

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; capital program

4 Statement of purpose of bill as introduced: This bill proposes to adopt, with
5 modifications, the Agency of Transportation’s proposed Transportation
6 Program for fiscal year 2015 and to make miscellaneous additions and changes
7 to the State’s transportation laws.

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

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

11 * * * Transportation Program; Definitions * * *

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	6,084,089	84,089
Total	6,000,000	6,084,089	84,089
<u>Sources of funds</u>			
State	6,000,000	6,084,089	84,089
TIB	0	0	0
Federal	0	0	0
Total	6,000,000	6,084,089	84,089

*** Transportation Buildings ***

Sec. 4. TRANSPORTATION BUILDINGS; INTERSTATE

MAINTENANCE DEPOTS

The following project is added to the Transportation Buildings Program
within the fiscal year 2015 Transportation Program: Statewide Interstate
Maintenance Depots (study of feasibility of conversion of closed rest areas to
statewide 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 (areas for trucks to pull off the traveled way in order to install chains).

8 * * * Rail * * *

9 Sec. 6. RAIL

10 (a) The following project is added to the Rail Program: Leicester—New
11 Haven (upgrade track to continuously welded rail on the Vermont Railway
12 Northern Subdivision from Leicester mile post 76.99 to New Haven mile post
13 93.48).

14 (b) The Agency is encouraged to apply for a federal discretionary grant to
15 cover, in whole or in part, the cost of the Leicester—New Haven project. In the
16 event the State is awarded a grant for this project, authority to spend the federal
17 grant funds is added to the fiscal year 2015 Transportation Program—Rail
18 Program and the amount of federal funds awarded is appropriated to the fiscal
19 year 2015 Transportation Program—Rail Program.

20 Sec. 6a. RAILROAD BRIDGE LOAD RATINGS

21 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
22 activity spending authority approved in the Fiscal Year 2015 Transportation

1 Program, the Secretary, with the approval of the Secretary of Administration
2 and subject to the provisions of subsection (b) of this section, may transfer up
3 to \$3,000,000.00 in Transportation Fund appropriations, other than
4 appropriations for the Town Highway State Aid, Structures, and Class 2
5 Roadway Programs, to the Transportation – rail appropriation (8100002300)
6 for the specific purpose of paying for necessary improvements to State-owned
7 railroad bridges to address insufficient load ratings.

8 (b) If a contemplated transfer of an appropriation would, by itself, have the
9 effect of significantly delaying the planned work schedule of a project, the
10 Secretary shall submit the proposed transfer for approval by the House and
11 Senate Committees on Transportation when the General Assembly is in session
12 and, when the General Assembly is not in session, by the Joint Transportation
13 Oversight Committee. In all other cases, the Secretary may execute the
14 transfer, giving prompt notice thereof to the Joint Fiscal Office and to the
15 House and Senate Committees on Transportation when the General Assembly
16 is in session and, when the General Assembly is not in session, to the Joint
17 Transportation Oversight Committee.

18 (c) This section shall expire on June 30, 2015.

19 * * * Supplemental Winter Maintenance Spending * * *

20 Sec. 6b. SUPPLEMENTAL WINTER MAINTENANCE SPENDING

1 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or
2 activity spending authority approved in the Fiscal Year 2014 Transportation
3 Program, the Secretary, with the approval of the Secretary of Administration
4 and subject to the provisions of subsection (b) of this section, may transfer up
5 to \$3,000,000.00 in Transportation Fund appropriations, other than
6 appropriations for the Town Highway State Aid, Structures, and Class 2
7 Roadway Programs, to the Transportation – maintenance state system
8 appropriation (8100002000) for the specific purpose of paying for excessive
9 winter maintenance costs caused by winter weather of 2013–2014.

10 (b) If a contemplated transfer of an appropriation would, by itself, have the
11 effect of significantly delaying the planned work schedule of a project, the
12 Secretary shall submit the proposed transfer for approval by the House and
13 Senate Committees on Transportation when the General Assembly is in session
14 and, when the General Assembly is not in session, by the Joint Transportation
15 Oversight Committee. In all other cases, the Secretary may execute the
16 transfer, giving prompt notice thereof to the Joint Fiscal Office and to the
17 House and Senate Committees on Transportation when the General Assembly
18 is in session and, when the General Assembly is not in session, to the Joint
19 Transportation Oversight Committee.

20 (c) This section shall expire on June 30, 2014.

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***** Local Technical Assistance Program *****

**Sec. 7. TOWN HIGHWAY VERMONT LOCAL ROADS; LOCAL
TECHNICAL ASSISTANCE PROGRAM**

(a) The Agency shall create a Local Technical Assistance Program (LTAP or Program) within the Agency’s Vermont Transportation Training Center. The purpose of the LTAP is to provide transportation-related technical assistance and training for municipalities, including workshops, technology demonstrations, computer training, distance learning, seminars, and field and classroom instruction.

(b) The Town Highway Vermont Local Roads Program within the Agency’s proposed fiscal year 2015 Transportation Program is renamed the Local Technical Assistance Program. Funding for the Program approved and appropriated by the General Assembly shall be used for the Program’s operating expenses.

(c) The establishment of three new permanent classified positions is authorized in the Agency’s Operations Division to carry out the Local Technical Assistance Program.

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* * * Central Garage * * *

Sec. 8. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2015, 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.

* * * Cancellation of Projects * * *

Sec. 9. CANCELLATION OF PROJECTS

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

(1) Program Development—State Highway Bridges:

- (A) Chester ER 016-1(31) (rehabilitation of VT 11 BR 43);
- (B) Colchester BF 028-1(29) (development and evaluation);
- (C) Enosburg BF 027-1(24) (replacement of VT 108 BR 49);
- (D) Richford STP 034-2()S (replacement of culvert on VT 105

BR 37);

(2) Program Development—Town Highway Bridges:

- (A) Bethel BO 1444() (TH 19 BR 35);
- (B) Brownington BRO 1449(32) (TH 39 BR 18);
- (C) Jamaica BRO 1442(37) (TH 33 BR 31);
- (D) Stockbridge BO 1444() (TH 51 BR 30);

1 (E) Wheelock TH3 9644 (TH 17 BR 20);

2 (3) Rail—Development and Evaluation:

3 (A) Rutland WCRS(21) (Railyard Relocation).

4 * * * Discretionary Federal Grants * * *

5 Sec. 10. 19 V.S.A. § 7(k) is amended to read:

6 (k)(1) Upon applying for an original discretionary federal grant of
7 \$1,000,000.00 or more, the Agency shall notify the House and Senate
8 Committees on Transportation and the Joint Fiscal Office of the planned
9 application and provide a brief statement of the purpose of the grant and the
10 expected costs, direct and indirect, related to the grant if awarded.

11 (2) Upon being apprised of the enactment of a federal law which makes
12 provision for a federal earmark or the award of an original discretionary
13 federal grant for a transportation project within the State of Vermont, the
14 Agency shall promptly notify the members of the House and Senate
15 Committees on Transportation and the Joint Fiscal Office. Such notification
16 shall include all available summary information regarding the terms and
17 conditions of the federal earmark or grant. For purposes of this section, federal
18 earmark means a congressional designation of federal aid funds for a specific
19 transportation project or program. When the General Assembly is not in
20 session, upon obtaining the approval of the Joint Transportation Oversight
21 Committee, the Agency is authorized to add new projects to the transportation

1 program in order to secure the benefits of federal earmarks or discretionary
2 grants.

3 * * * Acceptance of Grants * * *

4 Sec. 11. 32 V.S.A. § 5 is amended to read:

5 § 5. ACCEPTANCE OF GRANTS

6 (a) No original of any grant, gift, loan, or any sum of money or thing of
7 value may be accepted by any agency, department, commission, board, or
8 other part of State government except as follows:

9 (1) All such items must be submitted to the Governor who shall send a
10 copy of the approval or rejection to the Joint Fiscal Committee through the
11 Joint Fiscal Office together with the following information with respect to said
12 items:

13 (A) the source of the grant, gift, or loan;

14 (B) the legal and referenced titles of the grant;

15 (C) the costs, direct and indirect, for the present and future years
16 related to such a grant;

17 (D) the department and/or program which will utilize the grant;

18 (E) a brief statement of purpose;

19 (F) impact on existing programs if grant is not accepted.

20 (2) The Governor's approval shall be final unless within 30 days of
21 receipt of such information a member of the Joint Fiscal Committee requests

1 such grant be placed on the agenda of the Joint Fiscal Committee, or, when the
2 General Assembly is in session, be held for legislative approval. In the event
3 of such request, the grant shall not be accepted until approved by the Joint
4 Fiscal Committee or the Legislature. The 30-day period may be reduced where
5 expedited consideration is warranted in accordance with adopted Joint Fiscal
6 Committee policies. During the legislative session, the Joint Fiscal Committee
7 shall file a notice with the House and Senate clerks for publication in the
8 respective calendars of any grant approval requests that are submitted by the
9 administration.

10 (3) This section shall not apply to the acceptance of grants, gifts,
11 donations, loans, or other things of value with a value of \$5,000.00 or less, or
12 to the acceptance by the Department of Forests, Parks and Recreation of
13 grants, gifts, donations, loans, or other things of value with a value of
14 \$15,000.00 or less, provided that such acceptance will not incur additional
15 expense to the State or create an ongoing requirement for funds, services, or
16 facilities. The Secretary of Administration and Joint Fiscal Office shall be
17 promptly notified of the source, value, and purpose of any items received
18 under this subdivision. The Joint Fiscal Office shall report all such items to
19 the Joint Fiscal Committee quarterly.

1 ~~highway which are closed to traffic, and shall~~ Agency shall maintain detours
2 comprising State or town highways, or both, around planned closures of State
3 highways in excess of 72 hours ~~closed sections.~~

4 * * *

5 Sec. 13. 23 V.S.A. § 1006a is amended to read:

6 § 1006a. HIGHWAYS; EMERGENCY CLOSURE

7 (a) The ~~traffic committee~~ Traffic Committee may close any part or all of
8 any ~~state~~ State highway to public travel to protect the health, safety, or welfare
9 of the public. In such event, ~~the agency of transportation shall properly mark~~
10 ~~and~~ Agency may maintain a detour comprising State or town highways, or
11 both, around the closed section.

12 * * *

13 * * * Surplus Property * * *

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

15 § 26. PURCHASE AND SALE OF PROPERTY

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

17 (A) The Agency may purchase or lease any land, taking conveyance
18 in the name of the ~~state~~ State, when land is needed in connection with the
19 layout, construction, repair, and maintenance of any State highway, or the
20 reconstruction of the highway.

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

5 Sec. 16. 19 V.S.A. § 42 is amended to read:

6 § 42. REPORTS PRESERVED; CONSOLIDATED TRANSPORTATION
7 REPORT

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

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

15 (1) Financial and performance data of all public transit systems, as defined
16 in 24 V.S.A. § 5088(6), that receive operating subsidies in any form from the State
17 or federal government, including subsidies related to the Elders and Persons with
18 Disabilities Transportation Program for service and capital equipment. This
19 component of the report shall:

20 (A) be developed in cooperation with the Public Transit Advisory
21 Council;

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

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

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

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

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

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

20 (5) A summary of updates to the Agency’s strategic plans and performance
21 measurements used in its strategic plans.

1 ~~describing the actual historic percentage of state system pavement which is~~
2 ~~rated as being in poor or very poor condition.~~

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

5 [Repealed.]

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

11 * * *

12 Sec. 18. 19 V.S.A. § 10e(c) is amended to read:

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

18 [Repealed.]

1 Sec. 19. 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 (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. § 10c, the Agency has standing authority to
7 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. 21. 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, and spikes. “Railroad scrap” also includes railroad
19 signals and signal components.

1 Sec. 22. 9 V.S.A. § 3022 is amended to read:

2 § 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,
3 ~~AND PROPRIETARY ARTICLES, AND RAILROAD SCRAP~~

4 (a) [Repealed.]

5 (b) A scrap metal processor may purchase nonferrous scrap, metal articles,
6 ~~and proprietary articles, and railroad scrap~~ only if the scrap metal processor
7 complies with all the following procedures:

8 (1) At the time of sale, the processor:

9 (A) Requires the seller to provide a current government-issued
10 photographic identification that indicates the seller's full name, current
11 address, and date of birth, and records in a permanent ledger the identification
12 information of the seller, the time and date of the transaction, the license
13 number of the seller's vehicle, and a description of the items received from the
14 seller.

15 (B) Requests and, if available, collects documentation from the seller
16 of the items offered for sale, such as a bill of sale, receipt, letter of
17 authorization, or similar evidence that establishes that the seller lawfully owns
18 the items to be sold.

19 (2) After purchasing an item from a person who fails to provide
20 documentation pursuant to subdivision (1)(B) of this subsection, the processor:

1 (A) Submits to the Department of Public Safety no later than the
2 close of the following business day a report that describes the item and the
3 seller’s identifying information required in subdivision (1)(A) of this
4 subsection.

5 (B) Holds the item for at least 10 days following purchase.

6 (c) The information collected by a scrap metal processor pursuant to this
7 section shall be retained for at least five years at the processor’s normal place
8 of business or other readily accessible and secure location. On request, this
9 information shall be made available to any law enforcement official or
10 authorized security agent of a governmental entity who provides official
11 credentials at the scrap metal processor’s business location during regular
12 business hours.

13 * * * Site Plan Review; Access to State Highways * * *

14 Sec. 23. 24 V.S.A. § 4416 is amended to read:

15 § 4416. SITE PLAN REVIEW

16 (a) As prerequisite to the approval of any use other than one- and
17 two-family dwellings, the approval of site plans by the appropriate municipal
18 panel may be required, under procedures set forth in subchapter 10 of this
19 chapter. In reviewing site plans, the appropriate municipal panel may impose,
20 in accordance with the bylaws, appropriate conditions and safeguards with
21 respect to: the adequacy of parking, traffic access, and circulation for

1 pedestrians and vehicles; landscaping and screening; the protection of the
2 utilization of renewable energy resources; exterior lighting; the size, location,
3 and design of signs; and other matters specified in the bylaws. The bylaws
4 shall specify the maps, data, and other information to be presented with
5 applications for site plan approval and a review process pursuant to section
6 4464 of this title.

7 (b) Whenever a proposed site plan involves access to a State highway, the
8 application for site plan approval shall include a letter of intent from the
9 Agency of Transportation confirming that the Agency has reviewed the
10 proposed site plan and is prepared to issue an access permit under 19 V.S.A.
11 § 1111, and setting out any conditions that the Agency proposes to attach to the
12 section 1111 permit.

13 * * * Survey Plats * * *

14 Sec. 24. 27 V.S.A. § 1404(a) is amended to read:

15 (a) Survey plats prepared and filed by municipal and ~~state~~ State
16 government agencies shall be exempt from subdivision ~~1403(b)(6)~~ 1403(b)(5)
17 of this title. Each plat sheet filed under this exemption shall contain a title area
18 in the lower right-hand corner of the sheet stating the location of the land, the
19 scale expressed in engineering units, and the date of compilation. Highway
20 plats or plans filed under this exemption shall also include right-of-way detail
21 sheets and a title sheet.

1 will not unduly delay consideration of the merits and that additional notice is
2 necessary for fair consideration of the application.

3 * * *

4 * * * Effective Dates * * *

5 Sec. 26. EFFECTIVE DATES

6 (a) This section and Sec. 6b of this act shall take effect on passage.

7 (b) All other sections of this act shall take effect on July 1, 2014.