

1 Introduced by Committee on Transportation [*Draft, not approved; includes*
2 *options*]

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 2016 and to make miscellaneous additions and changes
8 to laws related to transportation.

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

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

12 * * * Transportation Program; Definitions * * *

13 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

14 (a) The Agency of Transportation’s proposed fiscal year 2016
15 Transportation Program appended to the Agency of Transportation’s proposed
16 fiscal year 2016 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 * * * Town Highway Structures * * *

11 Sec. 2. TOWN HIGHWAY STRUCTURES

12 Spending authority for Town Highway Structures Program is amended to
 13 read:

14	<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Grants	6,333,500	9,483,500	3,150,000
16	Total	6,333,500	9,483,500	3,150,000
17	<u>Sources of funds</u>			
18	State	6,333,500	9,483,500	3,150,000
19	Federal	0	0	0

1 Total 6,333,500 9,483,500 3,150,000

2 ***OPTION 1: Cuts of \$6.4 million in state \$ spending and \$12.8 in federal***

3 ***spending, TIB Floor that Generates No Net Revenue in FY16***

4 * * * Program Development – Funding * * *

5 **Sec. 3. PROGRAM DEVELOPMENT – FUNDING**

6 (a) Spending authority in Program Development is modified in accordance
7 with this section. Among projects selected in the Secretary’s discretion in
8 accordance with subsection (b) of this section, the Secretary shall:

9 (1) increase project spending authority in the total amount of
10 \$3,400,000.00 in transportation funds;

11 (2) reduce project spending authority in the total amount of
12 \$6,600,000.00 in TIB funds;

13 (3) reduce project spending authority in the total amount of
14 \$12,800,000.00 in federal funds.

15 (b) In exercising his or her discretion to select projects on which spending
16 will be reduced, the Secretary shall not delay a project that otherwise would
17 proceed in fiscal year 2016, unless the full amount of the reduction required
18 under subsection (a) of this section cannot be achieved from projects delayed
19 from proceeding in fiscal year 2016 due to unforeseen circumstances. If a
20 project that otherwise would have proceeded in fiscal year 2016 is delayed, the
21 Secretary shall promptly notify:

1 (1) the House and Senate Committees on Transportation when the
2 General Assembly is in session; or

3 (2) the Joint Transportation Oversight Committee and the Joint Fiscal
4 Office when the General Assembly is not in session.

5 *** Paving Program ***

6 **Sec. 4. PROGRAM DEVELOPMENT – PAVING PROGRAM**

7 Spending authority for the statewide–district leveling activity within the
8 Program Development – Paving Program is amended to read:

<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	5,200,000	2,700,000	-2,500,000
Total	5,200,000	2,700,000	-2,500,000

13 Sources of funds

State	5,200,000	2,700,000	-2,500,000
TIB	0	0	0
Federal	0	0	0
Total	5,200,000	2,700,000	-2,500,000

18 *** Maintenance Program ***

19 **Sec. 5. MAINTENANCE PROGRAM**

20 (a) Total authorized spending in the Maintenance Program is amended as
21 follows:

<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal services	43,784,445	43,784,445	0
Operating expenses	43,890,139	43,190,139	-700,000
Grants	95,000	95,000	0
Total	87,769,584	87,069,584	-700,000
<u>Sources of funds</u>			
State	83,169,447	82,469,447	-700,000
Federal	4,500,137	4,500,137	0
Interdep't transfer	100,000	100,000	0
Total	87,769,584	87,069,584	-700,000

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

* * * Motor Fuel Transportation Infrastructure Assessment * * *

Sec. 6. 23 V.S.A. § 3106 is amended to read:

§ 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

(a)(1) Except for sales of motor fuels between distributors licensed in this State, which sales shall be exempt from the taxes and assessments authorized under this section, unless exempt under the laws of the United States at the time of filing the report required by section 3108 of this title, each distributor shall pay to the Commissioner:

1 (A) a tax of \$0.121 upon each gallon of motor fuel sold by the
2 distributor; and

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

5 (i) a motor fuel transportation infrastructure assessment ~~in the~~
6 ~~amount of~~ that is the greater of:

7 (I) \$0.0415; or

8 (II) two percent of the tax-adjusted retail price upon each
9 gallon of motor fuel sold by the distributor; and

10 (ii) a fuel tax assessment, which shall be used exclusively for
11 transportation purposes and not be transferred from the Transportation Fund,
12 that is the greater of:

13 (I) \$0.134 per gallon; or

14 (II) four percent of the tax-adjusted retail price or \$0.18 per
15 gallon, whichever is less, upon each gallon of motor fuel sold by the

16 distributor.

17 * * *

1 **OPTION 2: No Leveling Cuts; TIB Floor that Generates Net Revenue in**
2 **FY16 with Proceeds Directed to Better Backroads**

3 ***** Program Development – Funding *****

4 **Sec. 3. PROGRAM DEVELOPMENT – FUNDING**

5 Spending authority in Program Development is modified in accordance with
6 this section. Among projects selected in the Secretary’s discretion, the
7 Secretary shall:

8 (1) reduce project spending authority in the total amount of \$718,521.00
9 in transportation funds; and

10 (2) increase project spending authority in the total amount of
11 \$718,521.00 in TIB funds.

12 ***** Maintenance Program *****

13 **Sec. 4. MAINTENANCE PROGRAM**

14 (a) Total authorized spending in the Maintenance Program is amended as
15 follows:

<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal services	43,784,445	43,784,445	0
Operating expenses	43,890,139	43,190,139	-700,000
Grants	95,000	95,000	0
Total	87,769,584	87,069,584	-700,000

1	<u>Sources of funds</u>			
2	State	83,169,447	82,469,447	-700,000
3	Federal	4,500,137	4,500,137	0
4	Interdept. transfer	100,000	100,000	0
5	Total	87,769,584	87,069,584	-700,000

6 (b) The reduction in authorized Maintenance Program spending under
7 subsection (a) of this section shall be allocated among maintenance activities
8 as specified by the Secretary.

9 * * * Municipal Mitigation and Better Back Roads Program * * *

10 **Sec. 5. MUNICIPAL MITIGATION AND BETTER BACK ROADS**

11 **PROGRAM**

12 (a) Spending authority for the Municipal Mitigation and Better Back Roads
13 Program is amended to read:

14	<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Grants	650,000	2,268,521	1,618,521
16	Total	650,000	2,268,521	1,618,521

17 Sources of funds

18	State	440,000	2,058,521	1,618,521
19	Federal	180,000	180,000	0
20	Interdept Tranfer	30,000	30,000	0
21	Total	650,000	2,268,521	1,618,521

1 (b) The increase in spending authority provided in subsection (a) of this
2 section shall be used for Better Back Roads Program grants.

3 * * * Motor Fuel Transportation Infrastructure Assessment * * *

4 Sec. 6. 23 V.S.A. § 3106 is amended to read:

5 § 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

6 (a)(1) Except for sales of motor fuels between distributors licensed in this
7 State, which sales shall be exempt from the taxes and assessments authorized
8 under this section, unless exempt under the laws of the United States at the
9 time of filing the report required by section 3108 of this title, each distributor
10 shall pay to the Commissioner:

11 (A) a tax of \$0.121 upon each gallon of motor fuel sold by the
12 distributor; and

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

15 (i) a motor fuel transportation infrastructure assessment ~~in the~~
16 ~~amount of~~ that is the greater of:

17 (I) \$0.0672; or

18 (II) two percent of the tax-adjusted retail price upon each
19 gallon of motor fuel sold by the distributor; and

1 (ii) a fuel tax assessment, which shall be used exclusively for
2 transportation purposes and not be transferred from the Transportation Fund,
3 that is the greater of:
4 (I) \$0.134 per gallon; or
5 (II) four percent of the tax-adjusted retail price or \$0.18 per
6 gallon, whichever is less, upon each gallon of motor fuel sold by the
7 distributor.

8 * * *

9 * * * Rest Areas * * *

10 Sec. 7. REST AREAS PROGRAM; PROJECT CANCELLATION

11 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
12 projects), the General Assembly approves cancellation of the following Rest
13 Areas Program project: Derby IM 091-3(8) (expansion of Derby I-91 rest
14 area).

15 Sec. 8. REST AREAS PROGRAM; PROJECT ADDITION

16 The following project is added to the candidate list of the Rest Areas
17 Program within the fiscal year 2016 Transportation Program: Derby IM 091-3
18 () (rehabilitation of Derby I-91 rest area).

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* * * Central Garage * * *

Sec. 9. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2016, 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.

* * * Transportation Revenue Study Committee * * *

Sec. 10. TRANSPORTATION REVENUE STUDY COMMITTEE

(a) The General Assembly finds that policies implemented by the State of Vermont and the federal government in order to meet economic, environmental, and quality of life goals have and will continue to reduce motor vehicle fuel consumption and motor vehicle fuel tax revenues. These policies include fuel economy standards, alternative fuel vehicle programs, transportation demand management programs, and support for bicycle and pedestrian facilities and transit programs. Under the existing transportation revenue structure, the State faces a challenge and a trade-off between ensuring stable and sufficient revenues to maintain its transportation infrastructure while also promoting policies that reduce motor vehicle fuel consumption. To meet this challenge, the State must develop a sufficient and more stable revenue stream that allows the State to maintain its transportation infrastructure in good repair while also meeting economic, environmental, and quality of life goals.

1 (b) A Transportation Revenue Study Committee is established to identify
2 and evaluate revenue streams, other than motor vehicle fuel taxes, needed to
3 maintain the State’s transportation system in good repair and that account for
4 State and federal policies that have and will continue to reduce motor vehicle
5 fuel consumption. The Committee shall consist of:

6 (1) the Secretary of Transportation or designee, who shall serve as

7 Chair;

8 (2) the Commissioner of Motor Vehicles or designee;

9 (3) one member appointed by the Senate Committee on Committees;

10 (4) one member appointed by the Speaker of the House;

11 (5) one member designated by the Vermont League of Cities and

12 Towns;

13 (6) one member designated by the Vermont Association of Planning and

14 Development Agencies, Inc.; and

15 (7) one member designated by the James M. Jeffords Center for Policy

16 Research.

17 (c) Purpose and charge. The Committee shall:

18 (1) review and expand on the recommendations contained in the report

19 on transportation funding required by 2012 Acts and Resolves No. 153,

20 Sec. 40, by focusing on the identification and analysis of alternative funding

1 sources, other than motor vehicle fuel taxes, for the construction,
2 rehabilitation, and maintenance of Vermont's transportation infrastructure;

3 (2) review the actions of other states and provinces that have reduced or
4 eliminated motor vehicle fuel taxes and replaced them with other revenue
5 sources;

6 (3) review current state and federal transportation funding sources and
7 policies; and

8 (4) identify revenue sources, other than local property taxes, to support
9 the local share of increasing costs or the expansion of public transportation
10 services statewide.

11 (d) The Secretary shall call the first meeting of the Committee by June 15,
12 2015. The Committee shall deliver a written report of its findings, and of any
13 options for proposed legislation, to the House and Senate Committees on
14 Transportation on or before January 15, 2016. The Committee shall cease to
15 exist on January 15, 2016.

16 (e) Assistance. Upon the request of the Committee, the Agency may
17 contract with consultants to provide expert assistance to the Committee. Any
18 consultant fees shall be paid out of the Transportation – Policy and Planning
19 appropriation. Upon request, the Committee shall receive administrative
20 support from the Agency and assistance from the Joint Fiscal Office, the Office

1 of Legislative Council, and any unit of the Executive Branch the Committee
2 deems appropriate.

3 (f) For attendance at a meeting when the General Assembly is not in
4 session, legislative members of the Committee shall be entitled to
5 compensation for services and reimbursement of expenses as provided under
6 2 V.S.A. § 406(a). Other committee members who are not otherwise
7 compensated or reimbursed by their employer shall be entitled to per diem
8 compensation and reimbursement for expenses under 32 V.S.A. § 1010. Funds
9 disbursed under this subsection shall be paid out of the Transportation – Policy
10 and Planning appropriation.

11 * * * Bus Service Study * * *

12 Sec. 11. STUDY OF ALBANY TO BENNINGTON TO MANCHESTER
13 BUS SERVICE

14 (a)(1) In consultation with Amtrak, the Agency shall study the expected
15 benefits and costs to the State of Vermont, implementation steps, and timeline
16 associated with Amtrak’s initiating and operating a bus service for Amtrak
17 passengers from Amtrak’s Albany, New York train station (in Rensselaer,
18 New York) to Manchester, Vermont via Bennington, Vermont.

19 (2) The Agency also shall study the expected benefits and costs to the
20 State of Vermont, implementation steps, and timeline associated with the
21 initiation and operation of an Albany to Bennington to Manchester bus service

1 that is available to the general public and provided by an entity other than
2 Amtrak.

3 (b) The Agency shall report its findings under this section to the House and
4 Senate Committees on Transportation on or before January 15, 2016.

5 * * * Montpelier to St. Albans Commuter Rail Service; Feasibility Study * * *

6 Sec. 12. MONTPELIER TO ST. ALBANS COMMUTER RAIL SERVICE;

7 FEASIBILITY STUDY

8 (a) The General Assembly finds that:

9 (1) the Interstate 89 (I-89) corridor between the cities of St. Albans and
10 Montpelier encompasses approximately one-third of Vermont's population;

11 (2) interregional commuting travel throughout this corridor has
12 increased over the past two decades;

13 (3) development growth in these areas is anticipated to continue into the
14 future, thereby creating additional interregional commuting travel challenges
15 and opportunities; and

16 (4) the State has not previously assessed the viability of commuter rail
17 service along this corridor.

18 (b) The Agency shall conduct a commuter rail feasibility study for the
19 portion of the I-89 corridor encompassing the St. Albans, greater Burlington
20 (Essex Junction), and Montpelier areas. The purpose of the study is to
21 determine the feasibility of implementing a commuter rail system within the

1 corridor, to estimate the time horizon to plan for and design the service, to
2 estimate ridership potential, to estimate costs for operations and capital
3 acquisition, and to identify any other general operational, capital, legal, and
4 administrative requirements.

5 (c) In conducting the study, the Agency shall consult with the following
6 organizations: Chittenden County Transportation Authority, Green Mountain
7 Transit Agency, New England Central Railroad, Vermont Rail Systems,
8 Northwest Regional Planning Commission, Chittenden County Regional
9 Planning Commission, Central Vermont Regional Planning Commission, the
10 village of Essex Junction, and the cities of St. Albans, Burlington, and
11 Montpelier.

12 (d) The Agency shall deliver a written report of its findings to the House
13 and Senate Committees on Transportation on or before January 15, 2017.

14 * * * Elders and Persons with Disabilities Program * * *

15 Sec. 13. REVIEW OF VERMONT ELDERS AND PERSONS WITH
16 DISABILITIES TRANSPORTATION PROGRAM

17 (a) The General Assembly finds that:

18 (1) an analysis of the demand for transportation services for the
19 Vermont Elders and Persons with Disabilities Transportation Program (E&D
20 Program) has not been conducted in ten years;

1 (2) State policymakers should have accurate information concerning the
2 funding gap that may exist between available funding for the E&D Program
3 and the current and anticipated need for transportation services for elders and
4 persons with disabilities over the next 10 years; and

5 (3) the successful use of the Medicaid day services program is placing
6 heavy demand on E&D Program funding resources.

7 (b) The Agency shall review the E&D Program and analyze the gap
8 between current and expected Program resources and Program needs over a
9 10-year time frame. The Agency shall conduct this review with the
10 participation of the regional Elderly and Disabled Transportation Committees.

11 (c) In carrying out the review, the Agency shall analyze:

12 (1) the gap between current E&D Program resources and needs, on
13 regional and statewide levels;

14 (2) regional service delivery models and their adequacy in meeting
15 program participant needs;

16 (3) challenges that exist for partner organizations to raise local matching
17 funds;

18 (4) the impact of the Medicaid day services program waiver on the E&D
19 Program; and

1 (5) existing and emerging transportation technology and the potential
2 role it could play in increasing accessibility for elders and persons with
3 disabilities.

4 (d) The Agency shall submit a written report of its findings to the House
5 and Senate Committees on Transportation on or before January 15, 2016.

6 * * * Authority of the Agency and Secretary * * *

7 Sec. 14. 5 V.S.A. § 204 is amended to read:

8 § 204. POWERS OF AGENCY GENERALLY

9 (a) To carry out the purposes of this part, the Agency of Transportation
10 shall have power, subject to subsection (b) of this section:

11 (1) To contract in the name of the State with individuals, firms, or
12 corporations, with officials of a town, city, or village, with officials of a group
13 of either or both of such governmental units, with officials of another state, or
14 with officials or agencies of the federal government to carry out the purposes
15 of this part.

16 (2) To receive, manage, use, or expend, for purposes directed by the
17 donor, gifts, grants, or contributions of any name or nature made to the State
18 for the promotion or development of aeronautics or for aeronautics facilities.

19 The authority granted in this subdivision shall be subject to the provisions of
20 32 V.S.A. § 5.

21 * * *

1 Sec. 15. 5 V.S.A. § 206 is amended to read:

2 § 206. COOPERATION WITH UNITED STATES; FEDERAL AND
3 OTHER ~~MONEYS~~ MONIES RECEIVED; DEPOSIT,
4 DESIGNATION, APPROPRIATION, AND DISBURSEMENT

5 (a) The ~~agency~~ Agency is authorized to cooperate with the government of
6 the United States in the acquisition, construction, improvement, maintenance,
7 and operation of airports and other navigation facilities in this ~~state~~ State, and
8 to comply with the provisions of the laws or regulations of the United States
9 for the expenditure of federal ~~moneys~~ monies upon airports and other air
10 navigation facilities.

11 (b) ~~¶~~ The Agency is authorized to accept, receive, and receipt for federal
12 ~~moneys~~ monies and other ~~moneys~~ monies, either public or private, for and in
13 behalf of this ~~state~~ State, appropriated to the Agency or that have been
14 approved for receipt pursuant to 32 V.S.A. § 5 or 511.

15 (c) All ~~moneys~~ monies accepted for disbursement by the ~~agency~~ Agency
16 pursuant to subsection (b) of this section shall be deposited in the ~~state treasury~~
17 State Treasury and, unless otherwise prescribed by the authority from which
18 the money is received, kept in separate funds, designated according to the
19 purposes for which the ~~moneys~~ monies were made available, and held by the
20 ~~state~~ State in trust for such purposes. ~~All moneys are hereby appropriated for~~
21 ~~the purposes for which they were made available, to~~ monies shall be expended

1 for the purposes for which they were made available and in accordance with
2 federal laws and regulations and with this chapter. The ~~agency~~ Agency is
3 authorized, whether acting for this ~~state~~ State or as the agent of any of its
4 municipalities, or when requested by the ~~United States~~ U.S. government or any
5 agency or department of the ~~United States~~ U.S. government, to disburse such
6 ~~moneys~~ monies for the designated purposes, but this shall not preclude any
7 other authorized method of disbursement.

8 Sec. 16. 19 V.S.A. chapter 15 is amended to read:

9 CHAPTER 15. FEDERAL AID

10 § 1501. ACCEPTANCE OF FEDERAL AID

11 (a) The ~~state~~ State of Vermont assents to, approves, and pledges its good
12 faith to meet the terms ~~of an act of acts~~ of Congress ~~approved July 11, 1916,~~
13 ~~entitled “An act to provide that the United States shall aid the states in the~~
14 ~~construction of rural post roads, and for other purposes,” and amendments to~~
15 ~~the act including flight strips~~ providing assistance to states for federal-aid
16 highways, and the ~~agency~~ Agency is authorized to take such action as may be
17 necessary to secure to the ~~state~~ State the aid and benefits provided by ~~the act~~
18 such acts.

19 (b) Whenever the ~~agency of transportation~~ Agency determines that funds
20 otherwise authorized to be appropriated to the ~~state~~ State under ~~the federal-aid~~
21 ~~road act~~ federal-aid highway acts, as may be amended and supplemented, shall

1 not be apportioned to the ~~state if~~ State unless Vermont law governing
2 maximum weights and dimensions of vehicles on the national system of
3 interstate highways within its boundaries may lawfully be used by vehicles
4 with any dimension or with weight in excess of the maximum corresponding
5 dimension or the maximum corresponding weight provided for use on these
6 highways in the act, as amended and supplemented Dwight D. Eisenhower
7 National System of Interstate and Defense Highways is consistent with
8 maximum vehicle weights and dimensions allowed by act of Congress, the
9 ~~governor~~ Governor shall so declare by proclamation, and thereafter these
10 highways shall ~~not lawfully be used by vehicles with any dimension or with~~
11 ~~weight in excess of the maximum corresponding dimension or the maximum~~
12 ~~corresponding weight so provided~~ may be used by vehicles with a maximum
13 weight and dimension consistent with the act of Congress.

14 § 1502. COOPERATION WITH FEDERAL GOVERNMENT

15 (a) To effect the purposes of section 1501 of this title, the ~~agency~~ Agency
16 may comply with federal rules and regulations, and may use so much of the
17 funds appropriated to the Agency, or available to it pursuant to 32 V.S.A. § 5
18 or 511, for highway purposes as shall be necessary to secure aid from the
19 federal government under ~~the federal act~~ acts specified in section 1501; and in
20 addition may use ~~further~~ such sums as may be necessary for surveys, plans,

1 specifications, estimates, and assistance necessary to carry out the provisions
2 of this chapter.

3 (b) To carry out the transportation planning process required by the
4 Intermodal Surface Transportation Efficiency Act of 1991 (the Act), ~~Pub. L.~~
5 ~~No. 102-240, § 1024, 105 Stat. 1914, 1955 (1991)~~ (now codified at 23 U.S.C.
6 § 134), as may be amended, the ~~governor~~ Governor shall designate a
7 metropolitan planning organization for any urbanized area of more than 50,000
8 population and may take other action necessary to ensure the ~~state's~~ State's
9 compliance with the ~~federal act~~ Act and any federal regulations pertaining to
10 the ~~aet~~ Act. A designation of a metropolitan planning organization shall
11 remain in effect until revoked by the ~~governor~~ Governor.

12 * * *

13 Sec. 17. 19 V.S.A. chapter 1 is amended to read:

14 Chapter 1: STATE HIGHWAY LAW; GENERAL TRANSPORTATION

15 PROVISIONS

16 * * *

17 § 7. SECRETARY; POWERS AND DUTIES

18 (a) The Agency shall be under the direction and supervision of a Secretary,
19 who shall be appointed by the Governor with the advice and consent of the
20 Senate and shall serve at the pleasure of the Governor.

1 (b) The Secretary shall be responsible to the Governor and shall plan,
2 coordinate, and direct the functions vested in the Agency in accord with the
3 transportation policies established by the Agency and by the General Assembly
4 under ~~section 10b~~ of this title.

5 (c) The Secretary may, with the approval of the Governor, transfer
6 classified positions between the Department, Divisions, and other components
7 of the Agency, subject only to personnel laws and rules.

8 (d) The Secretary shall determine the administrative, operational, and
9 functional policies of the Agency and be accountable to the Governor for these
10 determinations. The Secretary shall exercise the powers and shall perform the
11 duties required for the Agency's effective administration.

12 (e) In addition to other duties imposed by law, the Secretary shall:

13 (1) administer the laws assigned to the Agency;

14 (2) coordinate and integrate the work of the Agency;

15 (3) supervise and control all staff functions; and

16 (4) whenever the Agency is developing preliminary plans for a new or
17 replacement maintenance facility or salt shed, first conduct a review of all
18 previously developed building plans and give priority to utilizing a common,
19 uniform, preexisting design.

20 (f) The Secretary may, within the authority of relevant State and federal
21 statutes and regulations:

1 * * * Potable Water Supply and Wastewater Systems Permits * * *

2 Sec. 18. 10 V.S.A. § 1974 is amended to read:

3 § 1974. EXEMPTIONS

4 Notwithstanding any other requirements of this chapter, the following
5 projects and actions are exempt:

6 * * *

7 (7) the subdivision of an unimproved or improved lot or campground
8 where the subdivision results from a transfer of property for a project that is
9 part of the State's enacted Transportation Program or for an emergency project
10 within the meaning of 19 V.S.A. § 10g(h), regardless of whether the State or
11 the municipality has commenced any condemnation proceedings.

12 * * * Agency Division Directors * * *

13 Sec. 19. 19 V.S.A. § 9(a) is amended to read:

14 (a) A director shall administer each division created within the ~~agency~~
15 Agency. The ~~secretary~~ Secretary shall appoint the directors, who shall be
16 exempt from the classified service. The Director of the Highway Division
17 shall be licensed as a professional engineer and may also be referred to as the
18 Chief Engineer.

1 * * * Transportation Alternatives Grant Program * * *

2 Sec. 20. 19 V.S.A. § 38 is amended to read:

3 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

4 * * *

5 (f)(1) Each year, \$200,000.00 of ~~the~~ Grant Program funds, or such lesser
6 sum if all eligible applications amount to less than \$200,000.00, shall be
7 reserved for municipalities for eligible salt and sand shed projects. Grant
8 awards for eligible salt and sand projects shall not exceed \$50,000.00 per
9 project.

10 (2) Each year, \$1,100,000.00 of Grant Program funds, or such lesser
11 sum if all eligible applications amount to less than \$1,100,000.00, shall be
12 reserved for municipalities for environmental mitigation projects relating to
13 stormwater and highways.

14 (3) Regarding the balance of Grant Program funds, in evaluating
15 applications for Transportation Alternatives grants, the Transportation
16 Alternatives Grant Committee shall give preferential weighting to projects
17 involving as a primary feature a bicycle or pedestrian facility. The degree of
18 preferential weighting and the circumstantial factors sufficient to overcome the
19 weighting shall be in the complete discretion of the Transportation Alternatives
20 Grant Committee.

21 * * *

1 * * * Bennington Welcome Center; Naming * * *

2 Sec. 21. 29 V.S.A. § 821(a) is amended to read:

3 (a) State buildings.

4 (1) “Asa Bloomer State Office Building” shall be the name of the
5 building now known as the “Hulett” office building in the city of Rutland.

6 * * *

7 (11) “Senator Jim Jeffords Welcome Center” shall be the name of the
8 Welcome Center in Bennington.

9 * * * Highway or Utility Easements; Property Transfer

10 Tax Exemption and Return Exemption * * *

11 Sec. 22. 32 V.S.A. § 9606(d) is amended to read:

12 (d) The property transfer tax return shall not be required of properties
13 qualified for the exemption stated in subdivision 9603(17) of this title, or
14 qualified for the exemption stated in subdivision 9603(2) of this title if the
15 transfer is of an interest in property for highway purposes and the
16 consideration for the transfer is \$[#] or less. ~~A public utility~~ An entity
17 acquiring such properties shall notify the listers of a municipality of the
18 grantors, grantees, consideration, date of execution, and location of the
19 ~~easement~~ property when it files for recording a deed ~~transferring a utility line~~
20 ~~easement~~ that does not require a transfer tax return under this subsection.

1 * * * Tax on Gains from the Sale or Exchange of Land; Exemption * * *

2 Sec. 23. 32 V.S.A. § 10002(q) is added to read:

3 (q) Also excluded from the definition of “land” is a transfer of property to
4 the State of Vermont or a municipality for a project that is part of the State’s
5 enacted Transportation Program or for an emergency project within the
6 meaning of 19 V.S.A. § 10g(h), regardless of whether the State or the
7 municipality has commenced any condemnation proceedings.

8 * * * Effective Date * * *

9 Sec. 24. EFFECTIVE DATE

10 This act shall take effect on July 1, 2015.