

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>FY 16</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>FY 16</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).

* * * Central Garage * * *

Sec. 9. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2016, the amount of \$162,504.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Transportation Funding Analysis * * *

Sec. 10. AGENCY ANALYSIS OF TRANSPORTATION FUNDING

(a) The Agency shall identify and evaluate funding sources, other than motor vehicle fuel taxes, that will be sufficient to maintain the State's transportation system, accounting for State and federal policies that have and will continue to reduce motor vehicle fuel consumption. In conducting this analysis, the Agency shall:

(1) review current State and federal transportation funding sources and policies, as well as policies and trends that have and will continue to reduce motor vehicle fuel consumption;

(2) review and expand on the funding options contained in the report on transportation funding required by 2012 Acts and Resolves No. 153,

Sec. 40; and

(3) review the actions of other states and provinces that have reduced or eliminated motor vehicle fuel taxes and replaced them with other funding sources.

1 **(b) The Agency also shall identify and evaluate funding sources, other than**
2 **local property taxes, to support the local share of increasing costs or the**
3 **expansion of public transportation services statewide.**

4 **(c) The Agency shall deliver a written report of its findings and any**
5 **recommendations to the House and Senate Committees on Transportation on**
6 **or before January 15, 2016.**

7 * * * Study of Commuter Rail and Bus Service * * *

8 **Sec. 11. STUDY OF MONTPELIER TO ST. ALBANS COMMUTER RAIL**
9 **SERVICE, ALBANY TO BENNINGTON TO MANCHESTER BUS**
10 **SERVICE**

11 **(a) The Agency shall study the financial and operational feasibility of a**
12 **commuter rail service in the corridor between St. Albans, Essex Junction, and**
13 **Montpelier, with connecting service to Burlington, and shall report its findings**
14 **and any recommendations to the House and Senate Committees on**
15 **Transportation on or before January 15, 2017.**

16 **(b) The Agency shall study the expected benefits and costs to the State of**
17 **Vermont, implementation steps, and timeline associated with various models**
18 **for initiating and operating an Albany to Bennington to Manchester bus**
19 **service, and shall report its findings and any recommendations to the House**
20 **and Senate Committees on Transportation on or before January 15, 2016.**

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 **(b) The Agency shall submit a written report of its findings and any**
2 **recommendations to the House and Senate Committees on Transportation on**
3 **or before January 15, 2016.**

4 * * * Authority of the Agency and Secretary * * *

5 Sec. 13. 5 V.S.A. § 204 is amended to read:

6 § 204. POWERS OF AGENCY GENERALLY

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

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

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

17 The authority granted in this subdivision shall be subject to the provisions of
18 32 V.S.A. § 5.

19 * * *

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 REQUIREMENTS; USE OF FEDERAL AID~~
11 MONEY

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

20 (b) To carry out the transportation planning process required by the
21 Intermodal Surface Transportation Efficiency Act of 1991 (the Act), ~~Pub. L.~~

1 ~~No. 102-240, § 1024, 105 Stat. 1914, 1955 (1991) (now codified at~~ 23 U.S.C.
2 § 134), as may be amended, the ~~governor~~ Governor shall designate a
3 metropolitan planning organization for any urbanized area of more than 50,000
4 population and may take other action necessary to ensure the ~~state's~~ State's
5 compliance with the ~~federal act~~ Act and any federal regulations pertaining to
6 the ~~act~~ Act. A designation of a metropolitan planning organization shall
7 remain in effect until revoked by the ~~governor~~ Governor.

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

9 CHAPTER 1. STATE HIGHWAY LAW; GENERAL

10 TRANSPORTATION PROVISIONS

11 * * *

12 § 7. SECRETARY; POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (6) provide training and instruction for any employees of the Agency at
12 the expense of the Agency, and provide training and instruction for employees
13 of Vermont municipalities. Where appropriate, the Secretary may provide
14 training and instruction for municipal employees at the expense of the Agency;

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

18 (8) ~~Deleted.~~ Repealed.

19 * * *

1 * * * Railroad Standards * * *

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

3 § 3670. CLEARANCE STANDARDS; VARIANCE

4 (a) ~~No~~ Except as provided in this section, a person shall not construct, alter,
5 or permit construction or alteration of a railroad track, railroad bridge, or
6 structure over or adjacent to any railroad track unless the clearances provided
7 equal or exceed the minimum standards set forth in the American Railway
8 Engineering and Maintenance-of-Way Association’s Manual for Railway
9 Engineering, as in effect at the time work begins.

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

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

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

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

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

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

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

13 Exemption * * *

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

15 § 1974. EXEMPTIONS

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

18 * * *

19 (7) the subdivision of an unimproved or improved lot or campground
20 where the subdivision results from a transfer of property for a highway or other
21 transportation project that is authorized under the State's enacted

1 Transportation Program or is an emergency project within the meaning of
2 19 V.S.A. § 10g(h), regardless of whether the State or the municipality has
3 commenced any condemnation proceedings in connection with the project.

4 * * * Highway Division Director * * *

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

6 (a) A director shall administer each division created within the ~~agency~~
7 Agency. The ~~secretary~~ Secretary shall appoint the directors, who shall be
8 exempt from the classified service. The Director of the Highway Division
9 shall be licensed as a professional engineer.

10 * * * Clean Water * * *

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

12 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

13 * * *

14 (f) Each year, ~~\$200,000.00~~ \$1,100,000.00 of the Grant Program funds, or
15 such lesser sum if all eligible applications amount to less than ~~\$200,000.00~~
16 \$1,100,000.00, shall be reserved for municipalities for environmental
17 mitigation projects relating to stormwater and highways, including eligible salt
18 and sand shed projects. Grant awards for eligible projects shall not exceed
19 \$50,000.00 per project. Regarding the balance of Grant Program funds, in
20 evaluating applications for Transportation Alternatives grants, the
21 Transportation Alternatives Grant Committee shall give preferential weighting

1 to projects involving as a primary feature a bicycle or pedestrian facility. The
2 degree of preferential weighting and the circumstantial factors sufficient to
3 overcome the weighting shall be in the complete discretion of the
4 Transportation Alternatives Grant Committee.

5 * * *

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

7 (i) Monies disbursed from the Clean Water Fund established in 10 V.S.A.
8 § 1388 for municipalities for environmental mitigation projects related to
9 stormwater and highways shall be administered by the Agency through the
10 Municipal Mitigation Grant Program. Grants provided to municipalities under
11 the Program shall be matched by local funds sufficient to cover 20 percent of
12 the project costs.

13 * * * State Highway Bridge Program; Causeway Scoping Study * * *

14 Sec. 22. STATE HIGHWAY BRIDGE PROGRAM

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

16 Missisquoi Bay Causeway Scoping Study.

17 (b) Spending authority for the Missisquoi Bay Causeway Scoping Study is
18 authorized as follows:

	<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	PE	0	125,000	125,000
3	Construction	0	0	0
4	Total	0	125,000	125,000
5	<u>Sources of funds</u>			
6	State	0	0	0
7	TIB	0	0	0
8	Federal	0	100,000	100,000
9	Special	0	25,000	25,000
10	Total	0	125,000	125,000

11 * * * Motor Fuel Transportation Infrastructure Assessment * * *

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

13 § 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

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

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

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

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

5 (I) \$0.0415; or

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

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

11 (I) \$0.134 per gallon; or

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

15 * * *

16 * * * Airport Naming * * *

17 Sec. 24. 29 V.S.A. § 821(a) is amended to read:

18 (a) State buildings.

19 * * *

20 (11) “Northeast Kingdom International Airport” shall be the name of the
21 Newport State Airport in Coventry.

1 * * * Naming of Transportation Facilities * * *

2 Sec. 25. 10 V.S.A. § 152 is amended to read:

3 § 152. AUTHORITY TO NAME ROADS AND GEOGRAPHIC
4 LOCATIONS

5 The ~~board of libraries~~ Board of Libraries is hereby designated the ~~state~~ State
6 agency to name ~~roads and~~ geographic locations including ~~but not limited to~~
7 mountains, streams, lakes, and ponds upon petition signed by not less than 25
8 interested persons or by petition of an administrative department of the ~~state~~
9 State.

10 Sec. 26. 10 V.S.A. § 153 is amended to read:

11 § 153. PROCEDURE

12 When the ~~board~~ Board receives a petition to act under section 152 of this
13 title it shall give reasonable notice to each administrative department of the
14 ~~state~~ State having jurisdiction of the ~~road or~~ location to be named, and to each
15 town in which the ~~road or~~ location lies of the time and place when it will hear
16 all interested parties.

17 Sec. 27. 19 V.S.A. § 5 is amended to read:

18 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

19 (a) The regulatory and quasi-judicial functions relating to transportation
20 shall be vested in the ~~transportation board~~.

1 ~~(b) Notwithstanding subsection (a) of this section~~ Board, except that the
2 ~~duties and responsibilities of the commissioner of motor vehicles~~
3 Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-
4 judicial powers, shall continue to be vested in ~~that individual~~ the
5 Commissioner.

6 (b)(1) Except as otherwise authorized by law, the Board is the sole
7 authority responsible for naming transportation facilities owned, controlled, or
8 maintained by the State, including highways and the bridges thereon, airports,
9 rail facilities, rest areas, and welcome centers. The Board shall exercise its
10 naming authority only upon petition of the legislative body of a municipality of
11 the State, of the head of an Executive Branch agency or department of the
12 State, or of 50 [Vermont residents].

13 (2) The Board shall hold a public hearing for each facility requested to
14 be named, and give reasonable notice thereof to the requester, the Agency, the
15 municipality in which the facility is located, and, if applicable, any other
16 person who controls or maintains the facility. The Board shall adopt rules
17 governing the conduct of hearings, the standards to be applied in rendering
18 decisions under this subsection, and any other matter necessary for the just
19 disposition of naming requests. The Board shall issue a decision, which shall
20 be subject to review on the record by a Superior Court pursuant to Rule 74 of
21 the Vermont Rules of Civil Procedure. The Board may delegate the

1 responsibility to hold a hearing to a hearing officer or a single Board member,
2 subject to the procedure of subsection (c) of this section, but shall not be bound
3 by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

4 (c) The ~~board~~ Board may delegate the responsibility to hear quasi-judicial
5 matters, and other matters as it may deem appropriate, to a hearing examiner or
6 a single ~~board~~ Board member, to hear a case and make findings in accordance
7 with 3 V.S.A. chapter 25 ~~of Title 3~~, except that highway condemnation
8 proceedings shall be conducted pursuant to the provisions of chapter 5 of this
9 title. A hearing examiner or single ~~board~~ Board member so appointed shall
10 report his or her findings of fact in writing to the ~~board~~ Board. Any order
11 resulting therefrom shall be rendered only by a majority of the ~~board~~ Board.
12 Final orders of the ~~board~~ Board may be reviewed on the record by ~~the superior~~
13 ~~court~~ a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
14 Procedure.

15 * * *

16 * * * Byways Advisory Council; Scenic Roads and Byways * * *

17 Sec. 28. REPEAL

18 10 V.S.A. § 425 (Byways Advisory Council) is repealed.

1 Sec. 29. 19 V.S.A. chapter 25 is amended to read:

2 Chapter 25: Scenic Roads

3 § 2501. STATE SCENIC ROADS AND BYWAYS; DESIGNATION AND
4 DISCONTINUANCE

5 (a) ~~On the recommendation of the Byways Advisory Council~~ the joint
6 recommendation of the municipalities through which a proposed or existing
7 State Scenic Road or Byway passes and of the regional planning commissions
8 that serve such municipalities, the Transportation Board may designate or
9 discontinue any State highway, or portion of a State highway, as a State Scenic
10 Road or Byway, in accordance with standards adopted by the Board by rule.

11 The Board shall hold a public hearing on the recommendation, giving notice
12 thereof to the municipalities and regional planning commissions, the Secretary,
13 and the Commissioner of Tourism and Marketing, and shall submit a copy of
14 its findings and decision ~~together with its findings to the Byways Advisory~~
15 ~~Council to these parties~~ within 60 days after receipt of the recommendation.

16 The hearing shall be held in the vicinity of the proposed ~~scenic highway~~ State
17 Scenic Road or Byway.

18 (b) [Repealed.]

19 (c) A State Scenic Road or Byway shall not be reconstructed or improved
20 unless the reconstruction or improvement is conducted in accordance with the
21 Agency of Transportation's Vermont Design Standards, as amended. Signs

1 along State Scenic Roads and Byways shall comply with the Federal Highway
2 Administration's Manual on Uniform Traffic Control Devices, as amended.

3 § 2502. TOWN SCENIC ROADS; DESIGNATION AND
4 DISCONTINUANCE

5 (a) On recommendation of the planning commission of a municipality, or
6 on the initiative of the legislative body of a municipality, a legislative body
7 may, after one public hearing warned for the purpose, designate or discontinue
8 any town highway or portion of a town highway as a town scenic highway.

9 Such action by the legislative body may be petitioned by the registered voters
10 of the municipality pursuant to the provisions of 24 V.S.A. § 1973.

11 (b) A town scenic road may be reconstructed or improved in a manner
12 consistent with the ~~agency of transportation's~~ Agency's Vermont Design
13 Standards, as amended. A class 1, 2, or 3 scenic highway shall still be eligible
14 to receive aid pursuant to the provisions of this title. Signs along town scenic
15 roads shall comply with the Federal Highway Administration's Manual on
16 Uniform Traffic Control Devices, as amended.

17 (c) [Repealed.]

18 § 2503. REGISTER

19 The ~~agency of transportation~~ Agency may annually publish a register
20 containing a listing of all ~~state~~ State and locally designated scenic roads and

1 byways. Any listing shall include the mileage of each road or byway and any
2 special, natural, historical, or scenic attractions on the road or byway.

3 § 2504. ADDITIONAL FUNDS

4 The ~~agency~~ Agency, and any qualifying municipality, ~~shall have~~ within the
5 authority ~~to~~ of State and federal law, may accept and spend any funds made
6 available to them for the purpose of enhancing or establishing designated
7 scenic roads or byways.

8 § 2505. RIGHTS OF ADJACENT LANDOWNERS

9 Nothing in this chapter shall preclude the rights of a landowner from
10 developing property adjacent to a designated scenic road or byway, so long as
11 the development is in accordance with existing law or ordinance.

12 * * * Utility Transmission System Plans; Notification of Public Meetings * * *

13 Sec. 30. 30 V.S.A. § 218c(d)(2) is amended to read:

14 (2) Prior to the adoption of any Transmission System Plan, a utility
15 preparing a Plan shall host at least two public meetings at which it shall present
16 a draft of the Plan and facilitate a public discussion to identify and evaluate
17 nontransmission alternatives. The meetings shall be at separate locations
18 within the State, in proximity to the transmission facilities involved or as
19 otherwise required by the Board, and each shall be noticed by at least two
20 advertisements, each occurring between one and three weeks prior to the
21 meetings, in newspapers having general circulation within the State and within

1 the municipalities in which the meetings are to be held. Copies of the notices
2 shall be provided to the Public Service Board, the Department of Public
3 Service, any entity appointed by the Public Service Board pursuant to
4 subdivision 209(d)(2) of this title, the Agency of Natural Resources, the
5 Division for Historic Preservation, the Department of Health, ~~the Byways~~
6 ~~Advisory Council~~, the Agency of Transportation, the Attorney General, the
7 chair of each regional planning commission, each retail electricity provider
8 within the State, and any public interest group that requests, or has made a
9 standing request for, a copy of the notice. A verbatim transcript of the
10 meetings shall be prepared by the utility preparing the Plan, shall be filed with
11 the Public Service Board and the Department of Public Service, and shall be
12 provided at cost to any person requesting it. The Plan shall contain a
13 discussion of the principal contentions made at the meetings by members of
14 the public, by any State agency, and by any utility.

15 * * * Notice of Hearing on Petition for Certificate of Public Good * * *

16 Sec. 31. 30 V.S.A. § 248(a)(4) is amended to read:

17 (4)(A) With respect to a facility located in the State, the Public Service
18 Board shall hold a nontechnical public hearing on each petition for such
19 finding and certificate in at least one county in which any portion of the
20 construction of the facility is proposed to be located.

1 (B) The Public Service Board shall hold technical hearings at
2 locations which it selects.

3 (C) At the time of filing its application with the Board, copies shall
4 be given by the petitioner to the Attorney General and the Department of
5 Public Service, and, with respect to facilities within the State, the Department
6 of Health, Agency of Natural Resources, Historic Preservation Division,
7 Agency of Transportation, Agency of Agriculture, Food and Markets, and to
8 the ~~chairperson~~ chair or director of the municipal and regional planning
9 commissions and the municipal legislative body for each town and city in
10 which the proposed facility will be located. ~~At the time of filing its application~~
11 ~~with the Board, the petitioner shall give the Byways Advisory Council notice~~
12 ~~of the filing.~~

13 * * *

14 * * * Property Transfer Tax Return; Exemption * * *

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

16 (d) The property transfer tax return shall not be required of properties
17 qualified for the exemption stated in subdivision 9603(17) of this title, or
18 qualified for the exemption stated in subdivision 9603(2) of this title if the
19 transfer is of an interest in property for highway purposes and the
20 consideration for the transfer is \$10,000.00 or less. A public utility An entity
21 acquiring such properties shall notify the listers of a municipality of the

1 grantors, grantees, consideration, date of execution, and location of the
2 ~~easement property~~ when it files for recording a deed ~~transferring a utility line~~
3 ~~easement~~ that does not require a transfer tax return under this subsection.

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

5 Sec. 33. 32 V.S.A. § 10002(q) is added to read:

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

11 * * * Effective Dates * * *

12 Sec. 34. EFFECTIVE DATES

13 This act shall take effect on July 1, 2015, except that:

14 (a) Sec. 21 (administration of certain Clean Water Fund monies through the
15 Municipal Mitigation Grant Program) shall take effect if and when the Clean
16 Water Fund is established; and

17 (b) Secs. 25–27 (naming of State transportation facilities) shall take effect
18 on March 1, 2016.

19

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE

DRAFT