of Historic Preservation appointed by the ~~secretary of the agency of commerce~~
18 ~~and community development~~ Secretary of Commerce and Community
19 Development;

1 (3) one member ~~to be appointed by the secretary of the agency of~~
2 ~~commerce and community development~~ Secretary of Commerce and
3 Community Development to represent the tourism and marketing industry;:

4 (4) a representative of the ~~agency of natural resources~~ Agency of
5 Natural Resources appointed by the ~~secretary of the agency of natural~~
6 ~~resources,~~ Secretary of Natural Resources;

7 (5) three municipal representatives appointed by the governing body of
8 the Vermont ~~league of cities and towns,~~ League of Cities and Towns;

9 (6) one member representing and appointed by the governing board of
10 the Vermont ~~association of planning and development agencies,~~ Association of
11 Planning and Development Agencies;

12 (7) two members from the ~~house~~ House designated by the ~~speaker,~~
13 Speaker; and

14 (8) two members from the ~~senate~~ Senate designated by the ~~committee on~~
15 ~~committees~~ Committee on Committees.

16 (b) Municipal and legislative members of the Transportation Alternatives
17 Grant Committee shall serve concurrently for two-year terms and the initial
18 appointments of these members shall be made in a manner which allows for
19 them to serve a full legislative biennium. In the event a municipal or
20 legislative member ceases to serve on the ~~committee~~ Committee prior to the
21 full term, the appointing authority shall fill the position for the remainder of

1 the term. The ~~committee~~ Committee shall, to the greatest extent practicable,
2 encompass a broad geographic representation of Vermont.

3 ~~(b)(c)~~ The ~~Vermont transportation enhancement grant program~~
4 Transportation Alternatives Grant Program is created. The ~~grant program shall~~
5 ~~be funded as provided in subsection (c) of this section and~~ Grant Program shall
6 be administered by the ~~agency~~ Agency, and shall be funded in the amount
7 provided for in 23 U.S.C. § 213(a), less the funds set aside for the Recreational
8 Trails Program as specified in 23 U.S.C. § 213(f). The ~~grant program Awards~~
9 shall be made to eligible entities as defined under 23 U.S.C. § 213(c)(4), and
10 awards under the Grant Program shall be limited to ~~enhancement~~ the activities
11 ~~as defined in~~ described at 23 U.S.C. § 401(a)(35) ~~which are sponsored by~~
12 ~~municipalities, nonprofit organizations, or political subdivisions of the state~~
13 ~~other than the agency~~ 213(b) other than Recreational Trails Program grants.

14 ~~(d)~~ Eligible ~~applicants~~ entities awarded a grant must provide all funds
15 required to match federal funds awarded for ~~an enhancement~~ a transportation
16 alternatives project. All grant awards shall be decided and awarded by the
17 ~~transportation enhancement grant committee~~ Transportation Alternatives Grant
18 Committee.

19 ~~(e)~~ The following federal aid highway program funds received by the state
20 ~~under the federal aid highway reauthorization act, and succeeding~~
21 ~~reauthorization acts, that succeed the Transportation Equity Act for the 21st~~

1 ~~Century (Public Law 105-178 as amended) shall be exclusively reserved to~~
2 ~~cover the costs of enhancement projects awarded grants under the Vermont~~
3 ~~transportation enhancement grant program with respect to federal fiscal years~~
4 ~~2004 and thereafter:~~

5 ~~(1) at a minimum, four percent of the state's apportionment of surface~~
6 ~~transportation funds received by the state under 23 U.S.C. § 104(b)(3) over the~~
7 ~~life of the applicable federal reauthorization act; and, if greater,~~

8 ~~(2) at a maximum, the state's apportionment of federal aid highway~~
9 ~~program funds that are exclusively reserved for transportation enhancement~~
10 ~~activities under 23 U.S.C. § 133(d)(2) received by the state over the life of the~~
11 ~~applicable federal reauthorization act.~~

12 ~~(d) For each fiscal year starting with fiscal year 2005, the agency shall~~
13 ~~determine or estimate as required:~~

14 ~~(1) the state's apportionment of surface transportation program funds~~
15 ~~which the state expects to receive under 23 U.S.C. § 104(b)(3) with respect to~~
16 ~~the equivalent federal fiscal year; and~~

17 ~~(2) the state's pro rata apportionment of federal aid highway program~~
18 ~~funds which are exclusively reserved for transportation enhancement activities~~
19 ~~under 23 U.S.C. 133(d)(2). To determine the pro rata amount, the agency shall~~
20 ~~estimate the total amount of exclusively reserved funds expected to be received~~
21 ~~by the state over the life of the applicable federal reauthorization act, subtract~~

1 ~~the total amount of enhancement grants awarded under this section with~~
2 ~~respect to prior federal fiscal years of the applicable federal reauthorization act,~~
3 ~~and divide the resulting sum by the number of years remaining in the life of the~~
4 ~~applicable federal reauthorization act. The agency shall adjust the amounts~~
5 ~~determined under subdivisions (1) and (2) of this subsection to account for any~~
6 ~~differences between estimates made, actual appropriations received, and~~
7 ~~enhancement grants awarded with respect to applicable prior federal fiscal~~
8 ~~years.~~

9 ~~(e)(1) For each fiscal year starting with fiscal year 2005, the state's~~
10 ~~enhancement grant program for the fiscal year shall be at the discretion of the~~
11 ~~secretary:~~

12 ~~(A) at a minimum, four percent of the adjusted amount ascertained by~~
13 ~~the agency under subdivision (d)(1) of this section; and~~

14 ~~(B) at a maximum, the adjusted amount ascertained by the agency~~
15 ~~under subdivision (d)(2) of this section.~~

16 ~~(2) The agency shall plan its budget accordingly and advise the general~~
17 ~~assembly in its recommended budget:~~

18 ~~(A) if sufficient information is available to determine a sum certain,~~
19 ~~of the amount of the enhancement grant program; or~~

1 ~~(B) if sufficient information is not available to determine a sum~~
2 ~~certain, of the range within which the agency estimates the size of the~~
3 ~~enhancement grant program will be.~~

4 ~~(f)~~(e) ~~Enhancement~~ Transportation alternatives grant awards shall be
5 announced annually by the ~~transportation enhancement grant committee~~
6 Transportation Alternatives Grant Committee not earlier than December and
7 not later than the following March ~~of the federal fiscal year of the federal funds~~
8 ~~being committed by the grant awards.~~

9 ~~(g)~~(f) Each year, ~~up to~~ \$200,000.00 of the grant program or such lesser sum
10 if all eligible applications amount to less than \$200,000.00 shall be reserved
11 for municipalities for eligible salt and sand shed projects. Grant awards for
12 eligible projects shall not exceed \$50,000.00 per project. Regarding the
13 balance of grant program funds, in evaluating applications for ~~enhancement~~
14 transportation alternatives grants, the ~~transportation enhancement grant~~
15 ~~committee~~ Transportation Alternatives Grant Committee shall give preferential
16 weighting to projects involving as a primary feature a bicycle or pedestrian
17 facility. The degree of preferential weighting and the circumstantial factors
18 sufficient to overcome the weighting shall be in the complete discretion of the
19 ~~transportation enhancement grant committee~~ Transportation Alternatives Grant
20 Committee.

1 ~~(h)~~(g) The ~~agency~~ Agency shall develop an outreach and marketing effort
2 designed to provide information to communities with respect to the benefits of
3 participating in the ~~enhancement program~~ Transportation Alternatives Grant
4 Program. The outreach and marketing activities shall include apprising
5 municipalities of the availability of grants for salt and sand sheds. The
6 outreach effort should be directed to areas of the ~~state~~ State historically
7 underserved by this program.

8 Sec. 12a. 19 V.S.A. § 42 is amended to read:

9 § 42. REPORTS PRESERVED

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

14 Sec. 13. TRANSPORTATION ALTERNATIVES GRANT PROGRAM
15 PRIORITIES; CONFORMING AMENDMENTS

16 2012 Acts and Resolves No. 153, Sec. 24 is amended to read:

17 Sec. 24. ~~ENHANCEMENT~~ TRANSPORTATION ALTERNATIVES
18 GRANT PROGRAM PRIORITIES

19 In addition to the priorities for salt and sand shed projects and bicycle or
20 pedestrian facility projects specified in 19 V.S.A. § ~~38(g)~~ 38(f), in evaluating
21 applications for ~~enhancement~~ transportation alternatives grants in fiscal years

1 ~~2013, 2014, and 2015, the transportation enhancement grant committee~~
2 Transportation Alternatives Grant Committee shall give preferential weighting
3 to projects involving a municipality implementing eligible environmental
4 mitigation projects under a river corridor plan that has been adopted by the
5 ~~agency of natural resources~~ Agency of Natural Resources as part of a basin
6 plan, under a municipal plan adopted pursuant to 24 V.S.A. § 4385, or under a
7 mitigation plan adopted by the municipality and approved by the Federal
8 Emergency Management Agency. The degree of preferential weighting
9 afforded shall be in the complete discretion of the ~~transportation enhancement~~
10 ~~grant committee~~ Transportation Alternatives Grant Committee.

11 * * * Central Garage * * *

12 Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

13 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2014, the amount of
14 \$1,120,000.00 is transferred from the Transportation Fund to the Central
15 Garage Fund created in 19 V.S.A. § 13.

16 * * * State Highways; Relinquishment to Municipal Control * * *

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

18 § 15. CHANGES IN THE STATE HIGHWAY SYSTEM

19 (a) Highways Except as provided in subsection (b) of this section,
20 highways may be added to or deleted from the state highway system by:

21 (1) ~~legislative action~~ an act of the General Assembly; or

1 (2) a proposal by the ~~agency~~ Agency which is accepted by the
2 legislative body of the affected municipality and approved by an act of the
3 ~~general assembly~~ General Assembly.

4 **(b) Upon entering into an agreement with the affected municipality, the**
5 **Secretary may relinquish to municipal control segments of state highway**
6 **rights-of-way that have been replaced by new construction and are no longer**
7 **needed as part of the state highway system. Upon their relinquishment to**
8 **municipal control, the segments shall become class 3 town highways, and may**
9 **be reclassified by the municipality in accordance with chapter 7 of this title.**

10 * * * Transportation Board; Small Claims Against the Agency * * *

11 Sec. 16. 19 V.S.A. § 20 is amended to read:

12 § 20. SMALL CLAIMS FOR INJURY OR DAMAGE

13 ~~When a claim is~~ The Board shall have exclusive jurisdiction over claims of
14 \$5,000.00 or less made for personal injuries or property damage, or both,
15 sustained as the result of the negligence of any employee of the ~~agency, the~~
16 ~~board~~ Agency. The Board may hear all parties in interest and may award
17 damages not to exceed ~~\$2,000.00~~ \$5,000.00. When the Board awards damages
18 ~~are awarded, the board, it~~ shall certify its ~~findings~~ decision to the
19 ~~commissioner of finance and management who~~ Commissioner of Finance and
20 Management. Upon the disposition of any appeal or the expiration or waiver
21 of all appeal rights, the Commissioner of Finance and Management shall issue

1 his or her warrant for the amount of the award, with payment in the manner
2 prescribed by 12 V.S.A. § 5604.

3 * * * Definition of Transportation Facility * * *

4 Sec. 17. 19 V.S.A. § 1 is amended to read:

5 § 1. DEFINITIONS

6 For the purposes of this title:

7 * * *

8 (26) “Transportation facility” includes highways, sidewalks, bike paths,
9 bridges, culverts, railroads, airports, rest areas, parking areas, stations,
10 buildings, and other real property owned or operated by the State or a political
11 subdivision thereof that is used for or maintained to facilitate the transportation
12 of persons or goods.

13 * * * Emergency Repairs Arising from Landslides;

14 Condemnation Authority * * *

15 Sec. 18. 19 V.S.A. § 518 is amended to read:

16 § 518. MINOR ALTERATIONS TO EXISTING FACILITIES

17 (a) For purposes of this section, the term “minor alterations to existing
18 facilities” means any of the following activities involving existing facilities,
19 provided the activity does not require a permit under 10 V.S.A. chapter 151
20 (Act 250):

1 (1) Activities which qualify as “categorical exclusions” under 23 C.F.R.
2 § 771.117(e) and the National Environmental Policy Act of 1969, as amended,
3 42 U.S.C. §§ 4321–4347, ~~and do not require a permit under 10 V.S.A. chapter~~
4 ~~151 (Act 250)~~; or

5 (2) Activities involving emergency repairs to or emergency replacement
6 of an existing ~~bridge or culvert~~ transportation facility, even ~~though~~ if the need
7 for repairs or replacement does not arise from damage caused by a natural
8 disaster or catastrophic failure from an external cause; ~~provided, however, that~~
9 ~~the activities do not require a permit under 10 V.S.A. chapter 151 (Act 250).~~
10 Any temporary rights under this subdivision shall be limited to 10 years from
11 the date of taking.

12 (b) In cases involving minor alterations to existing facilities, the ~~agency~~
13 Agency, following the procedures of section 923 of this title, may exercise the
14 powers of a selectboard. If an appeal is taken under subdivision 923(5) of this
15 title, the person taking the appeal shall follow the procedure specified in
16 section 513 of this title.

17 * * * Secretary’s Authority with Regard to Junkyards,

18 Highway Maintenance Districts * * *

19 Sec. 19. 19 V.S.A. § 7(f) is amended to read:

20 (f) The ~~secretary~~ Secretary may:

21 * * *

1 (7) organize, reorganize, transfer, or abolish sections and staff function
2 sections within the ~~agency~~ Agency; except however, the ~~secretary~~ Secretary
3 may not alter the number of highway districts without legislative approval; ~~and~~

4 ~~(8) adopt rules regarding the operation of junkyards.~~

5 * * * State Highway Closures * * *

6 Sec. 20. 19 V.S.A. § 43 is amended to read:

7 § 43. STATE HIGHWAY CLOSURES

8 (a) For purposes of this section, the phrase “planned closure of a state
9 highway” means the closure of a state highway for more than 48 hours for a
10 project that is part of the State’s annual transportation program. The phrase
11 does not include emergency projects, or closures of 48 hours or less for
12 maintenance work.

13 (b) Before the planned closure of a state highway, the ~~agency~~ Agency shall:

14 (1) contact the legislative body of any municipality affected by the
15 closure to determine whether the legislative body wishes to convene a regional
16 public meeting for the purpose of ~~listening to~~ hearing public concerns. ~~The~~
17 ~~agency~~ regarding the planned closure; and

18 (2) conduct a regional public meeting if requested by the legislative
19 body of a municipality affected by the closure.

20 (c) To address concerns raised at a meeting held pursuant to subsection (b)
21 of this section or otherwise to reduce adverse impacts of the planned closure of

1 a state highway, the Agency shall consult with other state agencies and
2 departments, regional chambers of commerce, regional planning commissions,
3 local legislative bodies, emergency medical service organizations, school
4 officials, and area businesses to develop mitigation strategies ~~to reduce the~~
5 ~~impact of the planned closure on the local and regional economies.~~

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

12 * * * Taxation of Motor Fuels * * *

13 Sec. 21. REPEAL

14 23 V.S.A. § 3106(a) (motor fuel tax rate) is repealed.

15 Sec. 22. MOTOR FUEL TAXES: MAY 1, 2013–JUNE 30, 2014

16 (a) From May 1, 2013 through June 30, 2014, motor fuels shall be taxed at
17 the rates specified in this section, and all of the provisions of 23 V.S.A.
18 chapter 28 shall apply to govern the collection and enforcement of taxes
19 authorized under this section.

20 (b)(1) Except for sales of motor fuels between distributors licensed in this
21 State, which sales shall be exempt from the taxes and assessments authorized

1 under this section, in all cases not exempt from the tax under the laws of the
2 United States at the time of filing the report required by 23 V.S.A. § 3108,
3 each distributor shall pay to the Commissioner:

4 (A) a tax of \$0.19 upon each gallon of motor fuel sold by the
5 distributor; and

6 (B) the following assessments, which shall be levied on the
7 tax-adjusted retail price of gasoline as defined herein:

8 (i) a motor fuel transportation infrastructure assessment in the
9 amount of two percent of the tax-adjusted retail price upon each gallon of
10 motor fuel sold by the distributor; and

11 (ii) a fuel tax assessment that is the greater of:

12 (I) \$0.067 per gallon; or

13 (II) two percent of the tax-adjusted retail price upon each
14 gallon of motor fuel sold by the distributor.

15 (2)(A) For the purposes of subdivision (1)(B) of this subsection, the
16 tax-adjusted retail price applicable to the five-month period of May 1, 2013–
17 September 30, 2013 shall be \$3.3279.

18 (B) For the purposes of subdivision (1)(B) of this subsection, for the
19 October 1, 2013–December 31, 2013 quarter and the two succeeding quarters,
20 the retail price shall be the average of the monthly retail prices for regular
21 gasoline determined and published by the Department of Public Service for the

1 three months of the preceding quarter. The tax-adjusted retail price applicable
2 for a quarter shall be the retail price exclusive of: all federal and state taxes
3 and assessments and the petroleum distributor licensing fee established by
4 10 V.S.A. § 1942 at the rates applicable in the preceding quarter.

5 (3) A distributor shall also pay to the Commissioner the tax and
6 assessments specified in this section upon each gallon of motor fuel used
7 within the State by him or her.

8 * * * DUI Special Enforcement Fund * * *

9 Sec. 23. 23 V.S.A. § 1220a(b) is amended to read:

10 (b) The DUI enforcement special fund shall consist of:

11 (1) receipts from the surcharges assessed under section 206 and
12 subsections 674(i), 1091(d), 1094(f), 1128(d), 1133(d), 1205(r), and 1210(k) of
13 this title;

14 (2) beginning in fiscal year 2000 and thereafter, the first \$150,000.00 of
15 revenues collected from fines imposed under subchapter 13 of chapter 13 of
16 this title pertaining to DUI related offenses;

17 (3) beginning ~~in fiscal year 2000~~ May 1, 2013 and thereafter, ~~two~~
18 ~~percent~~ \$0.0038 per gallon of the revenues raised by the motor fuel tax on
19 gasoline imposed by chapter 28 of this title; and

20 (4) any additional funds transferred or appropriated by the ~~general~~
21 ~~assembly~~ General Assembly.

1 Sec. 24. 23 V.S.A. § 3106 is amended to read:

2 § 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

3 (a) ~~{Repealed.}~~

4 (1) Except for sales of motor fuels between distributors licensed in this
5 State, which sales shall be exempt from the taxes and assessments authorized
6 under this section, in all cases not exempt from the tax under the laws of the
7 United States at the time of filing the report required by section 3108 of this
8 title, each distributor shall pay to the Commissioner:

9 (A) a tax of \$0.131 upon each gallon of motor fuel sold by the
10 distributor, plus the cumulative total of the inflation adjustments required
11 under subdivision (2) of this subsection; and

12 (B) the following assessments, which shall be levied on the
13 tax-adjusted retail price of gasoline as defined herein:

14 (i) a motor fuel transportation infrastructure assessment in the
15 amount of two percent of the tax-adjusted retail price upon each gallon of
16 motor fuel sold by the distributor; and

17 (ii) a fuel tax assessment that is the greater of:

18 (I) \$0.134 per gallon; or

19 (II) four percent of the tax-adjusted retail price upon each
20 gallon of motor fuel sold by the distributor or \$0.19 per gallon, whichever is
21 lesser.

1 (2) Starting July 1, 2014, and annually thereafter, the tax specified in
2 subdivision (1)(A) of this subsection shall be adjusted to reflect the change in
3 the Consumer Price Index for All Urban Consumers (CPI-U) in the prior
4 calendar year.

5 (3) For the purposes of subdivision (1)(B) of this subsection, the retail
6 price applicable for a quarter shall be the average of the monthly retail prices
7 for regular gasoline determined and published by the Department of Public
8 Service for the three months of the preceding quarter. The tax-adjusted retail
9 price applicable for a quarter shall be the retail price exclusive of: all federal
10 and state taxes and assessments, and the petroleum distributor licensing fee
11 established by 10 V.S.A. § 1942, at the rates applicable in the preceding
12 quarter.

13 (4) The distributor shall also pay to the Commissioner the tax and
14 assessments specified in this subsection upon each gallon of motor fuel used
15 within the State by him or her.

16 * * *

17 * * * Appropriation of Transportation Funds * * *

18 Sec. 25. 19 V.S.A. § 11a is amended to read:

19 § 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE
20 DEPARTMENT OF PUBLIC SAFETY

1 No transportation funds shall be appropriated for the support of government
2 other than for the ~~agency of transportation~~ Agency, the ~~transportation board~~
3 Board, transportation pay act funds, construction of transportation capital
4 facilities ~~used by the agency of transportation~~, transportation debt service, the
5 ~~department of buildings and general services~~ operation of information centers
6 by the Department of Buildings and General Services, and the ~~department of~~
7 ~~public safety~~ Department of Public Safety. The amount of transportation funds
8 appropriated to the ~~department of public safety~~ Department of Public Safety
9 shall not exceed:

10 (1) \$25,250,000.00 in fiscal year 2014;

11 (2) \$22,750,000.00 in fiscal year 2015; and

12 (3) \$20,250,000.00 in fiscal year 2016 and in succeeding fiscal years.

13 * * * Annual Transportation Program; Report * * *

14 Sec. 26. 19 V.S.A. § 10g is amended to read:

15 § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

16 ADVANCEMENTS, CANCELLATIONS, AND DELAYS

17 * * *

18 (c)(1) The program proposed by the ~~agency~~ Agency shall include
19 systemwide indicators developed by the ~~agency~~ Agency to describe the
20 condition of the Vermont transportation network. The program shall discuss

1 the background and utility of the indicators, track the indicators over time, and,
2 where appropriate, recommend the setting of targets for the indicators.

3 (2) The Secretary shall develop a report which shall be appended
4 annually to the Agency's proposed transportation program that describes the
5 performance of Agency programs toward measurable goals. The Agency shall
6 work with the General Assembly to assess whether the goals and
7 measurements are consistent with public expectations. The report shall include
8 a review of the Agency's efforts to create efficiency and cost savings through
9 innovation and shall also report on methods for maximizing competitiveness in
10 the bidding environment. The report shall review the Agency's procedures for
11 regular communication with the public, interested stakeholders, and the
12 General Assembly to provide greater transparency in the programs and projects
13 the Agency manages.

14 * * *

15 Sec. 27. EFFECTIVE DATES

16 (a) This section and Sec. 10 of this act (authority to issue transportation
17 infrastructure bonds) shall take effect on passage.

18 (b) Secs. 21–23 of this act shall take effect on May 1, 2013.

19 (c) Sec. 24 of this act shall take effect on July 1, 2014.

20 (d) All other sections of this act shall take effect on July 1, 2013.