

REVIEW OF 2017 TRANSPORTATION COMMITTEE LEGISLATION

I. Transportation Bill, Act 38 (H.494)

See Act 38 in its entirety at:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT038/ACT038%20As%20Enacted.pdf>

See Act 38 Act Summary in its entirety at:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT038/ACT038%20Act%20Summary.pdf>

See Appendix A for Neil's Summary of FY18 Spending Authority Approved by Program

Summary of select provisions: Among other provisions, Act 38:

- State Highway Bridge Program; Project Added. Added a project to the development and evaluation list of the State Highway Bridge Program for the rehabilitation of the Quechee Gorge Bridge.
- DMV Spending Authority; Class 2 Town Highway Program Spending Authority; Municipal Mitigation Assistance Program Spending Authority; License Plate Savings.
 - *DMV spending authority:* Sec. 2 reduced FY18 spending authority for DMV by **\$200,000**. When the bill passed the Senate, this reduction was based on the assumption that \$200,000 in savings would be realized by eliminating front license plates from most vehicles. However, following a committee of conference on the miscellaneous motor vehicle bill, front license plates were not eliminated. Nonetheless, the \$200,000 reduction in spending authority remained in the T Bill that came out of the conference committee.
 - *MMAP spending authority:* Sec. 8 increased spending authority for the Municipal Mitigation Assistance Program by **\$1,000,000** overall. The \$1,000,000 overall increase is the net of:
 - (i) a \$1,400,000 increase in spending authority of capital bond proceeds appropriated to the Program in the Capital Bill; and
 - (ii) a \$400,000 decrease in spending authority of transportation funds.
 - *Class 2 Town Highway Program:* Sec. 5 increased spending authority for the Class 2 Town Highway Program by **\$600,000** in transportation funds. The \$600,000 overall increase results from adding:
 - (i) the \$200,000 made available by the \$200,000 reduction in DMV spending authority of transportation funds in Sec. 2; and
 - (ii) the \$400,000 made available by the \$400,000 reduction in spending authority of transportation funds in Sec. 8 (MMAP).
 - *License Plate Savings:* Sec. 4a directed the Commissioner of DMV to provide the House and Senate Committees on Appropriations and on Transportation an updated analysis of single plate-related cost savings by 12/1/17. This report

estimated savings of \$111,000, and is available at:

<https://legislature.vermont.gov/assets/Legislative-Reports/Single-Plate-Savings-Transportation.pdf>

- Automated Vehicles. Directed the Secretary of Transportation to convene a meeting of public and private stakeholders with expertise related to automated vehicles in order to gather information related to automated vehicles and identify policy areas requiring further research or possible legislation and report back to the House and Senate Committees on Transportation *by January 15, 2018* on its activities and any recommendations related to automated vehicles.
- Highways; Utility Facilities.
 - Requires the Agency (in the case of State highways) and municipalities (in the case of town highways) to seek input and consider input received from utilities prior to issuing a utility relocation or adjustment order in connection with highway work, and to allocate to each affected utility a reasonable time to carry out its relocation or adjustment work.
 - Further provides that if a utility fails to move or adjust its line or other facility within the time specified in the relocation or adjustment order, and the failure was within the utility's control, the utility will be liable to the State or to the municipality for damages that the State or municipality is required to pay a contractor for a delay caused by the failure.

II. Miscellaneous Motor Vehicle Bill, Act 71 (S.127)

See Act 71 in its entirety at:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT071/ACT071%20As%20Enacted.pdf>

See Act 71 Act Summary in its entirety at:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT071/ACT071%20Act%20Summary.pdf>

Summary of select provisions: Among other provisions, Act 71:

- Prohibition on Handheld Use of a Portable Electronic Device While Driving. Amended provisions related to points assessed against a person's driving record if convicted of violating the law prohibiting handheld use of a portable electronic device while driving.
- DUI; Total Abstinence Program; Ignition Interlock Devices. Removed the use of regulated prescription drugs as a disqualification for restoration of a person's driving privilege under the Total Abstinence Program, as long as the person used the prescription drug in a manner consistent with the prescription label; prescribed minimum average periods between random retests of persons operating a motor vehicle under an ignition interlock restricted driver's license; and eliminated a provision related to ignition interlock devices equipped with a GPS feature.
- Motor Vehicle Purchase and Use Tax. Provided that the three-month limitation on the period in which to reduce the taxable cost of a motor vehicle by the sale of a previously

owned vehicle shall not apply to vehicles sold to the manufacturer pursuant to a buyback agreement under a Volkswagen, Audi, or Porsche diesel engine defeat device settlement or judgment, if the vehicle is sold to the manufacturer within specified time periods.

- Vermont Strong License Plates. Removed any end date from the law that authorizes certain motor vehicles registered in Vermont to display Vermont Strong plates that cover a regular front license plate.
- License Plate Savings. Directed the Commissioner of DMV to identify opportunities to save money on the production and acquisition of license plates and to estimate savings that would result from eliminating the requirement to display front license plates for most vehicles registered in Vermont. **Report is due on January 15, 2018.**
- Incident Clearance: Enacted and amended a variety of provisions related to removal of vehicles and cargo from highways following an incident.

III. What Became of Various Sections of H.511 As Passed the House?

See H.511 As Passed by House in its entirety at:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0511/H-0511%20As%20Passed%20by%20the%20House%20Unofficial.pdf>

Sec. #	Topic	Description	Status
1 Gardner	DUI; school buses and school bus license endorsements	Subjects a person who operates any vehicle the operation of which requires a school bus endorsement to the 0.02 blood alcohol limit that currently applies to persons operating a school bus.	Not enacted in 2017.
2 Fitzpatrick	DUI; implied consent	Makes Vermont's implied consent statute consistent with the U.S. Supreme Court's decision in <i>Birchfield v. North Dakota</i> by providing that: <ul style="list-style-type: none"> • a warrant is required before a blood test can be given to a person suspected of DUI; and • a person cannot be criminally prosecuted for refusing to submit to the blood test. 	Enacted in 2017, Act No. 62, § 9.
3 Hare	DUI-enhanced penalty if minor in vehicle	Creates an enhanced penalty for operating a vehicle under the influence of alcohol or drugs with a minor in the vehicle, of: <ul style="list-style-type: none"> • a fine of not more than \$300 or imprisonment of not more than 6 months or both; or • a fine of not more than \$5,000 or imprisonment of not more than 10 years or both if the violation results in the death of or serious bodily injury to the minor. 	Not enacted in 2017.

4 Hare	DUI; administration of blood tests	<ul style="list-style-type: none"> • In the DUI law, expands the list of health care professionals who are authorized to conduct an evidentiary blood draw at the request of a law enforcement officer in order to include intermediate or advanced EMTs or paramedics. • Caps at \$75 the amount a medical facility or business may charge for a blood draw. 	Not enacted in 2017.
5 Hare	Persons under 21 years of age; drugs; civil penalties	<p>Creates a civil violation to prohibit an individual under 21 years of age from:</p> <ul style="list-style-type: none"> • operating under the influence of a drug; or • operating a motor vehicle while possessing a regulated drug unless the person obtained possession with a valid prescription or registration card, or the person is lawfully transporting or delivering the drug. 	Not enacted in 2017.
6 Childs	Open container and consumption during operation; marijuana; operators	<p>Amends Vermont's law that prohibits a motor vehicle <u>operator</u> from consuming alcohol while operating the vehicle, or possessing an open container containing alcohol in the passenger area while operating the vehicle:</p> <ul style="list-style-type: none"> • to also prohibit consuming marijuana or possessing an open container containing marijuana while driving; and • to raise from \$25 to \$50 the maximum civil penalty for possessing an open container while driving, which applies to alcohol and marijuana under the bill as amended. 	Not enacted in 2017; addressed in Sec. 13 of H.511 As Passed the Senate
7 Childs	Open container and consumption during operation; marijuana; passengers	<p>Amends Vermont's law that prohibits a motor vehicle <u>passenger</u> from consuming alcohol or possessing an open container containing alcohol in the passenger area of the vehicle while the vehicle is on a highway:</p> <ul style="list-style-type: none"> • to also prohibit consuming marijuana or possessing an open container containing marijuana; and • to raise from \$25 to \$50 the maximum civil penalty for consuming alcohol or possessing an open container, which penalty also applies to marijuana under the bill as amended. 	Not enacted in 2017; addressed in Sec. 14 of H.511 As Passed the Senate
8 Gardner	Operation under learner's permit	<ul style="list-style-type: none"> • Expands the list of persons qualified to ride beside an individual operating a motor vehicle under a learner's permit in order to include a DMV license examiner; and • imposes a penalty on these persons who, while under the influence of alcohol or drugs, 	Enacted in 2017, Act No. 71, § 11.

		ride beside the permit holder.	
9 Gardner	Seatbelt law that applies to adults; enforcement	Eliminates the requirement that a person who violates the adult seatbelt law be ticketed for the primary violation that gave rise to the traffic stop in order to be ticketed for the seatbelt violation.	Not enacted in 2017.
10 Gardner	Authority to remove or tow vehicles; clearance of crashes	<p><u>Subsec. (b)</u> specifies that clearance of a crash scene may be delayed until the crash investigation is completed in the case of a crash involving a serious bodily injury or fatality.</p> <p><u>Subsec. (c)</u>:</p> <ul style="list-style-type: none"> • specifies that a towing operator may only undertake to remove a vehicle or cargo under this section if summoned by a vehicle owner or operator or an enforcement officer; and • subject to certain exceptions, gives the vehicle owner or operator the right to choose the towing operator and designate the location to where the vehicle or cargo is to be removed. <p><u>Subsec. (d)</u> specifies that a vehicle owner and a motor carrier, if any, are responsible for reasonable costs incurred in the removal and subsequent disposition of a vehicle or cargo authorized to be removed under the section.</p> <p><u>Subsec. (e)</u> limits the liability of a person who moves, or who causes to be moved, a vehicle or cargo in accordance with this section for damage incurred during the move.</p>	Enacted in 2017, Act No. 71, § 25.
11	Effective dates	Various sections are effective on passage, and the remaining sections take effect on July 1, 2017.	n/a

Appendix A: FY18 Transportation Program Summary

Line #	All funding sources	FY17 As Passed	FY18 As Passed	FY18 vs FY17
1	Administration-finance-planning			
2	Central Admin & Finance	14,206,799	14,622,670	415,871
3	Policy & Planning	9,987,158	10,596,432	609,274
4	Transportation Board	229,245	233,750	4,505
5	Department of Motor Vehicles	28,910,055	29,301,916	391,861
6	Sub-total	53,333,257	54,754,768	1,421,511
7	Facilities			
8	Rest Areas	550,000	663,000	113,000
9	AOT Buildings	2,000,000	1,900,000	-100,000
10	Subtotal	2,550,000	2,563,000	13,000
11	Alternate modes			
12	Public Transit	31,173,698	32,132,157	958,459
13	Aviation	20,035,048	17,736,095	-2,298,953
14	Pedestrian & Bike Facilities	10,052,116	11,590,489	1,538,373
15	Park & Ride	2,600,734	3,387,267	786,533
16	Multi-Modal Facilities	3,012,373	2,476,909	-535,464
17	Rail infrastructure	25,731,604	28,931,250	3,199,646
18	Amtrak	8,150,000	8,150,000	0
19	Subtotal	100,755,573	104,404,167	3,648,594
20	State Highway Infrastructure			
21	Maintenance	91,556,769	89,325,825	-2,230,944
22	Paving	111,084,559	112,841,555	1,756,996
23	Roadway	31,143,236	39,649,087	8,505,851
24	State bridges	32,251,548	31,403,328	-848,220
25	Interstate bridges	52,785,722	36,599,190	-16,186,532
26	Traffic Operations	17,369,262	21,081,752	3,712,490
27	PD Admin & Tech Services	24,624,638	24,559,408	-65,230
28	Program Development generally	-5,972,865	0	5,972,865
29	Subtotal	354,842,869	355,460,145	617,276
30	Town programs			
31	TH Aid	25,982,744	25,982,744	0
32	Town Bridges	20,021,730	16,524,009	-3,497,721
33	TH Class 2	7,648,750	7,848,750	200,000
34	TH Structures	6,333,500	6,333,500	0
35	TH Class 1 supplemental grants	128,750	128,750	0
36	Enhancements	4,575,758	3,893,240	-682,518
37	TH State aid nonfederal disasters	1,150,000	1,150,000	0
38	TH State aid federal disasters	1,280,000	180,000	-1,100,000
39	FEMA grant program	10,940,000	5,640,000	-5,300,000
40	TH VT Local Roads	394,700	400,693	5,993
41	Municipal mitigation grants	2,905,000	9,182,342	6,277,342
42	Subtotal	81,360,932	77,264,028	-4,096,904
43	Cross agency labor savings	0	0	0
44	Total All Programs	592,842,631	594,446,108	1,603,477