

1 Introduced by [**AOT proposals, as modified following discussions w Leg**
2 **Council**]

3 Date:

4 Subject: Transportation; aircraft; signs; contracts; electric vehicles; public
5 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) The table heading “As Proposed” means the Transportation Program
2 referenced in subsection (a) of this section; the table heading “As Amended”
3 means the amendments as made by this act; the table heading “Change” means
4 the difference obtained by subtracting the “As Proposed” figure from the “As
5 Amended” figure; and the term “change” or “changes” in the text refers to the
6 project- and program-specific amendments, the aggregate sum of which equals
7 the net “Change” in the applicable table heading.

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

10 * * * Federal Infrastructure Funding * * *

11 Sec. 2. FEDERAL INFRASTRUCTURE FUNDING

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

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

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

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

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

8 (c) The Agency shall promptly report the obligation or expenditure of
9 monies under the authority of this section to the House and Senate Committees
10 on Transportation and to the Joint Fiscal Office while the General Assembly is
11 in session, and to the Joint Fiscal Office, the Joint Fiscal Committee, and the
12 Joint Transportation Oversight Committee when the General Assembly is not
13 in session.

14 * * * Infrastructure for Rebuilding America Grant * * *

15 Sec. 3. INFRASTRUCTURE FOR REBUILDING AMERICA GRANT

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

19 (2) If USDOT does solicit INFRA grant applications in 2018, the
20 Agency shall submit an application for an INFRA grant for bridge and culvert
21 projects on Interstate 89 with a total cost of up to \$105,000,000.00, which

1 amount includes a State match of up to \$21,000,000.00. In the grant
2 application, the Agency shall identify Transportation Infrastructure Bonds as a
3 possible source of State matching dollars. Promptly upon filing the grant
4 application with the USDOT, the Agency shall send an electronic copy of the
5 grant application to the Joint Fiscal Office, which shall then transmit it to the
6 Joint Fiscal Committee and to the chairs of the House and Senate Committees
7 on Transportation.

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

14 * * * Central Garage * * *

15 Sec. 4. TRANSFER TO CENTRAL GARAGE FUND

16 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2019, the amount of
17 \$1,318,442.00 is transferred from the Transportation Fund to the Central
18 Garage Fund created in 19 V.S.A. § 13.

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

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

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

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

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

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

12 (2) At least 30 days prior to exercising the authority granted in
13 subsection (a) of this section, the airport manager shall:

14 (A) Attempt to provide a notice of intent to the owner of the aircraft
15 or aircraft component. If the address of the last place of residence of the owner
16 of the aircraft or aircraft component is ascertainable through the exercise of
17 reasonable diligence, the airport manager shall send the notice of intent by
18 certified mail to the owner at that address; otherwise, the airport manager shall
19 be deemed to have fulfilled the requirement of this subdivision (b)(2)(A) if the
20 manager posts the notice of intent on the aircraft or aircraft component.

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

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

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

9 § 223. LIEN

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

15 § 224. RIGHT OF OWNER TO RECLAIM

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

19 § 225. SALE AUTHORIZED; ADVANCE NOTICE OF SALE

20 (a) If the owner has not reclaimed the aircraft or aircraft component within
21 90 days after the aircraft manager fulfills the notice requirements of subsection

1 222(b) of this title, the airport manager may sell the aircraft or aircraft
2 component in a commercially reasonable manner as described in 9A V.S.A.
3 § 9-610 (disposition of collateral after default) if the manager fulfills the notice
4 requirements of subsection (b) of this section.

5 (b)(1) The notice required in this subsection shall include:

6 (A) the make and the factory or identification number of the aircraft
7 or aircraft component;

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

9 (C) contact information for the person from whom the owner may
10 reclaim the aircraft or aircraft component pursuant to section 224 of this
11 title; and

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

13 (2) The airport manager shall give advance notice of a proposed sale at
14 least 14 days before the sale:

15 (A) by posting the notice in two or more public places in the
16 municipality where the aircraft or aircraft component is stored;

17 (B) if the value of the aircraft or aircraft component exceeds
18 \$1,000.00, by publishing the notice in a media outlet of general circulation in
19 the municipality; and

20 (C) if the address of the last place of residence of the owner of the
21 aircraft or aircraft component is ascertainable through the exercise of

1 reasonable diligence, by sending the notice by certified mail to the owner at
2 that address.

3 § 226. APPLICATION OF PROCEEDS

4 The airport manager shall pay the balance of the proceeds of the sale, if any,
5 after payment of liens and the reasonable expenses incident to the sale, to the
6 owner of the aircraft or aircraft component or his or her legal representative, if
7 claimed at any time within one year from the date of the sale. If the owner
8 does not claim the balance within one year, the airport manager shall retain the
9 proceeds.

10 * * * President Calvin Coolidge State Historic Site;

11 Supplemental Guide Signs * * *

12 Sec. 6. 10 V.S.A. § 494 is amended to read:

13 § 494. EXEMPT SIGNS

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

16 * * *

17 (6)(A) Official traffic control signs, including signs on limited access
18 highways, consistent with the ~~manual on uniform traffic control devices,~~
19 Manual on Uniform Traffic Control Devices (MUTCD) adopted under
20 23 V.S.A. § 1025, directing people to:

21 (i) other towns;

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

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

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

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

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

14 interstate highway exit:

- 15 ~~(A)~~(i) ~~Nonprofit~~ nonprofit museums;
- 16 ~~(B)~~(ii) ~~Cultural~~ cultural and recreational attractions owned by the
- 17 State or federal government;
- 18 ~~(C)~~(iii) ~~Officially~~ officially designated scenic byways;
- 19 ~~(D)~~(iv) ~~Park~~ park and ride or multimodal centers; and
- 20 ~~(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 subdivisions (B) and (D) of this
5 subdivision (6), supplemental guide signs consistent with the MUTCD for the
6 President Calvin Coolidge State Historic Site shall be installed at the following
7 highway interchanges:

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

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

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

12 * * *

13 Sec. 7. INSTALLATION OF SUPPLEMENTAL GUIDE SIGNS FOR THE
14 PRESIDENT CALVIN COOLIDGE STATE HISTORIC SITE

15 On or before October 1, 2018, the Agency shall complete installation of the
16 supplemental guide signs for the President Calvin Coolidge State Historic Site
17 specified under 10 V.S.A. § 494(6)(C).

18 * * * Construction Contracts; Performance and Payment Bonds * * *

19 Sec. 8. 19 V.S.A. § 10 is amended to read:

20 § 10. DUTIES

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

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

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

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

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

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

1 (i) accept other good and sufficient surety in lieu of a bond

2 ~~and;~~ or

3 (ii) ~~in cases involving contracts for \$100,000.00 or less, may~~

4 waive the requirement of a performance bond for contracts of \$1,000,000.00

5 or less.

6 (9)(A) Require any contractor or contractors employed in any project of

7 the Agency for construction of a transportation improvement to file an

8 additional surety bond to the Secretary and his or her successor in office, for

9 the benefit of labor, materialmen, and others, executed by a surety company

10 authorized to transact business in this State; in ~~such~~ the sum as the Agency

11 ~~shall direct,~~ directs and that:

12 (i) is conditioned for the payment, settlement, liquidation, and

13 discharge of the claims of all creditors for material, merchandise, labor, rent,

14 hire of vehicles, power shovels, rollers, concrete mixers, tools, ~~and~~ other

15 appliances, professional services, premiums, and other goods and services used

16 or employed in carrying out the terms of the contract between the contractor

17 and the State ~~of Vermont;~~ and

18 (ii) is further conditioned for the payment of ~~taxes~~ both State and

19 municipal taxes, and contributions to the Vermont Commissioner of Labor,

20 accruing during the term of performance of the contract.

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

2 Sec. 9. 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 quality of service, consumer
12 protection, metering, and notice of rates and charges. To enable customers of
13 charging stations to compare prices, the Commission by rule shall establish
14 and require the use of one or more standard price formats. The rules may set
15 forth a process under which, on petition of an owner or operator of a charging
16 station, the Commission may approve the charging station’s use of a price
17 format not specifically authorized in the rules if it finds the format to be
18 consistent with the purpose of enabling customers to compare prices.

1 (3) Notwithstanding any contrary provision of section 231 of this title:

2 (A) A person seeking to own or operate, or both, a charging station
3 under this section shall register with the Commission for a certificate of public
4 good.

5 (B) The Commission by rule shall establish a process for registering
6 such a charging station under which a certificate of public good for ownership
7 or operation, or both, of the station is deemed issued if the Department of
8 Public Service does not request a hearing within 10 days after the registration.

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

13 Sec. 10. PUBLIC UTILITY COMMISSION; INVESTIGATION; ELECTRIC
14 VEHICLE CHARGING

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

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

21 (2) strategies for managing EV charging;

1 (3) notice of rates and charges for EV charging stations that serve the
2 public,

3 (4) accuracy of electric metering and submetering technology for
4 charging EVs,

5 (5) electric utility planning for EV charging,

6 (6) billing and complaint procedures for EV charging,

7 (7) the recommended scope of the jurisdiction of the Department of
8 Public Service and the Public Utility Commission over owners and operators
9 of EV charging stations, and

10 (8) jointly with the Secretary of Transportation, recommended strategies
11 to address declining revenues to the Transportation Fund from the adoption of
12 EVs.

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

19 (c) The Commission shall submit copies of its preliminary and final orders
20 to the House and Senate Committees on Transportation, the House Committee

1 on Energy and Technology, and the Senate Committees on Finance and on
2 Natural Resources and Energy.

3 * * * Effective Dates * * *

4 Sec. 11. EFFECTIVE DATES

5 (a) This section and Sec. 2 shall take effect on passage.

6 (b) All other sections shall take effect on July 1, 2018.