
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 158 (H.917). Transportation; motor vehicles; natural resources and energy
An act relating to the Transportation Program and miscellaneous changes to transportation-related law

This act:

- Transportation Program Adopted; Definitions. Adopts the Agency of Transportation's ("Agency") proposed fiscal year 2019 (FY19) Transportation Program except as the Program is amended in the bill, and defines terms used throughout the bill.
- Federal Infrastructure Funding. Grants the Agency contingent authority to spend federal monies that may be received if a federal infrastructure bill is enacted that provides Vermont with additional federal funding for transportation-related projects.
- Infrastructure for Rebuilding America (INFRA) Grant. Authorizes VTTrans to submit a grant application to the U.S. Department of Transportation (USDOT) if USDOT solicits grants under the INFRA grant program. If submitted, the grant application must be for bridge and culvert projects on Interstate 89 with a total cost of up to \$105 million.
- Program Development—Traffic & Safety Operations. Adds a project to the candidate list of the Traffic & Safety Operations Program related to traffic signal upgrades in South Burlington off Exit 14 of Interstate 89.
- Program Development—Bike & Pedestrian Facilities. Allocates spending authority of \$75,000.00 in transportation funds to the Lamoille Valley Rail Trail project and reduces VAST's local match obligation by \$75,000.00.
- Program Development—Paving Program. Increases spending authority on the district leveling paving activity by \$75,000.00 in transportation funds.
- Program Development—Roadway Program. Adds to the development and evaluation (D&E) list of the FY19 Program Development—Roadway Program a project for evaluation of improvements to the intersection of VT 67A, Matteson Road, Silk Road, and College Drive in the Town of Bennington.
- Aviation Program. Adjusts the sources of funds for the local match required for Federal Aviation Administration grant awards for Burlington International

Airport by reducing the contribution of State transportation funds toward the match from \$750,000.00 to \$600,000.00 and by increasing the local share from \$500,000.00 to \$650,000.00.

- Town Highway Bridge Program. Adds a project to the candidate list of the Town Highway Bridge Program related to scoping for replacement of Bridge 8 over the Otter Creek between the Towns of Salisbury and Cornwall.
- Reduction in Spending Authority. Reduces FY19 spending authority in the transportation budget by a total of \$4 million in transportation funds, and provides for restoration of this reduction if various contingencies occur.
- Contingent Addition to State Highway System. Adds to the State Highway System a new segment of road in the Town of Brattleboro if the Town of Brattleboro enters into a maintenance agreement with the Agency, and only after construction of a new bridge across the Connecticut River is substantially completed.
- Abandoned Aircraft. Creates a new subchapter of law to create a process for addressing abandoned aircraft and aircraft components left on airport property.
- Abandoned Vessels. Creates a new chapter of law that prohibits the abandonment of vessels on public waters or on immediately adjacent land; requires the Secretary of Natural Resources to remove abandoned vessels; and provides for the transfer of title to abandoned vessels 60 days after certain notice requirements are satisfied.
- Railroads; Vegetation Control. Repeals a law that requires towns to carry out duties of railroads annually to cut and destroy thistles and noxious weeds growing within the railroad right-of-way if the railroad fails to fulfill this duty; repeals an existing requirement that a railroad operator destroy trees, shrubs, and bushes for a distance of 80 rods in each direction from all public grade crossings, and replaces it with an obligation of railroads instead to control vegetation so that it does not obstruct a highway user's view of traffic control devices or of a train approaching the crossing; repeals language that requires towns to carry out duties of railroads that fail to control vegetation near crossings, and replaces it with language that authorizes towns or the Agency to apply to the Transportation Board for an order requiring the railroad to carry out vegetation control work and establishes a civil penalty of \$100.00 against the railroad for each day that it fails to comply with the Board's order.
- Penalties for Furnishing Alcoholic Beverages to Minors. Expands the scope of an existing penalty enhancement for violating the law that prohibits furnishing alcohol to persons under the age of 21 in order to apply when death or serious bodily injury results from operation by the underage person of a snowmobile, vessel, or ATV in specified locations.

- President Calvin Coolidge State Historic Site; Supplemental Guide Signs. Amends Vermont's sign law to authorize the Agency to install signs at two interstate highway interchanges for the President Calvin Coolidge State Historic Site and makes other technical and organizational changes to the provision in the sign law that governs supplemental guide signs.
- Central Garage. Eliminates an existing formula that governs the amount of the annual transfer from the Transportation Fund to the Central Garage Fund and replaces it with a minimum transfer of \$1,318,442.00 starting in FY19 that must be adjusted annually for inflation, and eliminates the requirement for a separate appropriation to a special account within the Central Garage Fund for the purchase of new or replacement highway maintenance equipment.
- Town Highway Aid. Amends the formula for the annual appropriation to the Town Highway Aid Program.
- Transportation Public-Private Partnerships. Creates a new subchapter establishing a pilot project and parameters governing the Agency's use of public-private partnerships (P3) in carrying out transportation projects, and sunsets the Agency's P3 authority and the provision governing legislative approval of P3 proposals on July 1, 2023.
- Gasoline Assessments; Calculations; Data Retention. Requires the Department of Public Service to determine the tax-adjusted retail price for regular gasoline to three decimal places and to retain its quarterly calculations on its website permanently, and requires the Department of Motor Vehicles to calculate gasoline tax assessment amounts to four decimal places and to retain permanently records of its calculations, any corrections to them, and the data that are the basis for the calculations.
- Green Mountain Transit Authority; Name Update. Replaces the name "Chittenden County Transit Authority" with the name "Green Mountain Transit Authority" in statute.
- Electric Vehicles; Public Service. Directs the Public Utility Commission (PUC) to complete an evaluation and submit a written report on or before July 1, 2019 on issues relating to the charging of plug-in electric vehicles.
- All-terrain Vehicles; Enforcement. Authorizes law enforcement officers to conduct safety inspections on ATVs stopped for other ATV violations on the Trail System of the Vermont ATV Sportsman's Association and in a designated area warned by blue lights.
- All-terrain Vehicles; Operation Along Highways. Authorizes the operation of an ATV along a public highway if the ATV is being used by an employee or agent of an electric transmission or distribution company for utility purposes and is operated along the edge of the roadway and yields to other vehicles.

- All-terrain Vehicles; Allocation of Fees and Penalties. Effective July 1, 2018, increases from 85 to 90 the percentage of ATV fees and penalties that is allocated to the Agency of Natural Resources (ANR) for use by VASA for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services, and eliminates a \$7,000.00 set-aside for ANR from these fees and penalties, and effective July 1, 2023, sunsets the increase in the allocation for VASA.
- Default Weight Limits on Town Highways. Eliminates a conflict in two laws regarding default weight limits on town highways in incorporated villages and cities, specifying that the default weight limit on class 2, 3, and 4 town highways in incorporated villages is 24,000 pounds and the default weight limit in cities is the same as on the State Highway System.
- Aircraft Fuel Taxes. Amends miscellaneous provisions related to Vermont's taxation of aircraft fuels and the uses and allocation of proceeds from such taxes.
- Petroleum Cleanup Fund. Makes explicit that releases of petroleum eligible for a disbursement from the Petroleum Cleanup Fund include releases of aviation gasoline.
- Airport Grants from the State to a Municipality. Provides that a municipality which receives airport-related grants from the State must meet conditions that the Secretary of Transportation must establish to require the municipality to assist the State in identifying vendors that distribute, sell, or use aircraft jet fuel in the State in connection with the airport.
- Passing Motor Vehicles and Vulnerable Users. Specifies that exercising due care in connection with approaching or passing a vulnerable user includes reducing speed, and requires the operator of a motor vehicle approaching or passing a stationary sanitation, maintenance, utility, or delivery vehicle with flashing lights to exercise due care to pass the vehicle safely.
- Motor Vehicle Inspections. Narrows the scope of DMV's authority with regard to the safety component of motor vehicle inspections; directs the Commissioner of DMV to file with the Secretary of State a proposed amended Inspection Manual rule that is consistent with the narrowed scope rulemaking authority; directs the Commissioner to update the content of inspections conducted through the Automated Vehicle Inspection Program as soon as practicable to be consistent with the narrowed scope of safety inspections; gives the Commissioner authority to establish criteria to allow vehicles that would otherwise fail inspection as a result of the emissions component of the inspection to pass inspection; directs the Commission, in consultation with the Commissioner of Environmental Conservation, to develop a program of waivers related to the emissions component of the State's inspection program

that is consistent with the Clean Air Act; and directs the Commissioners of DMV and of Environmental Conservation to send a written update to the Joint Transportation Oversight Committee on November 30, 2018 with regard to several inspection program-related issues.

Multiple effective dates, beginning on a retroactive effective date to January 1, 2017.

H.917 FY-19 Transportation Program				
Line #	All funding sources	FY18 As Passed	FY19 As Passed	FY19 vs FY18
1	Administration-finance-planning			
2	Central Admin & Finance	14,622,670	14,655,914	33,244
3	Policy & Planning	10,596,432	11,086,484	490,052
4	Transportation Board	233,750	271,543	37,793
5	Department of Motor Vehicles	29,301,916	31,360,732	2,058,816
6	Subtotal	54,754,768	57,374,673	2,619,905
7	Facilities			
8	Rest Areas	663,000	744,802	81,802
9	AOT Buildings	1,900,000	1,578,050	-321,950
10	Subtotal	2,563,000	2,322,852	-240,148
11	Alternate modes			
12	Public Transit	32,132,157	29,020,229	-3,111,928
13	Aviation	17,736,095	13,799,763	-3,936,332
14	Pedestrian & Bike Facilities	11,590,489	10,866,048	-724,441
15	Park & Ride	3,387,267	3,807,556	420,289
16	Multi-Modal Facilities	2,476,909	0	-2,476,909
17	Rail infrastructure	28,931,250	21,249,051	-7,682,199
18	Amtrak	8,150,000	8,350,000	200,000
19	Subtotal	104,404,167	87,092,647	-17,311,520
20	State Highway Infrastructure			
21	Maintenance	89,325,825	87,896,279	-1,429,546
22	Paving	112,841,555	104,199,583	-8,641,972
23	Roadway	39,649,087	51,972,218	12,323,131
24	State bridges	31,403,328	57,636,326	26,232,998
25	Interstate bridges	36,599,190	24,543,000	-12,056,190
26	Traffic Operations	21,081,752	21,515,547	433,795
27	PD Admin & Tech Services	24,559,408	22,748,320	-1,811,088
28	Program Development generally	0	0	0
29	Subtotal	355,460,145	370,511,273	15,051,128
30	Town programs			
31	TH Aid	25,982,744	25,982,744	0
32	Town Bridges	16,524,009	13,324,994	-3,199,015
33	TH Class 2	7,848,750	7,648,750	-200,000
34	TH Structures	6,333,500	6,333,500	0
35	TH Class 1 supplemental grants	128,750	128,750	0

H.917 FY-19 Transportation Program				
Line #	All funding sources	FY18 As Passed	FY19 As Passed	FY19 vs FY18
36	Enhancements	3,893,240	3,600,875	-292,365
37	TH State aid nonfederal disasters	1,150,000	1,150,000	0
38	TH State aid federal disasters	180,000	180,000	0
39	FEMA grant program	5,640,000	5,059,457	-580,543
40	TH VT Local Roads	400,693	403,714	3,021
41	Municipal mitigation grants	9,182,342	9,082,342	-100,000
42	Subtotal	77,264,028	72,895,126	-4,368,902
43	Cross agency labor savings	0	0	0
44	Total All Programs	594,446,108	590,196,571	-4,249,537