



Transportation Board

How often does the Board meet: The Transportation Board is a quasi-judicial body that meets as often as its case load dictates. But in general, the Board meets about 10 times per year as a full Board. In addition, subsets of the Board (two or three members) meet another 6-10 times per year to staff statutorily required public hearings or public forums. At these events, the subset act as hearing officers who then report back to the full Board at a subsequent Board meeting. The Board also regularly appoints a single Board member to act as prehearing officer to work with parties to mediate pre-hearing matters in contested legal cases. During the past two fiscal years, the full Board met 19 times (9 during fiscal 2018 and 10 during fiscal 2017). Subsets of the Board met an additional seven times during Fiscal 2017 but did not meet at all during Fiscal 18. Single, pre-hearing officers meet with parties as needed. I've never counted these, but they can number anywhere between five and 15 times per year depending on the Board's case load.

Agendas and meeting minutes of full Board meetings can be found on the Board's website at tboard.vermont.gov. Minutes of public hearings or public forms are not taken as these gatherings do not comprise a Board quorum. However, hearing officers assigned to lead public hearings make reports to the full Board, and the results of these reports are captured in Board meeting minutes. The scheduling of public hearings and forums, which are held at various locations around the state, are warned on the Board's website as well as locally in a combination of newspapers, Front Porch Forums, and municipal websites. Information gathered at public forums are capture in written reports that are provided to the Legislature and also posted on the Board's website.

Info about Board members: The Transportation Board has seven members who are appointed by the Governor with the consent of the Vermont Senate. Members serve three-year terms and are statutorily limited to two, additional three-year terms. All terms expire during the month of February. Statute also dictates that no more than four members can be affiliated with any one political party. The Governor appoints the Board's chair. Board members qualify for a \$50 per-diem each time they meet or serve as a hearing officer. They also qualify for mileage at the current state rate, which is 54.5 cents per mile, and by statute can put in for meals and other expenses as necessary. Current Board members and their term's expiration dates are as follows: David Coen of Chittenden County 2021, Richard Bailey of Lamoille County 2021, Timothy Hayward of Washington County 2020, Wendy Harrison of Windham County 2019, Vanessa Kittell of Franklin County 2019, and T. Faith Terry of Addison County 2019. The Board currently has one vacant position as a member from Rutland County resigned just a couple of weeks ago.

The Board's purpose: The Transportation Board is a quasi-judicial body that has three main functions: 1) it adjudicates transportation-related disputes brought against the Agency of Transportation and in some cases brought against Vermont towns, 2) it regulates transportation issues/facilities and issues permits, and 3) it gathers public input and makes reports to either the Legislature or the Agency of Transportation. The Board also is the authority that names transportation facilities that are owned, maintained or controlled by the State of Vermont, as well as the judicial body that hears disputes brought by Vermont auto dealers against the auto manufacturers that supply them. The Board has full subpoena power and where authorized can issue fines.



Is the Board's purpose still needed: Everything the Board does is required by law. Transportation disputes, including legal disputes, always will need to be adjudicated, while some authority always will be needed to regulate things that require permits. Public input regarding targeted issues always will need to be gathered.

What would happen if the Board no longer fulfilled this purpose: If the Board were to be dissolved, the things it does could not simply disappear. They would have to be transferred. It's important to note that the Board adjudicates legal disputes brought against the Agency of Transportation, which means that the Agency or the Executive Branch, which controls the Agency, cannot be assigned this function. To protect due process, neither VTrans nor the Executive Branch can be placed in a position of adjudicating legal matters brought against itself.

The same can be said for the Board's regulatory functions as the Board regulates facilities that would place VTrans or the Executive Branch in conflict. Two good examples involve aviation facilities and railroad issues. The Board has regulatory authority over applications for private aviation facilities such as helipads and airstrips. Given that VTrans owns and operates numerous state airports, placing the Agency in charge of permitting private aviation facilities, which take business away from state airports, would present a clear conflict of interest. Also, given that VTrans owns 300 of the state's 600 miles of railroad tracks, placing the Agency in charge of regulating railroad activity also would present VTrans with a clear conflict.

These conflicts explain why statute provides that the Senate must confirm the appointment of Board members, and that no more than four of the Board's seven members can belong to the same political party. Also, statute dictates that the Board's executive secretary (its administrator) is hired and fired by the Board, not the Governor. This means that the executive secretary does not work for either the Governor or the Secretary of Transportation. He/she is completely independent.

How well is the Board performing in executing its purpose, and what evidence substantiates its performance: The Board takes its mission, and its independence, very seriously. Legal cases are brought to hearing and decisions are issued much faster than they would be if controlled by the court system. When regulating permit applications or holding appellant hearings, the Board travels to the host community so that the public can easily attend and provide input into the process. The vast majority of the Board's decisions are not appealed. In my personal tenure as the Board's executive secretary (dating to 2011), only one Board decision has been reversed by the courts and even that one was reversed only in part.

If the purpose is still needed, can state government be more effective and efficient if the purpose was executed in a different manner: Given that VTrans and the Executive Branch cannot adjudicate or regulate itself, the only other manner in which the Board's functions could be executed is if they were transferred to the Courts. It is well known that the court system is already overburdened, so transferring the Board's caseload to the court system would 1) overburden it further and 2) lead to it taking longer to hold hearings and issue decisions. In fact, the Legislature as part of Act 167 of 2016 – an Act Relating to Judicial Organization and Operations – altered the way the Board's decisions are appealed in order to provide the Board greater authority and lessen the appellate burden on the court system. Historically, all Board decisions were appealable "on the record" to District Court, and then from there District Court decisions could be appealed to the Supreme Court. But as part of Act 167, the Legislature removed the District Court from the process (except when it comes to small claims of under



\$5,000 and some railroad issues) and designated the Supreme Court as the Board's direct appellate body. This was one of many moves the Legislature made in 2016 to streamline Vermont's Court system. Abolishing the Board would run counter to this effort.

If the Board is still needed, do any of the Board's functions overlap or duplicate those of another state Board or Federal Agency: in a word, no.

Does the Board's enabling law continue to correctly reflect the purpose and activities of the Board: Yes. VTrans regularly assesses transportation law and when it believes updates are needed proposes changes to the Legislature. If the Agency believes law enabling the Board requires alteration, the Board is routinely brought into the process. The Board, on its own, also regularly discusses whether changes are needed, and if it believes they are it begins similar conversations.

Provide a list of the Board's last fiscal year expenditures, including staffing costs: See the attached budget sheets. When viewing, please keep in mind that the Board's finances are comingled with those of the New Motor Vehicle Arbitration Board (the Lemon Law) and that the Lemon Law is overseen by the Transportation Board's executive secretary. Money to fund both boards and their staff come from the state's Transportation Fund.

Is the Board required by law to prepare reports or studies for the Legislature, the Governor or any State Agency or officer? If so, have those reports been produced, and does the Board have ongoing reporting obligations: The Board is not "required" by law to prepare reports or studies, but it is authorized by law to do so. 19 V.S.A. § 5(d)(8) requires the Board to "hold public hearings for the purpose of obtaining public comment on the development of State transportation policy, the mission of the Agency (of Transportation) and State transportation planning, capital programming and program implementation." While no part of this statute mentions how often such hearings must be held or if a report must be written, the Board has taken this responsibility to mean such public hearings should be held regularly and that following the hearings the Board should issue a public report that is provided to both VTrans and the Legislature. The Board during the past five years has embarked on four such missions. The reports can be found on the Board's website at tboard.vermont.gov.

Also, 19 V.S.A. 5(d)(10) requires the Board "when requested" by the Secretary of Transportation to "conduct public hearings on matters of public interest after which it shall transmit its findings and recommendations" to the Secretary and the Legislature "in a report." Clearly this duty is discretionary and subject to the wishes of the Secretary of Transportation. I am not aware, however, that the Secretary has ever made such a request.

Sincerely,

John B. Zicconi
Executive Secretary
Vermont Transportation Board

Report ID: VTPB-11-BUDRLLUP

Run Date: 01/17/2018

Run Time: 01:23 PM

State of Vermont

FY2019 Governor's Recommended Budget: Rollup Report

Organization: 8100000800 - Transportation board

Budget Object Group: 1. PERSONAL SERVICES

Budget Object Rollup Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Salaries and Wages	142,796	129,131	129,131	142,800	13,669	10.6%
Fringe Benefits	65,308	63,526	63,526	65,986	2,460	3.9%
Contracted and 3rd Party Service	11,972	5,000	5,000	21,833	16,833	336.7%
PerDiem and Other Personal Services	5,957	8,000	8,000	5,000	(3,000)	-37.5%
Budget Object Group Total: 1. PERSONAL SERVICES	226,033	205,657	205,657	235,619	29,962	14.6%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
IT/Telecom Services and Equipment	6,414	6,930	6,930	14,258	7,328	105.7%
Travel	5,656	6,200	6,200	5,800	(400)	-6.5%
Supplies	580	900	900	800	(100)	-11.1%
Other Purchased Services	2,674	3,617	3,617	3,766	149	4.1%
Rental Other	274	200	200	0	(200)	-100.0%
Rental Property	10,471	10,246	10,246	11,000	754	7.4%
Property and Maintenance	283	0	0	300	300	0.0%
Budget Object Group Total: 2. OPERATING	26,351	28,093	28,093	35,924	7,831	27.9%
Total Expenses	252,385	233,750	233,750	271,543	37,793	16.2%

Report ID: VTPB-11-BUDRLLUP

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State of Vermont

FY2019 Governor's Recommended Budget: Rollup Report

Organization: 810000800 - Transportation board

Fund Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Transportation Fund	252,385	233,750	233,750	271,543	37,793	16.2%
IDT Funds	0	0	0	0	0	0.0%
Funds Total	252,385	233,750	233,750	271,543	37,793	16.2%

Position Count				2		
FTE Total				1.7		

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State of Vermont
FY2019 Governor's Recommended Budget: Detail Report

Organization: 810000800 - Transportation board

Budget Object Group: 1. PERSONAL SERVICES

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Salaries and Wages							
Description	Code						
Classified Employees	500000	142,796	67,163	67,163	79,435	12,272	18.3%
Exempt	500010	0	61,968	61,968	63,365	1,397	2.3%
Total: Salaries and Wages		142,796	129,131	129,131	142,800	13,669	10.6%

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Fringe Benefits							
Description	Code						
FICA - Classified Employees	501000	10,493	5,138	5,138	6,077	939	18.3%
FICA - Exempt	501010	0	4,741	4,741	4,848	107	2.3%
Health Ins - Classified Empl	501500	24,198	8,346	8,346	8,445	99	1.2%
Health Ins - Exempt	501510	0	16,692	16,692	16,889	197	1.2%
Retirement - Classified Empl	502000	24,912	11,733	11,733	13,877	2,144	18.3%
Retirement - Exempt	502010	0	10,826	10,826	11,070	244	2.3%
Dental - Classified Employees	502500	945	794	794	812	18	2.3%
Dental - Exempt	502510	0	794	794	812	18	2.3%
Life Ins - Classified Empl	503000	613	283	283	335	52	18.4%
Life Ins - Exempt	503010	0	262	262	267	5	1.9%
LTD - Classified Employees	503500	142	0	0	0	0	0.0%

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State of Vermont

FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Fringe Benefits							
Description	Code						
LTD - Exempt	503510	0	143	143	146	3	2.1%
EAP - Classified Empl	504000	59	30	30	30	0	0.0%
EAP - Exempt	504010	0	30	30	30	0	0.0%
Misc Employee Benefits	504590	0	0	0	0	0	0.0%
Workers Comp - Ins Premium	505200	3,855	3,514	3,514	2,248	(1,266)	-36.0%
Unemployment Compensation	505500	0	100	100	0	(100)	-100.0%
Catamount Health Assessment	505700	91	100	100	100	0	0.0%
Aot Reimb P/R Chrg To Proj	505900	0	0	0	0	0	0.0%
Total: Fringe Benefits		65,308	63,526	63,526	65,986	2,460	3.9%

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Contracted and 3rd Party Service							
Description	Code						
Contr & 3Rd Party - Legal	507200	11,171	5,000	5,000	21,033	16,033	320.7%
Contr&3Rd Pty-Physical Health	507500	0	0	0	0	0	0.0%
Other Contr and 3Rd Pty Serv	507600	801	0	0	800	800	0.0%
Total: Contracted and 3rd Party Service		11,972	5,000	5,000	21,833	16,833	336.7%

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State of Vermont
FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

PerDiem and Other Personal Services		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Per Diem	506000	4,550	8,000	8,000	5,000	(3,000)	-37.5%
Transcripts	506220	1,407	0	0	0	0	0.0%
Total: PerDiem and Other Personal Service:		5,957	8,000	8,000	5,000	(3,000)	-37.5%
Total: 1. PERSONAL SERVICES		226,033	205,657	205,657	235,619	29,962	14.6%

Budget Object Group: 2. OPERATING

IT/Telecom Services and Equipment		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Telecom-Conf Calling Services	516658	177	200	200	200	0	0.0%
Telecom-Wireless Phone Service	516659	0	0	0	0	0	0.0%
ADS Enterp App Supp SOV Emp Exp	516660	0	0	0	1,645	1,645	0.0%
ADS App Support SOV Emp Exp	516661	0	0	0	7,338	7,338	0.0%
It Intersvccost- Dii Other	516670	0	0	0	0	0	0.0%
It Intsvccost-Vision/Isdassess	516671	2,064	2,156	2,156	2,123	(33)	-1.5%
ADS Centrex Exp.	516672	1,043	1,237	1,237	1,200	(37)	-3.0%
It Inter Svc Cost Data Process	516677	0	0	0	0	0	0.0%
It Inter Svc Cost User Support	516678	1,086	1,095	1,095	0	(1,095)	-100.0%
ADS Allocation Exp.	516685	2,044	2,242	2,242	1,752	(490)	-21.9%
Total: IT/Telecom Services and Equipment		6,414	6,930	6,930	14,258	7,328	105.7%

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State of Vermont

FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Other Purchased Services							
Description	Code						
Insurance Other Than Empl Bene	516000	311	480	480	489	9	1.9%
Insurance - General Liability	516010	526	1,085	1,085	1,303	218	20.1%
Property Insurance	516099	0	0	0	0	0	0.0%
Dues	516500	110	100	100	100	0	0.0%
Telecom-Telephone Services	516652	0	0	0	0	0	0.0%
Advertising-Print	516813	148	400	400	150	(250)	-62.5%
Trade Shows & Events	516870	275	0	0	300	300	0.0%
Printing and Binding	517000	0	0	0	0	0	0.0%
Registration For Meetings&Conf	517100	0	250	250	0	(250)	-100.0%
Postage	517200	177	100	100	175	75	75.0%
Human Resources Services	519006	1,126	1,202	1,202	1,249	47	3.9%
Total: Other Purchased Services		2,674	3,617	3,617	3,766	149	4.1%

		FY2017 Actuals			FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and As Passed	Percent Change FY2019 Governor's Recommend and As Passed
Property and Maintenance							
Description	Code						
Repair & Maint - Office Tech	513010	283	0	0	300	300	0.0%
Total: Property and Maintenance		283	0	0	300	300	0.0%

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State of Vermont
FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Rental Other							
Description	Code						
Rental - Office Equipment	514650	0	200	200	0	(200)	-100.0%
Rental - Other	515000	274	0	0	0	0	0.0%
Total: Rental Other		274	200	200	0	(200)	-100.0%

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Rental Property							
Description	Code						
Rent Land&Bldgs-Non-Office	514010	713	0	0	0	0	0.0%
Fee-For-Space Charge	515010	9,758	10,246	10,246	11,000	754	7.4%
Total: Rental Property		10,471	10,246	10,246	11,000	754	7.4%

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Supplies							
Description	Code						
Office Supplies	520000	56	200	200	100	(100)	-50.0%
It & Data Processing Supplies	520510	327	500	500	500	0	0.0%
Books&Periodicals-Library/Educ	521500	0	200	200	200	0	0.0%
Subscriptions	521510	196	0	0	0	0	0.0%
Total: Supplies		580	900	900	800	(100)	-11.1%

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State of Vermont
FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed	
Travel								
Description	Code							
Travel In-State Employee	517999	0	3,000	3,000	5,800	2,800	93.3%	
Travel-Inst-Auto Mileage-Emp	518000	808	0	0	0	0	0.0%	
Travel-Inst-Lodging-Emp	518030	125	0	0	0	0	0.0%	
Travel-Inst-Auto Mileage-Nonemp	518300	4,029	0	0	0	0	0.0%	
Travel-Inst-Meals-Nonemp	518320	576	200	200	0	(200)	-100.0%	
Travel-Inst-Lodging-Nonemp	518330	110	0	0	0	0	0.0%	
Travel-Inst-Incidentals-Nonemp	518340	7	0	0	0	0	0.0%	
Travel Out-State Employee	518499	0	3,000	3,000	0	(3,000)	-100.0%	
Travel-Outst-Lodging-Emp	518530	0	0	0	0	0	0.0%	
Total: Travel		5,656	6,200	6,200	5,800	(400)	-6.5%	
Total: 2. OPERATING		26,351	28,093	28,093	35,924	7,831	27.9%	
Total Expenses:		252,385	233,750	233,750	271,543	37,793	16.2%	
Fund Name		Fund Code	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Transp Fund - Nondedicated		20105	252,385	233,750	233,750	271,543	37,793	16.2%
Inter-Unit Transfers Fund		21500	0	0	0	0	0	0.0%
Funds Total:			252,385	233,750	233,750	271,543	37,793	16.2%
Position Count						2		
FTE Total						1.7		

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State of Vermont
FY2019 Governor's Recommended Budget
Position Summary Report

810000800-Transportation board

Position Number	Classification	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
861691	630800 - Lemon Law Administrator	1	1	79,435	23,499	6,077	109,011
867002	95030E - Exec Sec Bd Of Trans	0.7	1	63,365	29,214	4,848	97,427
Total		1.7	2	142,800	52,713	10,925	206,438

Fund Code	Fund Name	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
20105	Transp Fund - Nondedicated	1.7	2	142,800	52,713	10,925	206,438
Total		1.70	2	142,800	52,713	10,925	206,438

Note: Numbers may not sum to total due to rounding.