

1 Introduced by [*Agency of Transportation proposals*]

2 Referred to Committee on

3 Date:

4 Subject: Transportation; capital program

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 2015 and to make miscellaneous additions and changes
8 to the State’s transportation laws.

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

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

12 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

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

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

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

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

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

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

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

11 Sec. 2. PROGRAM DEVELOPMENT – FUNDING

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

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

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

*** Paving ***

Sec. 3. PROGRAM DEVELOPMENT – PAVING

Spending authority for the statewide–district leveling activity within the

Program Development–Paving Program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,000,000	6,096,640	96,640
Total	6,000,000	6,096,640	96,640
<u>Sources of funds</u>			
State	6,000,000	6,096,640	96,640
TIB	0	0	0
Federal	0	0	0
Total	6,000,000	6,096,640	96,640

*** Transportation Buildings ***

Sec. 4. TRANSPORTATION BUILDINGS; INTERSTATE

MAINTENANCE DEPOTS

The following project is added to the candidate list of the Transportation

Buildings Program within the fiscal year 2015 Transportation Program:

Interstate Maintenance Depots.

1 * * * Program Development—Safety and Traffic Operations * * *

2 Sec. 5. PROGRAM DEVELOPMENT— SAFETY AND TRAFFIC
3 OPERATIONS

4 The following project is added to the candidate list of the Program
5 Development—Safety and Traffic Operations Program within the fiscal year
6 2015 Transportation Program: Woodford—Searsburg—VT9 Truck Chain Up
7 Areas for vehicles to pull off the traveled way in order to install chains.

8 * * * Central Garage * * *

9 Sec. 6. TRANSFER TO CENTRAL GARAGE FUND

10 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2015, the amount of
11 \$1,120,000.00 is transferred from the Transportation Fund to the Central
12 Garage Fund created in 19 V.S.A. § 13.

13 * * * Cancellation of Projects * * *

14 Sec. 7. CANCELLATION OF PROJECTS

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

18 (1) Program Development—State Highway Bridges:

19 (A) Chester ER 016-1(31) (rehabilitation of VT 11 BR 43);

20 (B) Colchester BF 028-1(29) (development and evaluation);

21 (C) Enosburg BF 027-1(24) (replacement of VT 108 BR 49);

1 obtaining the approval of the Joint Transportation Oversight Committee, the
2 Agency is authorized to add new projects to the ~~transportation program~~
3 Transportation Program in order to secure the benefits of federal earmarks or
4 awards of discretionary federal grants.

5 * * * State Highways; Detours * * *

6 Sec. 9. 19 V.S.A. § 10 is amended to read:

7 § 10. DUTIES

8 The ~~agency~~ Agency shall, except where otherwise specifically provided by
9 law:

10 * * *

11 (3) Exercise general supervision of all transportation functions, have the
12 right to direct traffic on all ~~state~~ State highways which are under construction
13 and maintenance, and may close all or any part of a ~~state~~ State highway which
14 is under construction or repair. The ~~agency shall properly mark sections of~~
15 ~~highway which are closed to traffic, and shall~~ Agency may maintain detours
16 around closed sections.

17 * * *

18 Sec. 10. 23 V.S.A. § 1006a is amended to read:

19 § 1006a. HIGHWAYS; EMERGENCY CLOSURE

20 (a) The ~~traffic committee~~ Traffic Committee may close any part or all of
21 any ~~state~~ State highway to public travel to protect the health, safety, or welfare

1 of the public. In such event the ~~agency of transportation shall properly mark~~
2 ~~and~~ Agency of Transportation may maintain a detour around the closed
3 section.

4 * * *

5 * * * Transportation Program; Town Highway Bridges * * *

6 Sec. 11. 19 V.S.A. § 10g(p) is added to read:

7 (p) The Agency, in consultation with the regional planning commissions,
8 shall annually review the candidate list of proposed town highway bridge
9 projects and, in its proposed Transportation Program, shall submit a candidate
10 list that reflects the outcome of this review process. Town highway bridge
11 candidate projects in a Transportation Program approved by the General
12 Assembly that are not carried forward in a subsequent Transportation Program
13 approved by the General Assembly shall be considered to have been cancelled
14 in accordance with subsection (h) of this section (legislative approval for
15 cancellation of projects).

16 * * * Surplus Property * * *

17 Sec. 12. 19 V.S.A. § 26 is amended to read:

18 § 26. PURCHASE AND SALE OF PROPERTY

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

20 (A) The Agency may purchase or lease any land, taking conveyance
21 in the name of the ~~state~~ State, when land is needed in connection with the

1 layout, construction, repair, and maintenance of any State highway, or the
2 reconstruction of the highway.

3 (B) The Agency may acquire or construct buildings necessary for use
4 in connection with this work.

5 (C) When any of the land or the buildings acquired or the buildings
6 constructed become no longer necessary for these purposes, the Agency may
7 sell or lease the property.

8 (2) The proceeds from any sale or lease shall be deposited in the
9 Transportation Fund ~~and, unless otherwise required by federal law or~~
10 ~~regulation, shall be credited to transportation buildings to be used for~~
11 ~~transportation building projects previously authorized by the General~~
12 ~~Assembly.~~

13 * * *

14 * * * Consolidated Transportation Report * * *

15 Sec. 13. FINDINGS

16 The General Assembly finds:

17 (1) Timely access to information about the State's transportation system
18 and the Agency's activities is necessary for the House and Senate Committees
19 on Transportation to carry out their oversight functions and to develop
20 transportation policy.

1 (2) Under current law, the Committees receive such information in
2 several different reports.

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

7 Sec. 14. 19 V.S.A. § 42 is amended to read:

8 § 42. REPORTS PRESERVED; CONSOLIDATED TRANSPORTATION
9 REPORT

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

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

18 (1) Financial and performance data of all public transit systems that receive
19 operating subsidies in any form from the State or federal government, including
20 subsidies related to the Elders and Persons with Disabilities Transportation
21 Program for service and capital equipment. This component of the report shall:

1 (A) be developed in cooperation with the Public Transit Advisory

2 Council;

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

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

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

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

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

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

1 (5) A summary of updates to the Agency’s strategic plans and performance
2 measurements used in its strategic plans;

3 (6) A summary of aviation, rail, and public transportation project statuses;

4 (7) Data and statistics regarding highway safety including trends in vehicle
5 crashes and fatalities, traffic counts, and trends in vehicle miles traveled;

6 (8) An overview of operations and maintenance activities, including winter
7 maintenance statistics, snow and ice control plans, and equipment performance
8 measures;

9 (9) Data on the miles of State highway paving completed during the
10 previous construction season;

11 (10) A list of projects completed during the most recent construction
12 season;

13 (11) Such other information that the Secretary determines the Committees
14 on Transportation need to perform their oversight role.

15 Sec. 15. 19 V.S.A. § 10c is amended to read:

16 § 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

17 * * *

18 ~~(k)(4) The agency shall by January 15 of each year submit a report on the~~
19 ~~pavement conditions of the state highway system to the house and senate~~
20 ~~committees on transportation which, at a minimum, shall contain the~~
21 ~~information, updated to the latest date consistent with the publication date,~~
22 ~~which is included in the agency’s publication entitled “Pavement Management~~

1 ~~Annual Report 2006.” The report in addition shall include information~~
2 ~~describing the actual historic percentage of state system pavement which is~~
3 ~~rated as being in poor or very poor condition.~~

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

6 [Repealed.]

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

12 * * *

13 Sec. 16. 19 V.S.A. § 10e(c) is amended to read:

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

19 [Repealed.]

1 Sec. 17. 24 V.S.A. § 5092 is amended to read:

2 § 5092. ~~REPORTS~~

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

1 * * * Vermont Design Standards * * *

2 Sec. 18. RECOMMENDATIONS TO UPDATE VERMONT STATE
3 DESIGN STANDARDS

4 (a) Findings.

5 (1) The purpose of the “Vermont State Standards for the Design of
6 Transportation Construction, Reconstruction and Rehabilitation of Freeways,
7 Roads and Streets” (Vermont State Standards) is to provide clear technical
8 direction to the designers of transportation projects in Vermont and to achieve
9 roadway and bridge designs that provide access, mobility, and safety for users
10 and which are also sensitive to the social and environmental context of
11 Vermont.

12 (2) The Vermont State Standards represent the work of the Vermont
13 Design Standards Committee, a multi-disciplinary team of stakeholders that
14 was established in 1994. This Committee concluded its work in 1996 and
15 developed recommendations for revised standards based upon input from
16 engineering, planning, and resources perspectives that led to development of
17 the Proposed Vermont State Standards. 1997 Acts and Resolves No. 38, Sec.
18 19c directed the Agency to adopt the Proposed Vermont State Standards as
19 formal Agency rules following the procedures set forth in the Administrative
20 Procedure Act, 3 V.S.A. chapter 25.

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

6 (4) Pursuant to 19 V.S.A. §§ 10(1) and 10c, VTrans has standing
7 authority to establish design standards.

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

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

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

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

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

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

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

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

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

15 Sec. 19. 9 V.S.A. § 3021(8) is added to read:

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

1 (e) Notice. No less than 45 days prior to filing an application for a
2 certificate of public good under this section, the applicant shall serve written
3 notice of an application to be filed with the Board pursuant to this section to
4 the legislative bodies and municipal and regional planning commissions in the
5 communities in which the applicant proposes to construct or install facilities;
6 the Secretary of Natural Resources; the Secretary of Transportation; the
7 Division for Historic Preservation; the Commissioner of Public Service and its
8 Director for Public Advocacy; the Natural Resources Board if the application
9 concerns a telecommunications facility for which a permit previously has been
10 issued under 10 V.S.A. chapter 151; and the landowners of record of property
11 adjoining the project sites. In addition, at least one copy of each application
12 shall be filed with each of these municipal and regional planning commissions.
13 Upon motion or otherwise, the Public Service Board shall direct that further
14 public or personal notice be provided if the Board finds that such further notice
15 will not unduly delay consideration of the merits and that additional notice is
16 necessary for fair consideration of the application.

17 * * *

18 Sec. 24. EFFECTIVE DATE

19 This act shall take effect on July 1, 2014.