

1 H.917

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; aircraft; railroads; furnishing alcohol to minors; signs;  
5 contracts; transit; electric vehicles; public service

6 Statement of purpose as introduced: This bill proposes to adopt the State's  
7 annual Transportation Program and make miscellaneous changes to laws  
8 related to transportation.

9 An act relating to the Transportation Program and miscellaneous changes to  
10 transportation-related law

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 \* \* \* Transportation Program Adopted as Amended; Definitions \* \* \*

13 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

14 (a) The Agency of Transportation's proposed fiscal year 2019

15 Transportation Program appended to the Agency of Transportation's proposed  
16 fiscal year 2019 budget, as amended by this act, is adopted to the extent  
17 federal, State, and local funds are available.

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

19 (1) "Agency" means the Agency of Transportation.

20 (2) "Secretary" means the Secretary of Transportation.

1           (3) “TIB funds” means monies deposited in the Transportation  
2           Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

3                           \* \* \* Federal Infrastructure Funding \* \* \*

4           Sec. 2. FEDERAL INFRASTRUCTURE FUNDING

5           (a) Subsection (b) of this section shall expire on February 1, 2019.

6           (b)(1) If a federal infrastructure bill or other federal legislation that  
7           provides for infrastructure funding is enacted that provides Vermont with  
8           additional federal funding for transportation-related projects, to the extent that  
9           federal monies allocated to the State of Vermont are subject to a requirement  
10           that the monies be obligated or under contract by the State within a specified  
11           time period, the Secretary is authorized to exceed spending authority in the  
12           fiscal year 2018 and 2019 Transportation Programs and to obligate and expend  
13           the federal monies:

14                   (A) on eligible projects in the fiscal year 2018 or 2019 Transportation  
15           Program; and

16                   (B) on additional town highway projects or activities that meet  
17           federal eligibility and readiness criteria.

18           (2) Nothing in this subsection shall be construed to authorize the  
19           Secretary to obligate or expend State Transportation or TIB funds above  
20           amounts authorized in the fiscal year 2018 or 2019 Transportation Programs.

1       (c) The Agency shall promptly report the obligation or expenditure of  
2       monies under the authority of this section to the House and Senate Committees  
3       on Transportation and to the Joint Fiscal Office while the General Assembly is  
4       in session, and to the Joint Fiscal Office, the Joint Fiscal Committee, and the  
5       Joint Transportation Oversight Committee when the General Assembly is not  
6       in session.

7                   \* \* \* Infrastructure for Rebuilding America Grant \* \* \*

8       Sec. 3. INFRASTRUCTURE FOR REBUILDING AMERICA GRANT

9       (a)(1) According to the Agency, in 2018, the U.S. Department of  
10       Transportation (USDOT) may solicit applications for grants under the  
11       Infrastructure for Rebuilding America (INFRA) Program.

12       (2) If USDOT does solicit INFRA grant applications in 2018, the  
13       Agency shall submit an application for an INFRA grant for bridge and culvert  
14       projects on Interstate 89 with a total cost of up to \$105,000,000.00, which  
15       amount includes a State match of up to \$21,000,000.00. In the grant  
16       application, the Agency shall identify Transportation Infrastructure Bonds as a  
17       possible source of State matching dollars. Promptly upon filing the grant  
18       application with the USDOT, the Agency shall send an electronic copy of the  
19       grant application to the Joint Fiscal Office, which shall then transmit it to the  
20       Joint Fiscal Committee and to the chairs of the House and Senate Committees  
21       on Transportation.

1        (b) If the Agency is awarded an INFRA grant as described in subsection (a)  
2        of this section and the grant requires that work under the grant begin during  
3        fiscal year 2019, the Agency shall include in its fiscal year 2019 budget  
4        adjustment proposal any adjustments to fiscal year 2019 appropriations and to  
5        the approved fiscal year 2019 Transportation Program that may be required to  
6        comply with the terms of the grant.

7                \* \* \* Program Development—Traffic & Safety Operations \* \* \*

8        Sec. 4. PROGRAM DEVELOPMENT—TRAFFIC & SAFETY  
9                OPERATIONS

10        The following project is added to the candidate list of the Program  
11        Development—Traffic & Safety Program within the fiscal year 2019  
12        Transportation Program: South Burlington STP SGNL ( ) I-89 Exit 14 signal  
13        upgrades.

14                \* \* \* Addition to State Highway System \* \* \*

15        Sec. 5. ADDITION OF VERMONT ROUTE 119 IN THE TOWN OF  
16                BRATTLEBORO TO THE STATE HIGHWAY SYSTEM

17        Pursuant to 19 V.S.A. § 15(a), upon substantial completion of construction  
18        of the Brattleboro-Hinsdale, NH bridge replacement project (BF A004(152)),  
19        the following highway segment in the Town of Brattleboro shall be added to  
20        the State highway system: the entirety of the new Vermont Route 119 in the

1 Town of Brattleboro, extending from its intersection with Vernon Street  
2 (TH#4) to the westerly low watermark of the Connecticut River.

3 \* \* \* Abandoned Aircraft \* \* \*

4 Sec. 6. 5 V.S.A. chapter 9 is amended to read:

5 CHAPTER 9: GENERAL PROVISIONS; ABANDONED AIRCRAFT

6 Subchapter 1. Aeronautics; Authority and Duties; Penalties

7 \* \* \*

8 Subchapter 2. Abandoned Aircraft

9 § 221. DEFINITIONS

10 As used in this subchapter:

11 (1) “Airport manager” means the owner of an airport in this State or an  
12 agent authorized to act on behalf of an airport owner.

13 (2) “Storage operator” means a person who stores an aircraft or aircraft  
14 component at the request of an airport manager.

15 § 222. ABANDONED AIRCRAFT; AUTHORITY TO TAKE CUSTODY,

16 REMOVE, AND STORE; NOTICE OF INTENT; LIMITATION ON

17 LIABILITY

18 (a) Subject to subsection (b) of this section, an airport manager who  
19 discovers an aircraft or aircraft component apparently abandoned, or an aircraft  
20 without a currently effective federal registration certificate, on the property of  
21 the airport has authority to:

1           (1) take custody of the aircraft or component;

2           (2) arrange for the aircraft or component to be secured and stored at its  
3 current location or to be removed and stored elsewhere.

4           (b)(1) As used in this subsection, a “notice of intent” shall include:

5                   (A) a statement of the airport manager’s intent to exercise authority  
6 under subsection (a) of this section and of the owner’s responsibility for  
7 reasonable charges under this subchapter;

8                   (B) the make and the factory or identification number of the aircraft  
9 or aircraft component;

10                  (C) the current location of the aircraft or aircraft component and the  
11 planned location for its storage; and

12                  (D) the aircraft registration number, if any.

13           (2) At least 60 days prior to exercising the authority granted in  
14 subsection (a) of this section, the airport manager shall:

15                   (A) Attempt to provide a notice of intent to the owner and to the  
16 lienholder, if any, of the aircraft or aircraft component. If the address of the  
17 last place of residence of the owner or lienholder of the aircraft or aircraft  
18 component is ascertainable through the exercise of reasonable diligence,  
19 including inquiry of the Federal Aviation Administration’s aircraft registry, the  
20 airport manager shall send the notice of intent by certified mail to the address  
21 or addresses; otherwise, the airport manager shall be deemed to have fulfilled

1 the requirement of this subdivision (b)(2)(A) if the manager posts the notice of  
2 intent on the aircraft or aircraft component.

3 (B) Send a written notice of intent to the Secretary.

4 (c) The Secretary shall place on file notices of intent received under  
5 subdivision (b)(2)(B) of this section and, upon request, make the notices  
6 available for public inspection and copying.

7 (d) Except in the case of intentionally inflicted damages, an airport  
8 manager who takes custody of an aircraft or aircraft component or an airport  
9 manager or storage operator who arranges for the removal or storage of an  
10 aircraft or aircraft component under this subchapter shall not be liable to the  
11 owner or lienholder for any damages to the aircraft or aircraft component  
12 incurred while it was in the manager's custody or during its removal or  
13 storage.

14 § 223. LIEN; RIGHT TO CONTEST COSTS

15 (a) If the notice requirements of subsection 222(b) of this title are fulfilled,  
16 all reasonable storage, removal, and other costs necessarily incurred thereafter  
17 by an airport manager or a storage operator in carrying out the provisions of  
18 this subchapter shall be a lien on the aircraft or aircraft component held by the  
19 person who incurred the costs.

1       (b) In exercising rights under section 224 or 226 of this title, the owner or  
2       lienholder may contest the reasonableness and necessity of the costs by  
3       bringing an action before the Transportation Board.

4       § 224. RIGHT OF OWNER TO RECLAIM

5       The owner or lienholder of an aircraft or aircraft component stored under  
6       this subchapter may reclaim the aircraft or aircraft component prior to any sale  
7       by paying the outstanding costs described in section 223 of this title.

8       § 225. SALE AUTHORIZED; NOTICE OF PROPOSED SALE

9       (a) If the owner or lienholder has not reclaimed the aircraft or aircraft  
10       component after the aircraft manager fulfills the notice requirements of  
11       subsection 222(b) of this title, and if the airport manager fulfills the notice  
12       requirements of subsection (b) of this section, the airport manager may sell the  
13       aircraft or aircraft component in a commercially reasonable manner as  
14       described in 9A V.S.A. § 9-610 (disposition of collateral after default).

15       (b)(1) The notice of proposed sale required in this subsection shall include:

16               (A) the make and the factory or identification number of the aircraft  
17       or aircraft component;

18               (B) the aircraft registration number, if any;

19               (C) contact information for the person from whom the owner or

20       lienholder may reclaim the aircraft or aircraft component pursuant to section  
21       224 of this title; and



1           (D) the date and location of the proposed sale.

2           (2) At least 14 days before a sale under this section, the airport manager  
3 shall:

4           (A) if the value of the aircraft or aircraft component exceeds  
5 \$1,000.00, publish the notice of proposed sale in a media outlet of general  
6 circulation in the municipality; and

7           (B) if the address of the last place of residence of the owner or the  
8 lienholder, if any, of the aircraft or aircraft component is ascertainable through  
9 the exercise of reasonable diligence, including inquiry of the Federal Aviation  
10 Administration's aircraft registry, send the notice of proposed sale by certified  
11 mail to the address or addresses; otherwise, the airport manager shall be  
12 deemed to have fulfilled the requirement of this subdivision (b)(2)(B) if the  
13 manager posts the notice on the aircraft or aircraft component.

14 § 226. APPLICATION OF PROCEEDS

15           The airport manager shall pay the balance of the proceeds of the sale, if any,  
16 after payment of liens and the reasonable expenses incident to the sale, to the  
17 owner or lienholder of the aircraft or aircraft component, if claimed at any time  
18 within one year from the date of the sale. If the owner or lienholder does not  
19 claim the balance within one year, the airport manager shall retain the  
20 proceeds.

1                                 \* \* \* Railroads; Vegetation Control \* \* \*

2       Sec. 7. 5 V.S.A. § 3672 is amended to read:

3       § 3672. ~~SELECTBOARD MEMBERS' DUTIES; RECOVERY~~

4             ~~In case of failure so to do in a town through which such road passes, the~~  
5             ~~selectboard members shall send notice thereof by mail to the principal office of~~  
6             ~~such person or corporation. In case such failure continues for ten days after~~  
7             ~~notice, the selectboard members shall forthwith cause the thistles and weeds to~~  
8             ~~be destroyed at the expense of the town. Such town shall thereupon be entitled~~  
9             ~~to recover from such person or corporation its actual cost for destroying the~~  
10            ~~thistles and weeds. In the event such person or corporation fails to pay to the~~  
11            ~~town such cost for 60 days from the time the selectboard members sent notice~~  
12            ~~thereof by mail to the principal office of such person or corporation, such town~~  
13            ~~shall be entitled to recover such cost including a reasonable fee paid to an~~  
14            ~~attorney for the recovery in an action on this statute. [Repealed.]~~

15       Sec. 8. 5 V.S.A. § 3673 is amended to read as follows:

16       § 3673. ~~CUTTING OF TREES~~ VEGETATION CONTROL

17             ~~A person or corporation operating a railroad in this State shall cause all~~  
18             ~~trees, shrubs, and bushes to be destroyed at reasonable times within the~~  
19             ~~surveyed boundaries of their lands, for a distance of 80 rods in each direction~~  
20             ~~from all public grade crossings. A railroad shall take reasonable measures to~~  
21             control vegetation that is on railroad property and is on or immediately

1 adjacent to the roadbed so that the vegetation does not obstruct a highway  
2 user's view of traffic control devices at a grade crossing or of a train  
3 approaching the crossing.

4 Sec. 9. 5 V.S.A. § 3674 is amended to read:

5 § 3674. ~~SELECTBOARD MEMBERS' DUTIES; LIABILITY FOR~~  
6 ~~DAMAGES ENFORCEMENT~~

7 ~~When such person or corporation neglects or refuses to destroy the trees,~~  
8 ~~shrubs, and bushes, as required by section 3673 of this title, after 60 days'~~  
9 ~~notice in writing, given by the selectboard members of the town in which such~~  
10 ~~trees, shrubs, and bushes are located, the selectboard members shall~~  
11 ~~immediately cause them to be destroyed at the expense of the town. The town~~  
12 ~~shall thereafter be entitled to recover from such person or corporation its actual~~  
13 ~~cost for the destruction. In the event such person or corporation fails to pay to~~  
14 ~~the town such cost for 60 days from the time the selectboard members sent~~  
15 ~~notice thereof by mail to the principal office of such person or corporation,~~  
16 ~~such town shall be entitled to recover such cost including a reasonable fee. If a~~  
17 ~~railroad fails to control vegetation as required by section 3671 or 3673 of this~~  
18 ~~title within 30 days after written notice is given by the selectboard of the town~~  
19 ~~in which the vegetation is located or by the Agency in the case of violations~~  
20 ~~involving a State highway grade crossing, the Transportation Board, upon~~  
21 ~~application by the town or the Agency and after notice and hearing, may order~~

1 the railroad to perform the work. Any such order shall specify a date by which  
2 the work must be completed. If the railroad fails to comply with the Board's  
3 order, the Board may impose a civil penalty of \$100.00 against the railroad for  
4 each day that the railroad fails to comply with the Board's order.

5 \* \* \* Penalties for Furnishing Alcoholic Beverages to Minors \* \* \*

6 Sec. 10. 7 V.S.A. § 658 is amended to read:

7 § 658. SALE OR FURNISHING TO MINORS; ENABLING

8 CONSUMPTION BY MINORS; MINORS CAUSING DEATH OR

9 SERIOUS BODILY INJURY

10 \* \* \*

11 (d)(1) A person who violates subsection (a) of this section, where the  
12 person under 21 years of age, while operating a motor vehicle, snowmobile,  
13 vessel, or all-terrain vehicle on a public highway, public land, or public waters,  
14 or in a place where a Vermont Association of Snow Travelers (VAST) trail  
15 maintenance assessment or a Vermont ATV Sportsman's Association (VASA)  
16 Trail Access Decal is required, causes death or serious bodily injury to himself  
17 or herself or to another person as a result of the violation, shall be imprisoned  
18 not more than five years or fined not more than \$10,000.00, or both.

19 (2) As used in this subsection:

20 (A) "All-terrain vehicle" shall have the same meaning as set forth in  
21 23 V.S.A. § 3501.

1           (B) “Public land” means all land in Vermont that is either owned or  
2           controlled by a local, State, or federal governmental body.

3           (C) “Public waters” shall have the same meaning as in 10 V.S.A.  
4           § 1422.

5           (D) “Snowmobile” shall have the same meaning as set forth in  
6           23 V.S.A. § 3201.

7           (E) “Vessel” shall have the same meaning as set forth in 23 V.S.A.  
8           § 3302.

9                                 \* \* \* President Calvin Coolidge State Historic Site;

10                                 Supplemental Guide Signs \* \* \*

11           Sec. 11. 10 V.S.A. § 494 is amended to read:

12           § 494. EXEMPT SIGNS

13           The following signs are exempt from the requirements of this chapter  
14           except as indicated in section 495 of this title:

15                                                                                 \* \* \*

16           (6)(A) Official traffic control signs, including signs on limited access  
17           highways, consistent with the ~~manual on uniform traffic control devices,~~  
18           Manual on Uniform Traffic Control Devices (MUTCD) adopted under  
19           23 V.S.A. § 1025, directing people to:

20                                 (i) other towns;

21                                 (ii) international airports;

- 1            (iii) postsecondary educational institutions;
- 2            (iv) cultural and recreational destination areas;
- 3            (v) nonprofit ~~diploma-granting~~ diploma-granting educational
- 4 institutions for people with disabilities; and
- 5            (vi) ~~official traffic control signs, including signs on limited access~~
- 6 ~~highways, consistent with the manual on uniform traffic control devices,~~
- 7 ~~adopted under 23 V.S.A. § 1025, directing people to~~ official State visitor
- 8 information centers.

9            (B) After having considered the six priority categories in ~~this~~

10 subdivision (A) of this subdivision (6), the Travel Information Council may

11 approve installation of a sign for any of the following provided the location is

12 open a minimum of 120 days each year and is located within 15 miles of an

13 interstate highway exit:

- 14            ~~(A)~~(i) ~~Nonprofit~~ nonprofit museums;
- 15            ~~(B)~~(ii) ~~Cultural~~ cultural and recreational attractions owned by the
- 16 State or federal government;
- 17            ~~(C)~~(iii) ~~Officially~~ officially designated scenic byways;
- 18            ~~(D)~~(iv) ~~Park~~ park and ride or multimodal centers; and
- 19            ~~(E)~~(v) ~~Fairgrounds~~ fairgrounds or exposition sites;

1 ~~provided the designations in subdivisions (A) through (E) of this subdivision~~  
2 ~~(6) are open a minimum of 120 days each year and are located within 15 miles~~  
3 ~~of an interstate highway exit.~~

4 (C) Notwithstanding the limitations of this subdivision (6), supplemental  
5 guide signs consistent with the MUTCD for the President Calvin Coolidge  
6 State Historic Site may be installed at the following highway interchanges:

7 (i) Interstate 91, Exit 9 (Windsor); and

8 (ii) Interstate 89, Exit 1 (Quechee).

9 (D) Signs erected under this subdivision (6) of this section shall not  
10 exceed a maximum allowable size of 80 square feet.

11 \* \* \*

12 \* \* \* Construction Contracts; Performance and Payment Bonds \* \* \*

13 Sec. 12. 19 V.S.A. § 10 is amended to read:

14 § 10. DUTIES

15 The Agency shall, except where otherwise specifically provided by law:

16 \* \* \*

17 (8)(A) Require any contractor or contractors, employed in any project of  
18 the Agency for construction of a transportation improvement, to file in the  
19 office of the Secretary a good and sufficient surety bond to the State ~~of~~  
20 ~~Vermont~~, executed by a surety company authorized to transact business in this  
21 State in ~~such~~ the sum as the Agency ~~shall direct,~~ directs and that:

1           (i) is conditioned for the compliance by the contractor or  
2 contractors and their agents and servants, with all matters and things set forth  
3 and specified ~~to be~~ by the principal to be kept, done, and performed at the time  
4 and in the manner specified in the contract between the Agency and the  
5 contractor or contractors specified, and;

6           (ii) requires the surety to pay over, make good, and reimburse the  
7 State of Vermont, for all ~~loss or losses and damage or damages which that~~ the  
8 State of Vermont may sustain by reason of failure or default on the part of the  
9 contractor or contractors. ~~The Agency is authorized to require; and~~

10           (iii) includes any other condition ~~in the bond that may from time~~  
11 ~~to time be~~ the Agency deems necessary.

12           ~~(B) The Secretary at~~ Notwithstanding subdivision (A) of this  
13 subdivision (8), in his or her discretion as to the best ~~interest~~ interests of the  
14 State, the Secretary may:

15           (i) accept other good and sufficient surety in lieu of a bond  
16 and; or

17           (ii) ~~in cases involving contracts for \$100,000.00 or less, may~~  
18 waive the requirement of a performance bond for contracts of \$500,000.00  
19 or less.

20           (9)(A) Require any contractor or contractors employed in any project of  
21 the Agency for construction of a transportation improvement to file an



1 additional surety bond to the Secretary and his or her successor in office, for  
2 the benefit of labor, materialmen, and others, executed by a surety company  
3 authorized to transact business in this State; in ~~such~~ the sum as the Agency  
4 ~~shall direct,~~ directs and that:

5 (i) is conditioned for the payment, settlement, liquidation, and  
6 discharge of the claims of all creditors for material, merchandise, labor, rent,  
7 hire of vehicles, power shovels, rollers, concrete mixers, tools, ~~and~~ other  
8 appliances, professional services, premiums, and other goods and services used  
9 or employed in carrying out the terms of the contract between the contractor  
10 and the State ~~of Vermont;~~ and

11 (ii) is further conditioned for the payment of ~~taxes~~ both State and  
12 municipal taxes, and contributions to the Vermont Commissioner of Labor,  
13 accruing during the term of performance of the contract.

14 (B) ~~However, in~~ In order to obtain the benefit of the security, the  
15 claimant shall:

16 (i) file with the Secretary a sworn statement of his or her claim,  
17 within 90 days after the final acceptance of the project by the State ~~of Vermont~~  
18 or within 90 days ~~from~~ after the time the taxes or contributions to the Vermont  
19 Commissioner of Labor are due and payable; and,

20 (ii) within one year after the filing of the claim, ~~shall~~ bring a  
21 petition in the Superior Court in the name of the Secretary, with notice and

1 summons to the principal, surety, and the Secretary, to enforce the claim or  
2 intervene in a petition already filed.

3 (C) The Secretary Notwithstanding subdivision (A) of this  
4 subdivision (9), at his or her discretion as to the best ~~interest~~ interests of the  
5 State, the Secretary may:

6 (i) accept other good and sufficient surety in lieu of a bond; or

7 (ii) waive the requirement of a payment bond for contracts of  
8 \$500,000.00 or less.

9 \* \* \*

10 \* \* \* Central Garage \* \* \*

11 Sec. 13. 19 V.S.A. § 13 is amended to read:

12 § 13. CENTRAL GARAGE FUND

13 (a) There is created ~~a central garage fund~~ the Central Garage Fund which  
14 shall be used:

15 (1) to furnish equipment on a rental basis to the districts and other  
16 sections of the ~~agency~~ Agency for ~~use in~~ construction, maintenance, and  
17 operation of highways or other transportation activities; and

18 (2) to provide a general equipment repair and major overhaul service as  
19 well as to furnish necessary supplies for the operation of the equipment.

20 (b) To maintain a safe, reliable equipment fleet, new or replacement  
21 highway maintenance equipment shall be acquired using ~~central garage funds~~

1 Central Garage Fund monies. The ~~agency~~ Agency is authorized to acquire  
2 replacement pieces for existing highway equipment; or new, additional  
3 equipment equivalent to equipment already owned; however, the ~~agency~~  
4 Agency shall not increase the total number of permanently assigned or  
5 authorized motorized or self-propelled vehicles without legislative approval by  
6 the General Assembly.

7 ~~(c)(1) There shall be established and maintained within the central garage~~  
8 ~~fund a separate transportation equipment replacement account for the purposes~~  
9 ~~stated in subsection (b) of this section. In fiscal year 2008, \$1,120,000.00, and~~  
10 ~~thereafter an amount equal to two-thirds of one percent of the prior year~~  
11 ~~transportation fund appropriation, but not less than \$1,120,000.00, shall be~~  
12 ~~transferred prior to August 1 from the transportation fund to the central garage~~  
13 ~~fund and allocated to the transportation equipment replacement account, and~~  
14 ~~beginning in fiscal year 2001, and thereafter, an amount not less than the sum~~  
15 ~~of equipment depreciation expense and net equipment sales from the prior~~  
16 ~~fiscal year, shall be allocated prior to August 1 from within the central garage~~  
17 ~~fund to the transportation equipment replacement account. All expenditures~~  
18 ~~from this account shall be appropriated by the general assembly and used~~  
19 ~~exclusively for the purchase of equipment as authorized in subsection (b) of~~  
20 ~~this section.~~ For the purpose specified in subsection (b) of this section, the

1 following amount shall be transferred from the Transportation Fund to the  
2 Central Garage Fund:

3 (A) in fiscal year 2019, \$1,318,442.00; and

4 (B) in subsequent fiscal years, at a minimum, the amount specified in  
5 subdivision (A) of this subdivision (1) as adjusted annually by increasing the  
6 previous fiscal year's amount by the percentage increase in the Bureau of  
7 Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U)  
8 during the previous State fiscal year.

9 (2) Each fiscal year, the sum of the following shall be appropriated from  
10 the Central Garage Fund exclusively for the purpose specified in subsection (b)  
11 of this section:

12 (A) the amount transferred pursuant to subdivision (1) of this  
13 subsection;

14 (B) the amount of the equipment depreciation expense from the prior  
15 fiscal year; and

16 (C) the amount of the net equipment sales from the prior fiscal year.

17 (d) In each fiscal year, net income of the ~~fund~~ Fund earned during that  
18 fiscal year shall be retained in the ~~fund~~ Fund.

19 (e) ~~The fiscal year of the central garage for~~ For the purposes of computing  
20 net worth and net income, the fiscal year shall be the year ending June 30.

1 (f) For purposes of this section, “equipment” means registered motor  
2 vehicles and highway maintenance equipment assigned to the ~~central garage~~  
3 Central Garage.

4 (g) [Repealed.]

5 \* \* \* Transportation Public-Private Partnerships \* \* \*

6 Sec. 14. 19 V.S.A. chapter 26 is amended to read:

7 CHAPTER 26. DESIGN-BUILD CONTRACTS AND PUBLIC-PRIVATE  
8 PARTNERSHIPS

9 Subchapter 1. Design-build Contracts

10 \* \* \*

11 Subchapter 2. Public-Private Partnership Pilot

12 § 2611. PILOT ESTABLISHED; INTENT

13 (a)(1) The General Assembly hereby establishes a pilot program to  
14 authorize the Agency, for a time-limited period, to receive solicited and  
15 unsolicited proposals and to enter into P3 agreements if certain conditions are  
16 met.

17 (2) Nothing in this subchapter is intended to modify any obligations or  
18 rights under any other law.

19 (b) Before the authority conferred under this subchapter terminates, the  
20 General Assembly intends to:

1           (1) review whether and how the Agency has exercised the authority and  
2           whether the P3 agreements it has entered into have served the public interest,  
3           and

4           (2) determine whether the authority should terminate, be extended, or be  
5           amended.

6           (c) If the Agency's authority under this subchapter terminates, the General  
7           Assembly intends that:

8           (1) the Agency not have authority to pursue any proposal that has not  
9           resulted in a P3 agreement prior to termination of the Agency's authority; and

10           (2) any P3 agreement lawfully entered into prior to termination of the  
11           Agency's authority shall continue in effect after termination of the authority.

12           § 2612. DEFINITIONS

13           As used in this subchapter:

14           (1) "Facility" means transportation infrastructure that is, or if developed,  
15           would be, within the jurisdiction of the Agency or eligible for federal-aid  
16           funding managed through the Agency.

17           (2) "Project" means the capital development of a facility.

18           (3) "Proposal" means a conditional offer of a private entity that, after  
19           review, negotiation, and documentation, and after legislative approval if  
20           required under this subchapter, may lead to a P3 agreement as provided in this  
21           subchapter.

1           (4) “Public-private partnership” or “P3” means a partnership between  
2           the Agency and a private entity that allows for private sector participation in a  
3           project, including in its financing, development, operation, management,  
4           ownership, leasing, or maintenance.

5           (5) “P3 agreement” means a contract or other agreement between the  
6           Agency and a private entity to undertake a project as a public-private  
7           partnership and that sets forth rights and obligations of the Agency and the  
8           private entity in that partnership.

9           § 2613. AUTHORITY

10           (a) The Agency is authorized to receive unsolicited proposals or to solicit  
11           proposals to undertake a project as a public-private partnership. The Agency  
12           shall develop, and have authority to amend, criteria to review and evaluate  
13           such proposals to determine if they are in the public interest and shall review  
14           and evaluate all proposals received in accordance with these criteria.

15           (b) If the Agency determines that a proposal is in the public interest:

16           (1) The Agency is authorized to enter into a P3 agreement with respect  
17           to the proposal without legislative approval if:

18                   (A) the project has been approved in the most recently adopted  
19           Transportation Program; and

20                   (B) total estimated State funding over the lifetime of the project will  
21           be less than \$2,000,000.00.

1           (2) For the following projects, the Agency is authorized to enter into a  
2           P3 agreement with respect to the proposal only if the Agency receives specific  
3           legislative approval to enter into the P3 agreement:

4                   (A) a project that has not been approved in the most recently adopted  
5           Transportation Program; or

6                   (B) a project for which total estimated State funding over the lifetime  
7           of the project will be \$2,000,000.00 or more.

8           § 2614. LEGISLATIVE APPROVAL

9           If the Secretary determines that a proposal that requires legislative approval  
10           under section 2613 of this title is in the public interest and should be pursued,  
11           the Secretary shall submit to the General Assembly:

12                   (1) a description of the proposal, including:

13                           (A) a summary of the project scope and timeline;

14                           (B) the rights and obligations of the State and private entity partner or  
15           partners, including the level of involvement of all partners in any ongoing  
16           operations, maintenance, and ownership of a facility;

17                           (C) the nature and amount of State funding of the project and of any  
18           ongoing State financial responsibility for ongoing maintenance or operation  
19           costs; and

20                           (D) its effect on any project in the most recent approved  
21           Transportation Program;



1           (2) a statement detailing how the proposal meets the Agency's criteria  
2           developed under this subchapter; and

3           (3) proposed legislation to confer authority to the Agency to enter into a  
4           P3 agreement with respect to the proposal.

5           § 2615. REPORT

6           (a) Annually, on or before January 15, the Agency shall report to the House  
7           and Senate Committees on Transportation:

8           (1) for each P3 agreement entered into following legislative approval  
9           required under this subchapter, for as long as the agreement is in effect, a  
10           description of the current status of the project and of any substantive change to  
11           the P3 agreement since the prior year's report; and

12           (2) for each P3 agreement entered into since the prior year's report  
13           pursuant to section 2613 of this title that did not require legislative approval, a  
14           description of the P3 agreement and of the project.

15           (b) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this  
16           section shall continue to be required unless the General Assembly takes  
17           specific action to repeal the report requirement.

18           \* \* \* Sunset of Transportation Public-Private Partnership Authority \* \* \*

19           Sec. 15. REPEAL OF TRANSPORTATION P3 AUTHORITY

20           19 V.S.A. § 2613 (Agency of Transportation's P3 authority) and 19 V.S.A.  
21           § 2614 (legislative approval of P3 proposals) shall be repealed on July 1, 2023.

1           \* \* \* Gasoline Assessments; Calculations; Data Retention \* \* \*

2           Sec. 16. 23 V.S.A. § 3106(a)(2) is amended to read:

3           (2) For the purposes of subdivision (1)(B) of this subsection,~~the~~:

4           (A) The tax-adjusted retail price applicable for a quarter shall be the  
5           average of the retail price for regular gasoline collected and determined to  
6           three decimal places and published by the Department of Public Service for  
7           each of the three months of the preceding quarter after all federal and State  
8           taxes and assessments, and the petroleum distributor licensing fee established  
9           by 10 V.S.A. § 1942, applicable in each month have been subtracted from that  
10          month's retail price. Calculations of the tax-adjusted retail price applicable for  
11          a quarter shall be permanently maintained on the website of the Department of  
12          Public Service.

13          (B) In calculating assessment amounts under subdivisions  
14          (a)(1)(B)(i)(II) and (a)(1)(B)(ii)(II) of this section, the Department of Motor  
15          Vehicles shall calculate the amounts to four decimal places. The Department  
16          of Motor Vehicles shall permanently retain the records of its calculations, any  
17          corrections thereto, and the data that are the basis for the calculations.

1                   \* \* \* Green Mountain Transit Authority; Name Update \* \* \*

2       Sec. 17. 24 V.S.A. § 5084 is amended to read:

3       § 5084. PUBLIC TRANSIT ADVISORY COUNCIL

4           (a) The Public Transit Advisory Council shall be created by the Secretary  
5       of Transportation under 19 V.S.A. § 7(f)(5), to consist of the following  
6       members:

7                                                                                 \* \* \*

8           (3) a representative of the ~~Chittenden County Transportation~~ Green  
9       Mountain Transit Authority;

10                                                                                    \* \* \*

11       Sec. 18. 24 App. V.S.A. chapter 801 is amended to read:

12       CHAPTER 801. ~~CHITTENDEN COUNTY TRANSPORTATION GREEN~~  
13                                                                         MOUNTAIN TRANSIT AUTHORITY

14       § 1. CREATION OF AUTHORITY

15           There is hereby created a transit authority to be known as the “~~Chittenden~~  
16       ~~County Transportation~~ Green Mountain Transit Authority.”

17                                                                                    \* \* \*

18       § 3. MEMBERSHIP IN THE AUTHORITY

19           Membership in the Authority shall consist of those municipalities which  
20       elect to join the Authority by majority vote of its voters present and voting on  
21       the question at an annual or special meeting duly warned for the purpose prior

1 to July 1, 2010. Beginning on July 1, 2010, a municipality may hold an annual  
2 meeting or a special meeting for the purpose of determining through election  
3 by a majority vote of its voters present and voting on the question only if the  
4 municipality is specifically authorized to join the Authority either under  
5 section 12 of this chapter or by resolution duly passed by the ~~Chittenden~~  
6 ~~County Transportation~~ Green Mountain Transit Authority Board of  
7 Commissioners. The initial meeting of a municipality called to determine  
8 whether or not to join the Authority shall be warned in the manner provided by  
9 law, except that for such meeting only, any warning need not be posted for a  
10 period in excess of 20 days, any other provision of law or municipal charter to  
11 the contrary notwithstanding. Membership may be terminated only in the  
12 manner provided in section 8 of this chapter.

13 \* \* \*

14 § 11. ASSESSMENTS OF NEW MEMBERS OUTSIDE CHITTENDEN  
15 COUNTY

16 Municipalities outside Chittenden County that vote to join the ~~Chittenden~~  
17 ~~County Transportation~~ Green Mountain Transit Authority on or after July 1,  
18 2010 shall negotiate with the Board of Commissioners of the ~~Chittenden~~  
19 ~~County Transportation~~ Green Mountain Transit Authority on the amount of the  
20 levy to be assessed upon the municipality and terms of payment of that  
21 assessment; and the municipality may not join prior to agreement with the

1 Authority on terms of the levy and payment. Upon the addition of one  
2 municipality to the membership of the ~~Chittenden County Transportation~~  
3 Green Mountain Transit Authority from outside Chittenden County, the  
4 Authority shall immediately begin work on the formula for assessment that  
5 will be approved in accordance with this chapter.

6 § 12. MUNICIPALITIES AUTHORIZED TO VOTE FOR MEMBERSHIP  
7 IN THE ~~CHITTENDEN COUNTY TRANSPORTATION~~ GREEN  
8 MOUNTAIN TRANSIT AUTHORITY

9 The following municipalities are authorized to hold an election for the  
10 purpose of determining membership in the ~~Chittenden County Transportation~~  
11 Green Mountain Transit Authority: Barre City, Berlin, Colchester, Hinesburg,  
12 Montpelier, Morristown, Richmond, St. Albans City, Stowe, and Waterbury.

13 § 13. OTHER REPRESENTATION

14 If Washington, Lamoille, Franklin, or Grand Isle County does not have a  
15 municipal member from its county on the Board of Commissioners of the  
16 ~~Chittenden County Transportation~~ Green Mountain Transit Authority, the  
17 regional planning commission serving the ~~County~~ county may appoint a Board  
18 member to the ~~Chittenden County Transportation~~ Green Mountain Transit  
19 Authority from a member of its regional planning commission or regional  
20 planning commission staff to represent its interests on the ~~Chittenden County~~  
21 ~~Transportation~~ Green Mountain Transit Authority Board.

1                                   \* \* \* Electric Vehicles; Public Service \* \* \*

2           Sec. 19. 30 V.S.A. § 256 is added to read

3           § 256. ELECTRIC VEHICLE CHARGING STATIONS

4           This section authorizes a person to own or operate, or both, a charging  
5           station for the retail sale of electricity to plug-in electric vehicles (EV) under  
6           limited regulation by the Public Utility Commission (Commission).

7           (1) Nothing in sections 249, 250, and 251 of this title or in the  
8           assignment of service territories under this title shall be interpreted to bar such  
9           ownership and operation.

10           (2) The Commission shall not set the retail price for sales by an EV  
11           charging station but shall have jurisdiction over the quality of service,  
12           consumer protection, metering, notice of rates and charges, and pricing  
13           practices.

14           (3) With respect to the ownership and operation of an EV charging  
15           station, the Commission may:

16           (A) waive any requirement under section 231 of this title to obtain a  
17           certificate of public good; or

18           (B) simplify the application and review process for obtaining a  
19           certificate of public good under section 231 of this title as appropriate,  
20           including providing a registration process under which such a certificate for  
21           ownership or operation, or both, of the station is deemed issued if the

1 Department of Public Service does not request a hearing within 10 days after  
2 the registration.

3 (4) Notwithstanding any contrary provision of this section, the  
4 Commission shall have full jurisdiction under this title over EV charging  
5 stations owned or operated by a company that distributes electric energy to end  
6 users over an interconnected network.

7 Sec. 20. PUBLIC UTILITY COMMISSION; INVESTIGATION; ELECTRIC  
8 VEHICLE CHARGING

9 (a) After notice and opportunity for hearing, the Public Utility Commission  
10 shall complete an investigation and issue a final order on or before July 1, 2019  
11 concerning the charging of plug-in electric vehicles (EV). Issues to be  
12 considered in the investigation shall include:

13 (1) adjustment or removal of barriers to EV charging created by electric  
14 distribution utility rate design;

15 (2) strategies for managing EV charging;

16 (3) notice of rates and charges for EV charging stations that serve the  
17 public;

18 (4) accuracy of electric metering and submetering technology for  
19 charging EVs;

20 (5) electric utility planning for EV charging;

21 (6) billing and complaint procedures for EV charging;

1           (7) the recommended scope of the jurisdiction of the Department of  
2           Public Service and the Public Utility Commission over owners and operators  
3           of EV charging stations;

4           (8) jointly with the Secretary of Transportation, recommended strategies  
5           to address declining revenues to the Transportation Fund resulting from the  
6           adoption of EVs; and

7           (9) the appropriate role of the electric distribution utilities regarding the  
8           deployment and operation of EV charging stations.

9           (b) During the course of the investigation and in its final order, the  
10          Commission shall identify recommendations on the issues identified in  
11          subsection (a) that may require enabling legislation. On or before  
12          December 15, 2018, the Commission shall issue a preliminary order setting  
13          forth such recommendations with initial findings and conclusions for  
14          consideration by the General Assembly during its 2019 session.

15          (c) The Commission shall submit copies of its preliminary and final orders  
16          to the House and Senate Committees on Transportation, the House Committee  
17          on Energy and Technology, and the Senate Committees on Finance and on  
18          Natural Resources and Energy.





- 1 update), and Sec. 20 (PUC investigation; electric vehicle charging) shall take  
2 effect on passage.  
3 (b) All other sections shall take effect on July 1, 2018.