

Report of Committee of Conference

H.876

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon House Bill, entitled:

H.876. An act relating to transportation capital program and miscellaneous changes to transportation-related law.

Respectfully reports that it has met and considered the same and recommends that the Senate accede to the House proposal of further amendment, and that the bill be further amended as follows:

First: In Sec. 2, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Reduction in spending authority. Spending authority in the Program Development Program within the fiscal year 2017 Transportation Program hereby is reduced by:

(1) \$1,108,369.00 in transportation funds;

(2) \$86,204.00 in TIB funds;

(3) \$4,778,292.00 in federal funds.

Second: In Sec. 2, by striking out subdivision (c)(2) in its entirety and inserting in lieu thereof the following:

(2) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c(c) (Transportation Fund Balance Reserve), if a Transportation Fund balance, TIB Fund balance, or balance in both funds exists at the end of fiscal year 2016, spending authority reduced in subsection (a) of this section in the fiscal year 2017 Program Development Program shall be restored to the extent of the balance or balances, up to a total of \$1,194,573.00 in Transportation Funds or TIB funds or both, and by up to \$4,778,292.00 in matching federal funds.

Third: By striking out Secs. 3–6 and the reader assistances thereto in their entirety and inserting in lieu thereof the following:

\* \* \* FY17 Town Highway Class 2 Roadway Program \* \* \*

Sec. 3. TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM

Spending authority for the fiscal year 2017 Town Highway Class 2

Roadway Program is amended as follows:

<u>FY17</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	7,248,750	7,648,750	400,000
Total	7,248,750	7,648,750	400,000
<u>Sources of funds</u>			
State	7,248,750	7,648,750	400,000

Federal	0	0	0
Total	7,248,750	7,648,750	400,000

\* \* \* Appropriation of Transportation Funds \* \* \*

Sec. 4. 19 V.S.A. § 11a is amended to read:

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

(a) No transportation funds shall be appropriated for the support of government other than for the Agency, the Board, Transportation Pay Act Funds, construction of transportation capital facilities, transportation debt service, the operation of information centers by the Department of Buildings and General Services, and the Department of Public Safety. The amount of transportation funds appropriated to the Department of Public Safety shall not exceed:

- (1) \$25,250,000.00 in fiscal year 2014;
- (2) \$22,750,000.00 in fiscal years 2015 and 2016; and
- (3) ~~\$20,250,000.00~~ \$21,150,000.00 in fiscal year 2017; and ~~in~~

~~succeeding fiscal years~~

- (4) \$20,250,000.00 in fiscal year 2018 and in succeeding fiscal years.

(b) In fiscal year 2017 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the

purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

\* \* \* Future Appropriations; Legislative Intent \* \* \*

Sec. 5. FUTURE APPROPRIATIONS TO TOWN HIGHWAY CLASS 2  
ROADWAY PROGRAM AND TO DEPARTMENT OF PUBLIC  
SAFETY; LEGISLATIVE INTENT

The General Assembly intends that:

(1) At least \$400,000.00 of the \$900,000.00 reduction in the amount of transportation funds appropriated to the Department of Public Safety scheduled to occur under 19 V.S.A. § 11a(a)(4) in fiscal year 2018 be used to fund a permanent increase of at least \$400,000.00 in transportation funds appropriated to the Town Highway Class 2 Roadway Program, above the \$7,248,750.00 in transportation funds appropriated to the Town Highway Class 2 Roadway Program in prior fiscal years.

(2) The Agency shall propose a fiscal year 2018 Transportation Program that assumes \$400,000.00 of transportation funds will be appropriated to the Department of Public Safety for costs related to State Police vehicles, in

addition to transportation funds appropriated to the Department of Public Safety in fiscal year 2018 pursuant to 19 V.S.A. § 11a(a)(4).

Sec. 6. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

\* \* \*

(h) Class 2 Town Highway Roadway Program. There shall be an annual appropriation for grants to municipalities for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2 town highways. Each fiscal year, the Agency shall approve qualifying projects with a total estimated State share cost of ~~\$7,248,750.00~~ \$7,648,750.00 at a minimum as new grants. The Agency's proposed appropriation for the Program shall take into account the estimated amount of qualifying invoices submitted to the Agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the Town Highway Class 2 Roadway Program exceed the amount appropriated, the Agency shall advise the Governor of the need to request a supplemental appropriation from the General Assembly to fund the additional project cost, provided that the Agency has previously committed to completing those projects. Funds received as grants for State aid under the Class 2 Town Highway Roadway Program may be used by a

municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

\* \* \*

Fourth: By adding a new Sec. 9a and a reader assistance thereto to read:

\* \* \* Bike and Pedestrian Program; Lamoille Valley Rail Trail \* \* \*

Sec. 9a. BIKE AND PEDESTRIAN FACILITIES PROGRAM; LAMOILLE  
VALLEY RAIL TRAIL

(a)(1) The Bike and Pedestrian Facilities Program within the fiscal year 2017 Transportation Program is amended to add a project for the rehabilitation or replacement of structures, permitting activities, engineering services, and trail construction related to development of the State-owned Lamoille Valley Rail Trail (LVRT). The project shall be funded with:

(A) monies raised by the Vermont Association of Snow Travelers (VAST) before January 1, 2017; plus

(B) up to \$400,000.00 of State transportation funds or eligible federal funds, or both, to match each dollar raised by VAST.

(2) Any matching funds shall be identified by the Secretary from some combination of:

(A) the unanticipated delay of projects approved in the fiscal year 2017 Bike and Pedestrian Facilities Program;

(B) cost savings on projects approved in the fiscal year 2017 Bike and Pedestrian Facilities Program;

(C) Statewide New Awards—Federal Aid Construction Projects grant money authorized in the fiscal year 2017 Bike and Pedestrian Facilities Program.

(b) In its fiscal year 2018 Transportation Program proposal, the Agency shall include a project within the Bike and Pedestrian Facilities Program for the rehabilitation or replacement of structures, permitting activities, engineering services, and trail construction related to development of the LVRT. The project shall be funded with:

(1) monies raised by the Vermont Association of Snow Travelers (VAST) from January 1, 2017 to January 1, 2018; plus

(2) up to \$1,000,000.00 of State transportation funds or eligible federal funds, or both, to match each dollar raised by VAST.

Fifth: By striking out Secs. 29a, 29b, 30a, 30b, 31a, and 31b in their entirety

Sixth: In Sec. 29, 24 V.S.A. § 3615, in subsection (c), and in Sec. 30, 24 V.S.A. § 3507, in subsection (b), and in Sec. 31, 24 V.S.A. § 3679(c), by striking out “30 percent” and inserting in lieu thereof the following: 35 percent

Seventh: In Sec. 39, 23 V.S.A. § 1033, in subsection (c), by striking out “to at least four feet” and inserting in lieu thereof the following: to a recommended distance of at least four feet

Eighth: By striking out Sec. 42 in its entirety and inserting in lieu thereof the following:

Sec. 42. 23 V.S.A. § 1047 is amended to read:

§ 1047. VEHICLE TURNING LEFT

(a) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is either within the intersection or so close as to constitute an immediate hazard.

(b) A person operating a vehicle shall not turn left unless the turn can be made at a safe distance from a vulnerable user. A person who violates this section shall be subject to a civil penalty of not less than \$200.00.

Ninth: In Sec. 44, 23 V.S.A. chapter 13, subchapter 12, in 23 V.S.A. § 1136, by striking out subsection (d) in its entirety

Tenth: In Sec. 44, 23 V.S.A. chapter 13, subchapter 12, after 23 V.S.A. § 1139, by inserting the following:

§ 1142. PENALTIES

A person who violates any provision of sections 1136 through 1141 and ~~section~~ subsection 1141a(a) of this title shall be fined not more than \$25.00 for



each offense, except that a person who violates subsection 1139(b) of this title shall be fined not more than \$100.00.

\* \* \*

Eleventh: In Sec. 82, by striking out subsection (b) in its entirety and removing the subsection (a) designation

Twelfth: By striking out Secs. 83–91 and the reader assistances thereto in their entirety and inserting in lieu thereof the following:

\* \* \* Study of DUI Drug Offense Enforcement Challenges \* \* \*

Sec. 83. STUDY OF DUI DRUG OFFENSE ENFORCEMENT

CHALLENGES

The Executive Director of the Department of State’s Attorneys and Sheriffs or designee, in consultation with the Commissioner of Public Safety or designee, the Impaired Driving Project Manager of the Governor’s Highway Safety Program, and attorneys representing DUI defendants, shall study challenges in the enforcement of DUI drug offenses, including the lack of a rapid roadside tool such as a preliminary screening test of saliva to detect drugs other than alcohol, and identify recommended improvements in the processes used to detect, arrest, and process drug-impaired drivers and to the laws that govern these processes. On or before November 1, 2016, the Executive Director shall report his or her findings and recommendations to the Joint

Legislative Justice Oversight Committee, the House and Senate Committees on  
Judiciary, and the House and Senate Committees on Transportation.

\* \* \* Effective Dates and Transition Provision \* \* \*

Sec. 84. EFFECTIVE DATES; APPLICABILITY TO DUI MATTERS

(a) This section and Secs. 12 (positions); 13 (Rail Program); 14 (sale of State-owned rail property); 26, 27, 28, 29, 30, 31, 32, and 33 (stormwater utilities; rates; incentives); 35 (statewide property parcel data layer; findings); 38 (Quechee Gorge Bridge safety issues); 81 (chemicals of high concern to children); and 82 (prohibited idling of motor vehicles; signs) shall take effect on passage.

(b) The requirement for a second or subsequent DUI offender to operate under an ignition interlock RDL or certificate as a condition of eligibility for reinstatement of the offender's regular operator's license or privilege to operate, created under Sec. 46, amending 23 V.S.A. § 1209a, shall apply only in connection with a second or subsequent DUI offense that occurs on or after July 1, 2016.

COMMITTEE ON THE PART OF  
THE SENATE

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SEN. RICHARD T. MAZZA

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SEN. RICHARD A. WESTMAN

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SEN. MARGARET K. FLORY

COMMITTEE ON THE PART OF  
THE HOUSE

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REP. PATRICK M. BRENNAN

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REP. TIMOTHY R. CORCORAN

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REP. MOLLIE S. BURKE