

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; capital program; positions; rail; railroad trespassing;

4 official business directional signs; State aid for town highways;

5 highways; alterations; quasi-judicial process

6 Statement of purpose of bill as introduced: This bill proposes to adopt the

7 State’s annual transportation capital program and make miscellaneous changes

8 to laws related to transportation.

9 An act relating to the transportation capital program and miscellaneous
10 changes to transportation-related law

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

12 * * * Adoption of Proposed Transportation Program as Amended;

13 Definitions * * *

14 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

15 (a) The Agency of Transportation’s proposed fiscal year 2017

16 Transportation Program appended to the Agency of Transportation’s proposed

17 fiscal year 2017 budget, as amended by this act, is adopted to the extent

18 federal, State, and local funds are available.

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

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

1 (2) “Railroad” means any form of nonhighway ground transportation
2 that runs on rails or electromagnetic guideways. “Railroad” does not include
3 rapid transit operations in an urban area that are not connected to the general
4 railroad system of transportation.

5 (3) “Railroad carrier” means a person providing railroad transportation.

6 (4)(A) “Railroad property” means all tangible property owned, leased,
7 or operated by a railroad carrier, including a right-of-way, track, bridge, yard,
8 shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other
9 structure, appurtenance, or equipment owned, leased, or used in the operations
10 of any railroad carrier, including a train, locomotive, engine, railroad car, work
11 equipment, rolling stock, or safety device.

12 (B) “Railroad property” does not include a railroad carrier’s
13 administrative building or offices, office equipment, or intangible property
14 such as computer software or other information.

15 (5) “Right-of-way” means the track and roadbed owned, leased, or
16 operated by a railroad carrier and property located on either side of the tracks
17 that is readily recognizable to a reasonable person as being railroad property or
18 is reasonably identified as such by fencing or appropriate signs.

19 (6) “Yard” means a system of parallel tracks, crossovers, and switches
20 where railroad cars are switched and made up into trains, and where railroad

1 cars, locomotives, and other rolling stock are kept when not in use or when
2 awaiting repairs.

3 (b) Trespassing on railroad property prohibited. Except for the purpose of
4 crossing railroad property at a public highway or other authorized crossing, a
5 person shall not, without lawful authority or the railroad carrier's consent,
6 knowingly enter or remain upon railroad property by an act including:

7 (1) standing, sitting, resting, walking, jogging, or running, or operating a
8 recreational or nonrecreational vehicle, including a bicycle, motorcycle,
9 snowmobile, car, or truck; or

10 (2) engaging in recreational activity, including bicycling, hiking,
11 camping, or cross-country skiing.

12 (c) Stowaways prohibited. A person shall not, without lawful authority or
13 the railroad carrier's consent, ride on the outside of a train or inside a
14 passenger car, locomotive, or freight car, including a box car, flatbed, or
15 container.

16 (d) Persons with lawful authority to be on specified railroad property. The
17 following is a nonexhaustive list of persons who have lawful authority to be on
18 railroad property and are not subject to the prohibitions of subsections (b) and
19 (c) of this section:

20 (1) passengers on trains, or employees of a railroad carrier while
21 engaged in the performance of their official duties;

1 (2) police officers, firefighters, peace officers, and emergency response
2 personnel, while engaged in the performance of their official duties;

3 (3) a person going upon railroad property in an emergency to rescue a
4 person or animal such as livestock, pets, or wildlife from harm, or to remove
5 an object that the person reasonably believes to pose an imminent hazard;

6 (4) a person on the station grounds or in the depot of the railroad carrier
7 as a passenger, or for the purpose of transacting lawful business;

8 (5) a person, or the person’s family or invitee, or the person’s employee
9 or independent contractor going upon a railroad’s right-of-way for the purpose
10 of crossing at a farm or private crossing site approved by the railroad carrier or
11 other crossing authorized by law in order to obtain access to land that the
12 person owns, leases, or operates;

13 (6) a person having written permission from the railroad carrier to go
14 upon the railroad property in question;

15 (7) representatives of the Transportation Board or Agency of
16 Transportation while engaged in the performance of their official duties;

17 (8) representatives of the Federal Railroad Administration while
18 engaged in the performance of their official duties; or

19 (9) representatives of the National Transportation Safety Board while
20 engaged in the performance of their official duties.

21 (e) Exemptions.

1 (1) The following persons are not subject to the prohibition of
2 subsection (b) of this section:

3 (A) A person who has permission from the owner, lessee, or operator
4 of land that is served by a private crossing authorized by law or approved by
5 the railroad carrier to use the crossing for recreational purposes, and who
6 enters upon the crossing for such purposes.

7 (B) A person who enters or remains upon railroad property while
8 lawfully engaged in hunting, fishing, or trapping. However, the person shall
9 not qualify as exempt under this subdivision (e)(1)(B) if he or she enters within
10 the bounds of railroad tracks unless he or she crosses the tracks quickly, safely,
11 and at an angle of approximately 90 degrees to the direction of the tracks.

12 (2) Nothing in this subsection is intended to modify the rights, duties,
13 liabilities, or defenses available to any person under any other law.

14 (f) Penalty. A violation of this section is a traffic violation as defined
15 in 23 V.S.A. chapter 24 and an action under this section shall be brought in
16 accordance with 4 V.S.A. chapter 29. A person who violates this section shall
17 be subject to a civil penalty of not more than \$200.00.

1 Sec. 8. 5 V.S.A. § 3735 is amended to read:

2 § 3735. ~~BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~

3 ~~PROPERTY; PENALTY~~

4 ~~A person boarding or riding without permission on a train, car, or~~
5 ~~locomotive, other than a passenger train, or a person boarding or riding on a~~
6 ~~passenger train without paying fare, or a person loitering in or about a railroad~~
7 ~~yard, station or car without permission, shall be imprisoned not more than 90~~
8 ~~days, or fined not more than \$25.00, or both. [Repealed.]~~

9 Sec. 9. 23 V.S.A. § 2302(a) is amended to read:

10 (a) As used in this chapter, “traffic violation” means:

11 * * *

12 (7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain
13 State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on
14 railroad property;

15 * * *

16 * * * Official Business Directional Signs; Refunds * * *

17 Sec. 10. 10 V.S.A. § 501 is amended to read:

18 § 501. FEES

19 (a) Subject to the provisions of subsection 486(c) of this title, an applicant
20 for an official business directional sign or an information plaza plaque shall

1 pay to the ~~travel information council~~ Travel Information Council an initial
2 license fee and an annual renewal fee as established by this section.

3 (1) Initial license fees shall be as follows:

4 (A) for full-sized or half-sized business directional signs, \$175.00
5 per sign;

6 (B) for information plaza plaques, \$25.00 per plaque; however, if
7 more than one plaque is requested by a business at the same time, a ten percent
8 discount shall be given on the second and subsequent plaques.

9 (2) Annual renewal fees shall be as follows:

10 (A) for full and half-sized official business directional signs, \$100.00
11 per sign;

12 (B) information plaza plaques, \$25.00 per plaque.

13 (b) If the Agency of Transportation or a municipality removes an official
14 business directional sign or an information plaza plaque for construction or
15 maintenance of the highway or the sign or plaque is otherwise out of service
16 for more than 30 days, the Agency upon request shall issue a refund to the
17 business for the percentage of the initial license or annual renewal fee paid that
18 the out-of-service period bears to the entire year.

1 * * * Transportation Capital Program; Prioritization System * * *

2 Sec. 11. 19 V.S.A. § 10g(1) is amended to read:

3 (1) The Agency shall develop a numerical grading system to assign a
4 priority rating to all Program Development Paving, Program Development
5 Roadway, Program Development Safety and Traffic Operations, Program
6 Development State and Interstate Bridge, Town Highway Bridge, and Bridge
7 Maintenance projects. The rating system shall consist of two separate, additive
8 components as follows:

9 (1) One component shall be limited to asset ~~management-based~~
10 management- and performance-based factors which are objective and
11 quantifiable and shall consider, without limitation, the following:

12 (A) the existing safety conditions in the project area and the impact
13 of the project on improving safety conditions;

14 (B) the average, seasonal, peak, and nonpeak volume of traffic in the
15 project area, including the proportion of traffic volume relative to total volume
16 in the region, and the impact of the project on congestion and mobility
17 conditions in the region;

18 (C) the availability, accessibility, and usability of alternative routes;

19 (D) the impact of the project on future maintenance and
20 reconstruction costs; ~~and~~

1 (E) the relative priority assigned to the project by the relevant
2 regional planning commission ~~or the Chittenden County Metropolitan Planning~~
3 ~~Organization;~~

4 (F) the resilience of the transportation infrastructure to floods and
5 other extreme weather events.

6 (2) The second component of the priority rating system shall consider,
7 without limitation, the following factors:

8 (A) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
9 infrastructure as a ~~link~~ factor in the local, regional, or State economy; and

10 (B) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
11 infrastructure in the health, social, and cultural life of the surrounding
12 communities.

13 (3) The priority rating system for Program Development Roadway
14 projects shall award as bonus points an amount equal to 10 percent of the total
15 base possible rating points to projects within a designated downtown
16 development district established pursuant to 24 V.S.A. § 2793.

1 * * * Adjustments to Existing Projects * * *

2 Sec. 12. 19 V.S.A. § 10h is amended to read:

3 § 10h. ~~ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF~~
4 ~~OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT~~

5 (a) ~~The agency shall report to the transportation board each project for~~
6 ~~which the current construction cost estimate exceeds the last approved~~
7 ~~construction cost estimate by a substantial level, as substantial level is defined~~
8 ~~by the transportation board. The transportation board shall review such a~~
9 ~~project, and may grant approval to proceed. If not approved by the~~
10 ~~transportation board, the project shall not proceed to contract award until~~
11 ~~approved by the general assembly. [Repealed.]~~

12 (b) In connection with any authorized construction project in the ~~state~~ State
13 of Vermont which extends into or affects an adjoining state, the ~~agency~~
14 Agency, on behalf of the ~~state~~ State of Vermont, may enter into a cooperative
15 agreement with the adjoining state or any political subdivision of an adjoining
16 state which apportions duties and responsibilities for planning preliminary
17 engineering, including environmental studies, right-of-way acquisition,
18 construction, and maintenance.

19 Sec. 13. 19 V.S.A. § 10g(h) is amended to read:

20 (h) Should capital projects in the Transportation Program be delayed
21 because of unanticipated problems with permitting, right-of-way acquisition,

1 construction, local concern, or availability of federal or State funds, the
2 Secretary is authorized to advance projects in the approved Transportation
3 Program. The Secretary is further authorized to undertake projects to resolve
4 emergency or safety issues. Upon authorizing a project to resolve an
5 emergency or safety issue, the Secretary shall give prompt notice of the
6 decision and action taken to the Joint Fiscal Office and to the House and
7 Senate Committees on Transportation when the General Assembly is in
8 session, and when the General Assembly is not in session, to the Joint
9 Transportation Oversight Committee. Should an approved project in the
10 current Transportation Program require additional funding to maintain the
11 approved schedule, the Agency is authorized to allocate the necessary
12 resources. However, the Secretary shall not delay or suspend work on
13 approved projects to reallocate funding for other projects except when other
14 funding options are not available. In such case, the Secretary shall notify the
15 members of the Joint Transportation Oversight Committee and the Joint Fiscal
16 Office. With respect to projects in the approved Transportation Program, the
17 Secretary shall notify, in the district affected, the regional planning
18 commission, the municipality, Legislators, members of the Senate and House
19 Committees on Transportation, and the Joint Fiscal Office of ~~any significant~~
20 ~~change in design, change in construction cost estimates requiring referral to the~~
21 ~~Transportation Board under section 10h of this title, or any change which~~

1 likely will affect the fiscal year in which the project is planned to go to
2 construction. No project shall be cancelled without the approval of the General
3 Assembly.

4 * * * Reporting Required in Proposed Transportation Program * * *

5 Sec. 14. 19 V.S.A. § 10g(g) is amended to read:

6 (g) The Agency's annual proposed Transportation Program shall include a
7 separate report referencing this section ~~describing~~ and listing the following:

8 (1) all proposed projects in the Program which that would be new to the
9 State Transportation Program if adopted;

10 (2) all projects for which total estimated costs have increased by more
11 than \$8,000,000.00 or by more than 100 percent from the estimate in the prior
12 fiscal year's approved Transportation Program;

13 (3) all projects funded for construction in the prior fiscal year's
14 approved Transportation Program that are no longer funded in the proposed
15 Transportation Program submitted to the General Assembly, the projected
16 costs for such projects in the prior fiscal year's approved Transportation
17 Program, and the total costs incurred over the life of each such project.

1 * * * Joint Transportation Oversight Committee * * *

2 Sec. 15. 19 V.S.A. § 12b is amended to read:

3 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

4 (a) There is created a Joint Transportation Oversight Committee composed
5 of the Chairs of the House and Senate Committees on Appropriations, the
6 House and Senate Committees on Transportation, the House Committee on
7 Ways and Means, and the Senate Committee on Finance. The Committee shall
8 be chaired alternately by the Chairs of the House and Senate Committees on
9 Transportation, and the two-year term shall run concurrently with the biennial
10 session of the Legislature. The Chair of the Senate Committee on
11 Transportation shall chair the Committee during the 2009–2010 legislative
12 session.

13 (b) The Committee shall meet during adjournment for official duties.
14 Meetings shall be convened by the Chair and when practicable shall be
15 coordinated with the regular meetings of the Joint Fiscal Committee. Members
16 shall be entitled to compensation and reimbursement pursuant to 2 V.S.A.
17 § 406. The Committee shall have the assistance of the staff of the Office of
18 Legislative Council and the Joint Fiscal Office.

19 (c) The Committee shall provide legislative ~~overview~~ oversight of the
20 Transportation Fund revenues collection and the operation and administration
21 of the Agency of Transportation construction, paving, and rehabilitation

1 programs. The Secretary of Transportation shall report to the Oversight
2 Committee upon request.

3 ~~(d)(1) In coordination with the regular meetings of the Joint Fiscal~~
4 ~~Committee in mid-November, the Secretary shall prepare a report on the status~~
5 ~~of the State's transportation finances and transportation programs. If a meeting~~
6 ~~of the Committee is not convened on the scheduled dates of the Joint Fiscal~~
7 ~~Committee meetings, the Secretary in advance shall transmit the report~~
8 ~~electronically to the Joint Fiscal Office for distribution to Committee members.~~
9 ~~The report shall list contract bid awards versus project estimates and all known~~
10 ~~or projected cost overruns, project savings, and funding availability from~~
11 ~~delayed projects with respect to:~~

12 ~~(A) all paving projects other than statewide maintenance~~
13 ~~programs; and~~

14 ~~(B) all projects in the Roadway, State Bridge, Interstate Bridge, or~~
15 ~~Town Bridge programs with authorized spending in the fiscal year of~~
16 ~~\$500,000.00 or more with a cost overrun equal to 20 percent or more of the~~
17 ~~authorized spending or generating project savings or delayed project available~~
18 ~~funding equal to 20 percent or more of the authorized spending.~~

19 ~~(2) The report required under subdivision (1) of this subsection also~~
20 ~~shall describe the Agency's actions taken or planned to cover the cost overruns~~
21 ~~and to reallocate the project savings and delayed project funds, and shall~~

1 ~~discuss the Agency's plans to adjust spending to any changes in the consensus~~
2 ~~forecast for Transportation Fund revenues.~~

3 (3) If and when applicable, the Secretary shall submit electronically to
4 the Joint Fiscal Office for distribution to members of the Joint Transportation
5 Oversight Committee a report summarizing any plans or actions taken to delay
6 project schedules as a result of:

7 (A)(1) a generalized increase in bids relative to project estimates;

8 (B)(2) changes in the consensus revenue forecast of the Transportation
9 Fund or Transportation Infrastructure Bond Fund; or

10 (C)(3) changes in the availability of federal funds.

11 * * * Appropriation; State Aid for Town Highways * * *

12 Sec. 16. 19 V.S.A. § 306 is amended to read:

13 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

14 * * *

15 (d) State aid for nonfederal disasters. There shall be an annual
16 appropriation for emergency aid in repairing, building, ~~or rebuilding or~~
17 reconstructing class 1, 2, or 3 town highways ~~and bridges~~ and for repairing or
18 replacing drainage structures including bridges on class 1, 2, 3, and 4 town
19 highways damaged by natural or man-made disasters. Eligibility for use of
20 emergency aid under this appropriation shall be subject to the following
21 criteria:

1 (1) The Secretary of Transportation shall determine that the disaster is of
2 such magnitude that State aid is both reasonable and necessary to preserve the
3 public good. If total cumulative damages to town highways and drainage
4 structures are less than the value of 10 percent of the town's overall total
5 highway budget excluding the town's winter maintenance budget, the disaster
6 shall not qualify for assistance under this subsection.

7 (2) The disaster shall not qualify for major disaster assistance from the
8 Federal Emergency Management Agency (FEMA) under the Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121
10 et seq., or from the Federal Highway Administration (FHWA) under the
11 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.

12 (3) Towns shall be eligible for reimbursement for repair or replacement
13 costs of either up to 90 percent of the eligible repair or replacement costs or the
14 eligible repair or replacement costs, minus an amount equal to 10 percent of
15 the overall total highway budget, minus the town's winter maintenance budget,
16 whichever is greater.

17 (4) For towns that have adopted road and bridge standards, eligibility for
18 reimbursement for repair or replacement of infrastructure shall be to those
19 standards. For towns that have not adopted these standards, eligibility for
20 reimbursement for repair or replacement of infrastructure shall be limited to
21 the specifications of the infrastructure that preexisted the emergency event;

1 however, the repair or replacement shall be to standards approved by the
2 Agency of Transportation.

3 (5) For a drainage structure on a class 4 town highway to be eligible for
4 repair or replacement under this subsection, the town must document that it
5 maintained the structure prior to the nonfederal disaster.

6 (6) Such additional criteria as may be adopted by the Agency of
7 Transportation through rulemaking under 3 V.S.A. chapter 25.

8 * * *

9 * * * Highways; Alterations; Quasi-Judicial Process * * *

10 Sec. 17. 19 V.S.A. § 923 is amended to read:

11 § 923. QUASI-JUDICIAL PROCESS

12 In order to protect the rights of ~~property owners~~ an interested person and the
13 public, the process described in this section shall be used whenever so
14 provided by other provisions of this title. As used in this section, “interested
15 person” means a person who has a legal interest of record in the property that
16 would be affected by the proposed action.

17 (1) ~~Notice~~ ~~Written notice by certified mail shall be given~~ Notice. The
18 selectboard shall give written notice by certified mail or by one of the methods
19 allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of
20 original process to the property owner or any interested person describing the
21 proposed activity affecting the property. The notice shall include a date and

1 time when the selectboard shall inspect the premises. The notice shall precede
2 the inspection by 30 days or more except in the case of an emergency.

3 (2) Inspection of premises—~~2~~. The ~~selectmen~~ selectboard shall view the
4 area and receive any testimony pertinent to the problem including suggested
5 awards for damages, if any.

6 (3) Necessity—~~2~~. The ~~selectmen~~ selectboard shall decide on the
7 necessity for the activity or work proposed and establish any conditions for
8 accomplishing it. This includes the award of damages, if applicable. The
9 selectboard shall announce the decision and the reason for it ~~shall be~~
10 ~~announced~~ within 10 days of the inspection unless the selectboard formally
11 ~~delayed by the selectboard~~ delays the proceeding in order to receive more
12 testimony.

13 (4) Notifying parties—~~2~~. The ~~selectmen~~ selectboard shall notify the
14 ~~property owner~~ interested persons and other interested parties of their decision.
15 They shall file a copy of their decision with the town clerk within 10 days of
16 its announcement.

17 (5) Appeal—~~2~~. If an ~~owner~~ interested person is dissatisfied with the
18 award for damages, he or she may appeal using any of the procedures listed in
19 chapter 5 of this title. Notice or petition for appeal shall not delay the
20 proposed work or activity.

1 Agency, it is fair and equitable to provide the Agency with a uniform credit
2 against fees assessed by municipalities for the management of stormwater.

3 Sec. 19. 24 V.S.A. § 3501(7) is amended to read:

4 (7) “Storm water” or “storm sewage” ~~is the excess water from rainfall or~~
5 ~~continuously following therefrom~~ shall have the same meaning as “stormwater
6 runoff” under 10 V.S.A. § 1264.

7 Sec. 20. 24 V.S.A. § 3615 is amended to read:

8 § 3615. RENTS; RATES

9 (a) Such municipal corporation, through its board of sewage disposal
10 commissioners, may establish charges to be called “sewage disposal charges,”
11 to be paid at such times and in such manner as the commissioners may
12 prescribe. The commissioners may establish annual charges separately for
13 bond repayment, fixed operations and maintenance costs (not dependent on
14 actual use), and variable operations and maintenance cost dependent on flow.
15 Such charges may be based upon:

16 (1) the metered consumption of water on premises connected with the
17 sewer system, however, the commissioners may determine no user will be
18 billed for fixed operations and maintenance costs and bond payment less than
19 the average single family charge;

20 (2) the number of equivalent units connected with or served by the
21 sewage system based upon their estimated flows compared to the estimated

1 flows from a single family dwelling however, the commissioners may
2 determine no user will be billed less than the minimum charge determined for
3 the single family dwelling charge for fixed operations and maintenance costs
4 and bond payment;

5 (3) the strength and flow where wastes stronger than household wastes
6 are involved;

7 (4) the appraised value of premises, in the event that the commissioners
8 shall determine the sewage disposal plant to be of general benefit to the
9 municipality regardless of actual connection with the same;

10 (5) the commissioners' determination developed using any other
11 equitable basis such as the number and kind of plumbing fixtures, the number
12 of persons residing on or frequenting the premises served by those sewers, the
13 topography, size, type of use, or impervious area of any premises; or

14 (6) any combination of these bases, so long as the combination is
15 equitable.

16 (b) The basis for establishing sewer disposal charges shall be reviewed
17 annually by sewage disposal commissioners. No premises otherwise exempt
18 from taxation, including premises owned by the ~~state~~ State of Vermont, shall,
19 by virtue of any such exemption, be exempt from charges established
20 hereunder. The commissioners may change the rates of such charges from
21 time to time as may be reasonably required. Where one of the bases of such

1 charge is the appraised value and the premises to be appraised are tax exempt,
2 the commissioners may cause the listers to appraise such property, including
3 ~~state~~ State property, for the purpose of determining the sewage disposal
4 charges. The right of appeal from such appraisal shall be the same as provided
5 in 32 V.S.A. chapter 131 ~~of Title 32~~. The ~~commissioner of finance and~~
6 ~~management~~ Commissioner of Finance and Management is authorized to issue
7 his or her warrants for sewage disposal charges against state property and
8 transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in
9 payment thereof. No charge so established and no tax levied under the
10 provisions of section 3613 of this title shall be considered to be a part of any
11 tax authorized to be assessed by the legislative body of any municipality for
12 general purposes, but shall be in addition to any such tax so authorized to be
13 assessed. Sewage disposal charges established in accord with this section may
14 be assessed by the board of sewage disposal commissioners as provided in
15 section 3614 of this title to derive the revenue required to pay pollution charges
16 assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of
17 Title 10.

18 (c) When a sewage disposal charge established under this section for the
19 management of stormwater is applied to property owned, controlled, or
20 managed by the Agency of Transportation, the charge shall not exceed the
21 highest rate category applicable to other properties in the municipality, and the

1 Agency of Transportation shall receive a 40 percent credit on the charge. The
2 Agency of Transportation shall receive no other credit on the charge from the
3 municipal corporation.

4 Sec. 21. 24 V.S.A. § 3507 is amended to read:

5 § 3507. DUTIES

6 (a) Such sewage system commissioners shall have the supervision of such
7 municipal sewage system and shall make and establish all needed rates for
8 rent, with rules and regulations for its control and operation. Such
9 commissioners may appoint or remove a superintendent at their pleasure. The
10 rents and receipts for the use of such sewage system shall be used and applied
11 to pay the interest and principal of the sewage system bonds of such municipal
12 corporation, the expense of maintenance and operation of the sewage system,
13 as well as dedicated fund payments provided for in section 3616 of this title.

14 (b) When a rate established under this section for the management of
15 stormwater is applied to property owned, controlled, or managed by the
16 Agency of Transportation, the rate shall not exceed the highest rate category
17 applicable to other properties in the municipality, and the Agency of
18 Transportation shall receive a 40 percent credit on the rate. The Agency of
19 Transportation shall receive no other credit on the rate from the municipal
20 corporation.

1 Sec. 22. 24 V.S.A. § 3679(c) is added to read:

2 (c) When a rate established under this section for the management of
3 stormwater is applied to property owned, controlled, or managed by the
4 Agency of Transportation, the rate shall not exceed the highest rate category
5 applicable to other properties in the municipality, and the Agency of
6 Transportation shall receive a 40 percent credit on the rate. The Agency of
7 Transportation shall receive no other credit on the rate from the consolidated
8 sewer district.

9 Sec. 23. 10 V.S.A. § 1251(18) is added to read:

10 (18) “Stormwater utility” means a system adopted by a municipality or
11 group of municipalities under 24 V.S.A. chapter 97, 101, or 105 for the
12 management of stormwater runoff.

13 Sec. 24. 10 V.S.A. § 1389 is amended to read:

14 (e) Priorities.

15 (1) In making recommendations under subsection (d) of this section
16 regarding the appropriate allocation of funds from the Clean Water Fund, the
17 Board shall prioritize:

18 * * *

19 (H) Funding to municipalities for the establishment and operation of
20 stormwater utilities.

1 for stormwater mitigation under which the Agency was invoiced in the
2 calendar year preceding a report submitted under this section;

3 (2) the number of new municipal stormwater utilities established in the
4 State in the calendar year preceding a report submitted under this section;

5 (3) the amount of fees paid by the Agency to stormwater utilities in the
6 calendar year preceding a report submitted under this section; and

7 (4) a list of the stormwater projects or programs implemented by the
8 Agency in municipalities with stormwater utilities in the calendar year
9 preceding a report submitted under this section.

10 * * * Cut-through Commercial Motor Vehicle Traffic * * *

11 Sec. 26. 23 V.S.A. § 1008 is amended to read:

12 § 1008. REGULATIONS IN MUNICIPALITIES

13 * * *

14 (c)(1) As used in this subsection:

15 (A) “Cut-through commercial motor vehicle traffic” means
16 commercial motor vehicle traffic passing through an area without having an
17 origin or destination within the area.

18 (B) “Commercial motor vehicle” means a self-propelled or towed
19 motor vehicle with gross vehicle weight rating or gross vehicle weight of
20 10,001 pounds or more.

1 overtaking motor vehicle ~~on audible signal~~ and shall not increase the speed of
2 his or her vehicle until completely passed by the overtaking vehicle.

3 (b) Passing vulnerable users. The operator of a motor vehicle approaching
4 or passing a vulnerable user as defined in subdivision 4(81) of this title shall
5 exercise due care, which includes increasing clearance to at least four feet, to
6 pass the vulnerable user safely, and shall cross the center of the highway only
7 as provided in ~~subdivision (a)(1) of this section~~ 1035 of this title. A person
8 who violates this subsection shall be subject to a civil penalty of not less than
9 \$200.00.

10 Sec. 28. 23 V.S.A. § 1035 is amended to read:

11 § 1035. LIMITATIONS

12 (a) ~~No~~ A vehicle shall not be driven to the left side of the center of the
13 roadway in overtaking and passing another vehicle or a vulnerable user
14 proceeding in the same direction unless authorized by the provisions of this
15 chapter and unless the left side is clearly visible and free of oncoming traffic
16 and vulnerable users for a sufficient distance ahead to permit overtaking and
17 passing to be completed without interfering with the operation of any vehicle
18 or with any vulnerable user approaching from the opposite direction or with
19 the operation of any vehicle or with any vulnerable user overtaken. In every
20 event, the overtaking vehicle shall return to an authorized lane of travel as soon
21 as practicable and, if the passing movement involves the use of a lane

1 authorized for vehicles approaching from the opposite direction, before coming
2 within 200 feet of any approaching vehicle or a vulnerable user.

3 (b) A vehicle shall not pass another from the rear under any of the
4 following conditions:

5 (1) when approaching or upon the crest of a grade or upon a curve in the
6 highway where the driver's view is in any way obstructed;

7 (2) when approaching within 100 feet of, or traversing, any intersection
8 or railroad grade crossing unless otherwise indicated by official traffic control
9 devices; or

10 (3) when the view is obstructed upon approaching within 100 feet of any
11 bridge, viaduct, or tunnel.

12 (c) The foregoing limitations do not apply upon a one-way roadway, or
13 when subdivision 1031(a)(2) of this title applies, or where a vehicle is turning
14 left into an alley, private road, or driveway.

15 Sec. 29. 23 V.S.A. § 1049 is amended to read:

16 § 1049. VEHICLE ENTERING FROM PRIVATE ROAD

17 The driver of a vehicle about to enter or cross a highway from an alley,
18 building, private road, or driveway shall yield the right of way to all vehicles
19 and vulnerable users approaching on the highway.

1 Sec. 30. 23 V.S.A. § 1049a is added to read:

2 § 1049a. OBLIGATIONS TO VULNERABLE USERS WHEN
3 TURNING

4 Notwithstanding any provision of this title to the contrary, a person
5 operating a vehicle shall not turn right or left unless the turn can be made at a
6 safe distance from a vulnerable user. A person who violates this section shall
7 be subject to a civil penalty of not less than \$200.00.

8 Sec. 31. 23 V.S.A. § 1064 is amended to read:

9 § 1064. SIGNALS REQUIRED; GENERAL OBLIGATION TO TURN AND
10 MOVE SAFELY

11 (a) Before changing direction or materially slackening speed, a driver shall
12 give warning of his or her intention with the hand signals as provided in
13 section 1065 of this title, or with a mechanical or lighting device approved by
14 the Commissioner of Motor Vehicles. A bicyclist shall give such hand signals
15 unless he or she cannot do so safely.

16 (b) ~~No person may~~ A person shall not turn a vehicle at an intersection
17 unless the vehicle is in proper position upon the roadway as required in section
18 1061 of this title, or turn a vehicle to enter an alley, private road, or driveway,
19 or otherwise turn a vehicle from a direct course or move right or left upon a
20 roadway unless such movement can be made with reasonable safety.

1 (c) No person shall stop or suddenly decrease the speed of a vehicle
2 without first giving an appropriate signal in the manner provided herein to the
3 driver of any vehicle immediately to the rear when there is opportunity to give
4 such signal.

5 (d) A signal of intention to turn right or left when required shall be given
6 continuously during not less than the last 100 feet traveled by the vehicle
7 before turning. A bicyclist shall comply with this subsection unless he or she
8 cannot do so safely.

9 (e) The signals provided for in section 1065 of this title shall be used to
10 indicate an intention to turn, change lanes, or start from a parked position and
11 may not be flashed on one side only on a parked or disabled vehicle, or flashed
12 as a courtesy or “do pass” signal to operators of other vehicles approaching
13 from the rear.

14 Sec. 32. 23 V.S.A. chapter 13, subchapter 12 is amended to read:

15 Subchapter 12. Operation of Bicycles, Electric Personal Assistive Mobility

16 Devices, and Play Vehicles

17 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

18 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

19 (a) The parent of any child and the guardian of any ward may not authorize
20 or knowingly permit any such child or ward to violate any of the provisions of
21 this subchapter.

1 (b) This subchapter applies whenever a bicycle is operated upon any
2 highway or upon any path set aside for the exclusive use of bicycles subject to
3 those exceptions stated herein.

4 (c) Every person riding a bicycle is granted all of the rights and is subject
5 to all of the duties applicable to operators of vehicles, except as to those
6 provisions ~~which~~ that:

7 (1) are inconsistent with provisions that specifically address the rights
8 and duties of vulnerable users generally or bicyclists specifically; or

9 (2) by their very nature can have no application.

10 (d) Except as otherwise may be required under subdivision 1139(a)(1) of
11 this chapter, and notwithstanding any provision of this title to the contrary, a
12 bicyclist riding consistent with the obligations of subsection 1139(a) of this
13 chapter may keep to the right when passing a motor vehicle, regardless of
14 whether the passing movement results from the motor vehicle's slowing down,
15 the bicyclist's continuing forward, or other circumstances that result in the
16 passing.

17 * * *

18 § 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

19 (a) A person operating a bicycle upon a roadway shall exercise due care
20 when passing a standing vehicle or one proceeding in the same direction ~~and~~.
21 Bicyclists generally shall ride as near to the right side of the ~~roadway~~ as

1 ~~practicable, but shall ride to the left or in a left lane~~ improved area of the
2 highway right-of-way as is safe, except that a bicyclist:

3 (1) Shall ride to the left or in a left lane when:

4 ~~(1)(A)~~ preparing for a left turn at an intersection or into a private
5 roadway or driveway;

6 ~~(2)(B)~~ approaching an intersection with a right-turn lane if not turning
7 right at the intersection; or

8 ~~(3)(C)~~ overtaking another highway vulnerable user; ~~or.~~

9 ~~(4)(2)~~ May ride to the left or in a left lane when taking reasonably
10 necessary precautions to avoid hazards or road conditions. Examples include
11 objects on the road, parked or moving vehicles, pedestrians, animals, surface
12 conditions that may impair the bicyclist's stability, or safety hazards caused by
13 a narrow road or steep embankment, road geometry, or unfavorable
14 atmospheric conditions.

15 * * *

16 * * * Statewide Property Parcel Mapping Program * * *

17 Sec. 33. LEGISLATIVE FINDINGS

18 (a) The General Assembly finds that the State has an interest in creating a
19 statewide property parcel data layer. The data layer will include all property
20 parcels in each Vermont town, city, incorporated village, gore, and grant in a

1 standard format and integrate all municipal property parcel maps into one
2 property parcel map for the State.

3 (b) The General Assembly further finds that a statewide property parcel
4 data layer will be useful to the Agency for the following applications:

5 (1) mapping highway centerlines that end at property boundaries;

6 (2) enabling the Agency to evaluate properties for alternative energy and
7 other possible uses;

8 (3) providing right-of-way data to analyze Transportation Separate
9 Storm Sewer System (TS4) assessments;

10 (4) streamlining title searches during the project development phase of
11 transportation projects;

12 (5) providing linkages between grand list and property parcel data in
13 order to enable the identification of all public land;

14 (6) locating encroachments on highways and providing notice to
15 adjoining landowners;

16 (7) mapping the locations of surplus and excess property;

17 (8) assisting in the appraisal of land and acquisition of rights for
18 transportation projects;

19 (9) improving emergency response capabilities;

20 (10) identifying encroachments on State-owned railroads and providing
21 notice to adjoining landowners;

1 statewide property parcel data for State agencies and departments, regional
2 planning commissions, municipalities, and the public. The Board shall
3 comprise:

4 (1) the Secretary of Transportation or designee, who shall serve as chair;

5 (2) the Secretary of Natural Resources or designee;

6 (3) the Secretary of Commerce and Community Development or
7 designee;

8 (4) the Commissioner of Taxes or designee;

9 (5) a representative of the Vermont Association of Planning and
10 Development Agencies; and

11 (6) a representative of the Vermont League of Cities and Towns.

12 (c) Meetings of Board. The Board shall meet at the call of the Chair or at
13 the request of a majority of its members. The Agency shall provide
14 administrative assistance to the Board and such other assistance as the Board
15 may require to carry out its duties.

16 (d) Standards. The Agency shall update the statewide property parcel data
17 layer in accordance with the standards of the Vermont Geographic Information
18 System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of
19 Vermont Center for Geographic Information).

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* * * Effective Dates * * *

Sec. 36. EFFECTIVE DATES

(a) This section, Sec. 4 (rail), Sec. 6 (positions), and Secs. 18–24 (stormwater utilities; rates; incentives) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2016.