

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill No.
3 488 entitled “An act relating to the State’s Transportation Program and
4 miscellaneous changes to laws related to transportation” respectfully reports
5 that it has considered the same and recommends that the Senate propose to the
6 House that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 * * * Transportation Program; Definitions * * *

9 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

10 (a) The Agency of Transportation’s proposed fiscal year 2016
11 Transportation Program appended to the Agency of Transportation’s proposed
12 fiscal year 2016 budget, as amended by this act, is adopted to the extent
13 federal, State, and local funds are available.

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

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

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

17 (3) The table heading “As Proposed” means the Transportation Program
18 referenced in subsection (a) of this section; the table heading “As Amended”
19 means the amendments as made by this act; the table heading “Change” means
20 the difference obtained by subtracting the “As Proposed” figure from the “As
21 Amended” figure; and the term “change” or “changes” in the text refers to the

1 project- and program-specific amendments, the aggregate sum of which equals
2 the net “Change” in the applicable table heading.

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

5 * * * Personnel-related Savings * * *

6 Sec. 2. FISCAL YEAR 2016 PERSONNEL-RELATED SAVINGS

7 In addition to all other reductions in spending authority under this act,
8 overall fiscal year 2016 Transportation Program spending is reduced by
9 \$1,500,000.00 in transportation funds, to be achieved through a combination of
10 personnel, labor, or consultant cost savings identified by the Secretary.

11 * * * Program Development – Funding * * *

12 Sec. 3. PROGRAM DEVELOPMENT – FUNDING

13 (a) Spending authority in Program Development in fiscal year 2016 is
14 modified in accordance with this section. Among projects selected in the
15 Secretary’s discretion in accordance with subsection (b) of this section, the
16 Secretary shall:

17 (1) increase project spending authority in the total amount of
18 \$3,514,996.00 in transportation funds;

19 (2) reduce project spending authority in the total amount of
20 \$6,600,000.00 in TIB funds;

21 (3) reduce project spending authority in the total amount of

1 \$12,340,016.00 in federal funds.

2 (b) In exercising his or her discretion to select projects on which spending
3 will be reduced, the Secretary shall not delay a project that otherwise would
4 proceed in fiscal year 2016, unless the full amount of the reduction required
5 under subsection (a) of this section cannot be achieved from project savings or
6 unforeseen delays that prevent a project from proceeding in fiscal year 2016.
7 If a project that otherwise would have proceeded in fiscal year 2016 is delayed,
8 the Secretary shall promptly notify:

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

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

13 * * * Maintenance Program * * *

14 Sec. 4. MAINTENANCE PROGRAM

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

17	<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18	Personal services	43,784,445	43,784,445	0
19	Operating expenses	43,890,139	43,190,139	-700,000
20	Grants	95,000	95,000	0
21	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	Interdep't 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 * * * Town Highway Structures * * *

10 Sec. 5. TOWN HIGHWAY STRUCTURES

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

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

1 * * * Town Highway Bridge Program * * *

2 Sec. 6. TOWN HIGHWAY BRIDGE PROGRAM; PROJECT

3 CANCELLATION

4 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
5 projects), the General Assembly approves cancellation of the following project
6 from the Town Highway Bridge Program candidate list: Fair Haven BO
7 1443() (scoping for BR2 on TH45).

8 * * * Rest Areas * * *

9 Sec. 7. REST AREAS PROGRAM; PROJECT CANCELLATION

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

14 Sec. 8. REST AREAS PROGRAM; PROJECT ADDITION

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

1 * * * Review of Transportation Service Programs * * *

2 Sec. 12. REVIEW OF TRANSPORTATION SERVICE PROGRAM

3 (a) The Agency, in consultation with the Agency of Human Services and
4 interested stakeholders, shall review the Elders and Persons with Disability
5 Transportation Program (E&D Program). In carrying out its review, the
6 Agency shall analyze:

7 (1) the gap between current and projected E&D Program resources and
8 needs over a 10-year time frame, on regional and statewide levels;

9 (2) regional transportation service delivery models and their adequacy in
10 meeting E&D Program participant needs;

11 (3) opportunities to achieve efficiencies by coordinating E&D Program
12 and other human services transportation programs, and obstacles to achieving
13 such efficiencies;

14 (4) challenges that exist for partner organizations to raise local matching
15 funds for transportation services;

16 (5) the current and expected impact of Medicaid waiver programs on the
17 E&D Program; and

18 (6) existing and emerging technology and the potential role it could play
19 in increasing service to elders and persons with disabilities.

1 Sec. 14. 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. 15. 19 V.S.A. § 1502 is amended to read:

9 § 1502. ~~COOPERATION WITH COMPLIANCE WITH FEDERAL~~
10 ~~GOVERNMENT~~ LAW; USE OF FEDERAL AID MONEY

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

19 (b) To carry out the transportation planning process required by the
20 Intermodal Surface Transportation Efficiency Act of 1991 (the Act), ~~Pub. L.~~
21 ~~No. 102-240, § 1024, 105 Stat. 1914, 1955 (1991)~~ (now codified at 23 U.S.C.

1 § 134), as may be amended, the ~~governor~~ Governor shall designate a
2 metropolitan planning organization for any urbanized area of more than 50,000
3 population and may take other action necessary to ensure the ~~state's~~ State's
4 compliance with the ~~federal act~~ Act and any federal regulations pertaining to
5 the ~~act~~ Act. A designation of a metropolitan planning organization shall
6 remain in effect until revoked by the ~~governor~~ Governor.

7 Sec. 16. 19 V.S.A. chapter 1 is amended to read:

8 CHAPTER 1. STATE HIGHWAY LAW; GENERAL
9 TRANSPORTATION PROVISIONS

10 * * *

11 § 7. SECRETARY; POWERS AND DUTIES

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

15 (b) The Secretary shall be responsible to the Governor and shall plan,
16 coordinate, and direct the functions vested in the Agency in accord with the
17 transportation policies established ~~by the Agency under section 10b~~ of this
18 title.

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

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

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

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

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

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

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

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

15 (1) ~~within the authority of relevant State and federal statutes and~~
16 ~~regulations~~, transfer appropriations or parts of appropriations within or
17 between the department, divisions, and sections;

18 (2) cooperate with the appropriate federal agencies and receive federal
19 funds in support of programs within the Agency;

20 (3) submit plans and reports, and in other respects comply with federal
21 laws and regulations which pertain to programs administered by the Agency;

1 (4) make rules consistent with the law for the internal administration of
2 the Agency and its programs;

3 (5) create advisory councils or committees as he or she deems necessary
4 within the Agency, and appoint the members for a term not exceeding his or
5 hers. Councils or committees created pursuant to this subdivision may include
6 persons who are not officers or employees of the Agency;

7 (6) provide training and instruction for ~~any~~ employees of the Agency at
8 the expense of the Agency, and provide training and instruction for employees
9 of Vermont municipalities. Where appropriate, the Secretary may provide
10 training and instruction for municipal employees at the expense of the Agency;

11 (7) organize, reorganize, transfer, or abolish sections and staff function
12 sections within the Agency; except however, the Secretary may not alter the
13 number of highway districts without legislative approval.

14 (8) [Deleted.]

15 * * *

16 * * * Railroad Standards * * *

17 Sec. 17. 5 V.S.A. § 3670 is amended to read:

18 § 3670. CLEARANCE STANDARDS; VARIANCE

19 (a) ~~No~~ Except as provided in this section, a person shall not construct, alter,
20 or permit construction or alteration of a railroad track, railroad bridge, or
21 structure over or adjacent to any railroad track unless the clearances provided

1 equal or exceed the minimum standards set forth in the American Railway
2 Engineering and Maintenance-of-Way Association's Manual for Railway
3 Engineering, as in effect at the time work begins.

4 (b) ~~Subject to the approval of the transportation board,~~ a A variance from
5 the standards established by this section may be established by written
6 agreement of the ~~agency of transportation~~ Agency of Transportation, all
7 involved railroad companies, and any affected municipality.

8 (c) If the parties are unable to agree on a variance request, the
9 ~~transportation board~~ Transportation Board, after notice and hearing, may grant
10 a variance from the standards established by this section if the ~~board~~ Board
11 determines that:

12 (1) ~~the agency of transportation~~ Agency of Transportation, all involved
13 railroad companies, and any affected municipality have had an opportunity to
14 review and comment on the variance request;

15 (2) granting the variance will not significantly impair the safe, efficient,
16 continuous movement of freight, passengers, and railroad equipment on the
17 ~~state's~~ State's railroad system or the safe, efficient performance of railroad
18 maintenance operations; and

19 (3) the costs and impacts associated with meeting the clearance
20 standards established by this section would exceed any public benefits
21 reasonably likely to flow from adhering to such standards.

1 (d) Notwithstanding this section, tracks, bridges, and structures lawfully in
2 existence (or already under construction) ~~on the effective date of this act on~~
3 July 1, 1990, may continue to be used and repaired, provided that clearances
4 are not further reduced.

5 * * * Potable Water Supply and Wastewater Systems Permits;

6 Exemption * * *

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

8 § 1974. EXEMPTIONS

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

11 * * *

12 (7) the subdivision of an unimproved or improved lot or campground
13 where the subdivision results from a transfer of property for a highway or other
14 transportation project that is authorized under the State's enacted
15 Transportation Program or is an emergency project within the meaning of
16 19 V.S.A. § 10g(h), regardless of whether the State or the municipality has
17 commenced any condemnation proceedings in connection with the project.

18 * * * Highway Division Director * * *

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

20 (a) A director shall administer each division created within the ~~agency~~
21 Agency. The ~~secretary~~ Secretary shall appoint the directors, who shall be

1 exempt from the classified service. The Director of the Highway Division
2 shall be licensed as a professional engineer.

3 * * * Clean Water * * *

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

5 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

6 * * *

7 (f) Each year, ~~\$200,000.00~~ \$1,100,000.00 of the Grant Program funds, or
8 such lesser sum if all eligible applications amount to less than ~~\$200,000.00~~
9 \$1,100,000.00, shall be reserved for municipalities for environmental
10 mitigation projects relating to stormwater and highways, including eligible salt
11 and sand shed projects. ~~Grant awards for eligible projects shall not exceed~~
12 ~~\$50,000.00 per project.~~ Regarding the balance of Grant Program funds, in
13 evaluating applications for Transportation Alternatives grants, the
14 Transportation Alternatives Grant Committee shall give preferential weighting
15 to projects involving as a primary feature a bicycle or pedestrian facility. The
16 degree of preferential weighting and the circumstantial factors sufficient to
17 overcome the weighting shall be in the complete discretion of the
18 Transportation Alternatives Grant Committee.

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Options for consideration

** * * Option 1 - statute*

Sec. 21. 19 V.S.A. § 306(i) is added to read:

(i) Monies disbursed from the Clean Water Fund established in 10 V.S.A. § 1388 for municipalities for environmental mitigation projects related to stormwater and highways shall be administered by the Agency [through the Municipal Mitigation Grant Program. Grants provided to municipalities under the Program shall be matched by local funds sufficient to cover 20 percent of the project costs].

** * * Option 2 - session law*

Sec. 21. MONIES DISBURSED FROM CLEAN WATER FUND FOR
MUNICIPAL HIGHWAY PROJECTS

Monies disbursed from the Clean Water Fund established in 10 V.S.A. § 1388 for municipalities for environmental mitigation projects related to stormwater and highways shall be administered by the Agency through the Municipal Mitigation Grant Program. [Grants provided to municipalities under the Program shall be matched by local funds sufficient to cover 20 percent of the project costs].

1 * * * State Highway Bridge Program; Causeway Study & Scoping * * *

2 Sec. 22. STATE HIGHWAY BRIDGE PROGRAM

3 (a) The following project is added to the State Highway Bridge Program:

4 Missisquoi Bay Causeway Study & Scoping Project.

5 (b) Spending authority for the Missisquoi Bay Causeway Study & Scoping

6 Project is authorized as follows:

7	<u>FY16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	PE	0	125,000	125,000
9	Construction	0	0	0
10	Total	0	125,000	125,000

11 Sources of funds

12	State	0	0	0
13	TIB	0	0	0
14	Federal	0	100,000	100,000
15	Special	0	25,000	25,000
16	Total	0	125,000	125,000

17 * * * Motor Fuel Transportation Infrastructure Assessment * * *

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

19 § 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

20 (a)(1) Except for sales of motor fuels between distributors licensed in this

21 State, which sales shall be exempt from the taxes and assessments authorized

1 under this section, unless exempt under the laws of the United States at the
2 time of filing the report required by section 3108 of this title, each distributor
3 shall pay to the Commissioner:

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

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

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

10 (I) \$0.0415; or

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

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

16 (I) \$0.134 per gallon; or

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

20 * * *

