

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill No.
3 917 entitled “An act relating to the Transportation Program and miscellaneous
4 changes to transportation-related law” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 * * * Transportation Program Adopted as Amended; Definitions * * *

9 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

10 (a) The Agency of Transportation’s proposed fiscal year 2019
11 Transportation Program appended to the Agency of Transportation’s proposed
12 fiscal year 2019 budget, as amended by this act, is adopted to the extent
13 federal, State, and local funds are available.

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

15 (1) “Agency” means the Agency of Transportation.

16 (2) “Secretary” means the Secretary of Transportation.

17 (3) “TIB funds” means monies deposited in the Transportation

18 Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

19 * * * Federal Infrastructure Funding * * *

20 Sec. 2. FEDERAL INFRASTRUCTURE FUNDING

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

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

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

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

13 (2) Nothing in this subsection shall be construed to authorize the
14 Secretary to obligate or expend State Transportation or TIB funds above
15 amounts authorized in the fiscal year 2018 or 2019 Transportation Program.

16 (c) The Agency shall promptly report the obligation or expenditure of
17 monies under the authority of this section to the House and Senate Committees
18 on Transportation and to the Joint Fiscal Office while the General Assembly is
19 in session, and to the Joint Fiscal Office, the Joint Fiscal Committee, and the
20 Joint Transportation Oversight Committee when the General Assembly is not
21 in session.

1 * * * Infrastructure for Rebuilding America Grant * * *

2 Sec. 3. INFRASTRUCTURE FOR REBUILDING AMERICA GRANT

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

6 (2) If USDOT does solicit INFRA grant applications in 2018, the
7 Agency may submit an application for an INFRA grant for bridge and culvert
8 projects on Interstate 89 with a total cost of up to \$105,000,000.00, which
9 amount includes a State match of up to \$21,000,000.00. If it submits a grant
10 application, the Agency shall identify Transportation Infrastructure Bonds as a
11 possible source of State matching dollars and, promptly upon its submission to
12 the USDOT, the Agency shall send an electronic copy of the grant application
13 to the Joint Fiscal Office, which shall then transmit it to the Joint Fiscal
14 Committee and to the chairs of the House and Senate Committees on
15 Transportation.

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

1 * * * Program Development—Traffic & Safety Operations * * *

2 Sec. 4. PROGRAM DEVELOPMENT—TRAFFIC & SAFETY
3 OPERATIONS

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

8 * * * Town Highway Bridge Program * * *

9 Sec. 5. TOWN HIGHWAY BRIDGE PROGRAM

10 The following project is added to the candidate list of the Town Highway
11 Bridge Program within the fiscal year 2019 Transportation Program: Salisbury
12 – Cornwall BO 1445(), scoping for replacement of BR8 over the Otter Creek.

13 * * * Maintenance Program and District Leveling * * *

14 Sec. 6. MAINTENANCE PROGRAM AND DISTRICT LEVELING;
15 SPENDING AUTHORITY

16 (a) As used in this section, “TDI” refers to Champlain VT, LLC d/b/a TDI
17 New England and “TDI Agreement” refers to the lease option agreement
18 entered into between TDI and the State on July 17, 2015.

19 (b) Authorized spending in fiscal year 2019 for the Statewide District
20 Leveling activity in the Program Development—Paving Program is reduced by

1 \$2,400,000.00 in transportation funds and increased by \$2,400,00.00 in federal
2 funds.

3 (c) Authorized spending in fiscal year 2019 for operating expenses in the
4 Maintenance Program is reduced by \$1,600,000.00 in transportation funds.

5 (d) If TDI makes a payment to the State in fiscal year 2018 or 2019
6 pursuant to the TDI Agreement or pursuant to a renegotiation of the TDI
7 Agreement, the Secretary shall allocate the amount of the payment received to
8 the Statewide District Leveling activity or to the Maintenance Program, or to
9 both, and authorized spending of transportation funds in fiscal year 2019 for
10 the Statewide District Leveling activity and for the Maintenance Program is
11 increased in accordance with the allocation made.

12 (e) If TDI makes no payment to the State in fiscal year 2018 or 2019
13 pursuant to the TDI Agreement or a renegotiation thereof or if a payment made
14 by TDI is insufficient to restore the reduction in spending authority made in
15 subsections (b) and (c) of this section, the Secretary shall allocate any
16 unreserved surplus in the Transportation Fund as of the end of fiscal year 2018
17 to the Statewide District Leveling activity or to the Maintenance Program, or to
18 both, and authorized spending of transportation funds in fiscal year 2019 for
19 the Statewide District Leveling activity and for the Maintenance Program is
20 increased in accordance with the allocation made.

1 (f)(1) Subject to subdivision (2) of this subsection, and notwithstanding
2 32 V.S.A. § 706, if the contingent allocations directed in subsections (d) and
3 (e) of this section do not occur or are insufficient to restore the reduction in
4 spending authority made in subsections (b) and (c) of this section, the
5 Secretary of Administration, after consulting with the Secretary of
6 Transportation, is authorized to transfer balances of fiscal year 2019
7 Transportation Fund appropriations within the Agency to the extent required to
8 restore the reduction in spending authority made in subsections (b) and (c) of
9 this section, and authorized spending of transportation funds in fiscal year
10 2019 for the Statewide District Leveling activity and for the Maintenance
11 Program is increased in accordance with the balances transferred.

12 (2) An appropriation may be transferred pursuant to subdivision (1) of
13 this subsection only if the monies are not needed for a project:

14 (A) because the project has been delayed due to permitting, right-of-
15 way, or other unforeseen issues; or

16 (B) because of cost savings generated by the project.

17 (3) In making any appropriation transfer authorized under this section, the
18 Secretary of Administration shall avoid, to the extent possible, any reductions
19 in appropriations to the town programs described in 19 V.S.A. § 306. Any
20 reductions to these town programs shall not affect the timing of

1 reimbursements to towns for projects or delay any projects or grants and shall
2 be replaced in the affected appropriations in fiscal year 2020.

3 * * * Abandoned Aircraft * * *

4 Sec. 7. 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 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. 10. 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. 11. 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 (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),
5 supplemental guide signs consistent with the MUTCD for the President Calvin
6 Coolidge State Historic Site may be installed at the following highway
7 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 * * * Central Garage * * *

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

15 § 13. CENTRAL GARAGE FUND

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

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

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

3 (b) To maintain a safe, reliable equipment fleet, new or replacement
4 highway maintenance equipment shall be acquired using ~~central garage funds~~
5 Central Garage Fund monies. The ~~agency~~ Agency is authorized to acquire
6 replacement pieces for existing highway equipment, or new, additional
7 equipment equivalent to equipment already owned; however, the ~~agency~~
8 Agency shall not increase the total number of permanently assigned or
9 authorized motorized or self-propelled vehicles without legislative approval by
10 the General Assembly.

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

1 ~~from this account shall be appropriated by the general assembly and used~~
2 ~~exclusively for the purchase of equipment as authorized in subsection (b) of~~
3 ~~this section.~~ For the purpose specified in subsection (b) of this section, the
4 following amount shall be transferred from the Transportation Fund to the
5 Central Garage Fund:

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

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

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

15 (A) the amount transferred pursuant to subdivision (1) of this
16 subsection;

17 (B) the amount of the equipment depreciation expense from the prior
18 fiscal year; and

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

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

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

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

6 (g) [Repealed.]

7 * * * Transportation Public-Private Partnerships * * *

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

9 CHAPTER 26. DESIGN-BUILD CONTRACTS AND PUBLIC-PRIVATE

10 PARTNERSHIPS

11 Subchapter 1. Design-build Contracts

12 * * *

13 Subchapter 2. Public-Private Partnership Pilot

14 § 2611. PILOT ESTABLISHED; INTENT

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

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

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

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

6 (2) determine whether the authority should terminate, be extended, or be
7 amended.

8 (c) If the Agency’s authority under this subchapter terminates, the General
9 Assembly intends that:

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

12 (2) any P3 agreement lawfully entered into prior to termination of the
13 Agency’s authority shall continue in effect after termination of the authority.

14 § 2612. DEFINITIONS

15 As used in this subchapter:

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

19 (2) “Project” means the capital development of a facility.

20 (3) “Proposal” means a conditional offer of a private entity that, after
21 review, negotiation, and documentation, and after legislative approval if

1 required under this subchapter, may lead to a P3 agreement as provided in this
2 subchapter.

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

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

11 § 2613. AUTHORITY

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

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

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

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

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

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

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

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

10 § 2614. LEGISLATIVE APPROVAL

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

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

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

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

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

1 (D) its effect on any project in the most recent approved

2 Transportation Program;

3 (2) a statement detailing how the proposal meets the Agency’s criteria
4 developed under this subchapter; and

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

7 § 2615. REPORT

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

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

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

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

1 * * * Sunset of Transportation Public-Private Partnership Authority * * *

2 Sec. 15. REPEAL OF TRANSPORTATION P3 AUTHORITY

3 19 V.S.A. §§ 2613 (Agency of Transportation’s P3 authority) and 2614
4 (legislative approval of P3 proposals) shall be repealed on July 1, 2023.

5 * * * Gasoline Assessments; Calculations; Data Retention * * *

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

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

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

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

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 *[Secs. 19–20 under discussion and subject to change]*

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

4 § 256. ELECTRIC VEHICLE CHARGING STATIONS

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

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

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

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

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

19 (B) simplify the application and review process for obtaining a
20 certificate of public good under section 231 of this title as appropriate,
21 including providing a registration process under which such a certificate for

1 ownership or operation, or both, of the station is deemed issued if the
2 Department of Public Service does not request a hearing within 10 days after
3 the registration.

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

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

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

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

16 (2) strategies for managing EV charging;

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

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

21 (5) electric utility planning for EV charging;

- 1 (6) billing and complaint procedures for EV charging;
2 (7) the recommended scope of the jurisdiction of the Department of
3 Public Service and the Public Utility Commission over owners and operators
4 of EV charging stations;
5 (8) jointly with the Secretary of Transportation, recommended strategies
6 to address declining revenues to the Transportation Fund resulting from the
7 adoption of EVs; and
8 (9) the appropriate role of the electric distribution utilities regarding the
9 deployment and operation of EV charging stations.
- 10 (b) During the course of the investigation and in its final order, the
11 Commission shall identify recommendations on the issues identified in
12 subsection (a) that may require enabling legislation. On or before
13 December 15, 2018, the Commission shall issue a preliminary order setting
14 forth such recommendations with initial findings and conclusions for
15 consideration by the General Assembly during its 2019 session.
- 16 (c) The Commission shall submit copies of its preliminary and final orders
17 to the House and Senate Committees on Transportation, the House Committee
18 on Energy and Technology, and the Senate Committees on Finance and on
19 Natural Resources and Energy.

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* * * Town Highway Aid * * *

Sec. 21. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways. An annual appropriation to class 1, 2, and 3 town highways shall be made. ~~This appropriation shall increase or decrease over the previous year's appropriation by the same percentage as any increase or decrease in the Transportation Agency's total appropriations funded by Transportation Fund revenues, excluding the town highway appropriations for that year~~ which, at a minimum, shall be \$26,762,226.00 in fiscal year 2020 and in subsequent fiscal years shall be this amount as adjusted annually by increasing the previous fiscal year's amount by the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the previous State fiscal year. The funds appropriated shall be distributed to towns as follows:

* * *

* * * All-terrain Vehicles; Enforcement * * *

Sec. 22. 23 V.S.A. § 3507 is amended to read:

§ 3507. ENFORCEMENT; PENALTIES AND REVOCATION OF REGISTRATION

* * *

1 (c) Law enforcement officers may conduct safety inspections on all-terrain
2 vehicles stopped for other all-terrain vehicle law violations on the VASA Trail
3 System. Safety inspections may also be conducted in a designated area by law
4 enforcement officials. A designated area shall be warned solely by blue lights
5 either on a stationary all-terrain vehicle parked on a trail or on a cruiser parked
6 at a roadside trail crossing.

7 * * * All-terrain Vehicles; Operation Along Highways * * *

8 **Sec. 23. 23 V.S.A. § 3506 is amended to read:**

9 ***[Add ATV language proposed by utilities?]***

10 * * * Abandoned Vessels * * *

11 **Sec. 24. 10 V.S.A. chapter 48A is added to read:**

12 ***[Add abandoned vessel language when finalized]***

13 * * *

14 * * * Default Weight Limits on Town Highways * * *

15 **Sec. 25. 23 V.S.A. § 1392 is amended to read:**

16 **§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS**

17 Except as provided in section 1400 of this title, a person or corporation shall
18 not operate or cause to be operated a motor vehicle in excess of the total
19 weight, including vehicle, object, or contrivance and load, of:

20 (1) 16,000 pounds upon any bridge with a wood floor, wood subfloor, or
21 wood stringers on a class 3 or 4 town highway or 20,000 pounds on a bridge

1 with wood floor, wood subfloor, or wood stringers on a class 1 or 2 town
2 highway unless otherwise posted by the selectboard of such town.

3 (2) 24,000 pounds, upon a class 2, 3, or 4 town highway or bridge with
4 other than wood floor, in any town; or incorporated village, ~~or city~~.

5 * * *

6 Sec. 26. 23 V.S.A. § 1393 is amended to read:

7 § 1393. WEIGHT LIMITS IN ~~INCORPORATED VILLAGES AND CITIES;~~
8 ADOPTION BY TOWNS OR INCORPORATED VILLAGES OF
9 STATE LIMITS; STATE LIMITS ON CLASS 1 TOWN
10 HIGHWAYS

11 (a)(1) On all highways in ~~an incorporated village or a~~ city, the legal load
12 shall be as prescribed for the State Highway System in section 1392 of this
13 title, unless otherwise restricted and posted by the local authorities; as provided
14 in this subchapter.

15 (2) With the approval of the Secretary of Transportation, the ~~selectboard~~
16 legislative body of a town or incorporated village may designate any highway
17 ~~in the town~~ under its jurisdiction to carry the same legal load as specified in
18 section 1392 of this title for ~~the State highways~~ Highway System. When a
19 certain highway has been so approved by the Secretary and the legislative body
20 as to the legal load limit, then the Secretary shall have the highway posted for
21 the legal load limit.

1 that has a different legal load. The Secretary shall furnish the sign, and any
2 replacement sign as may be needed, at no cost to municipality. The
3 municipality shall be responsible for erecting each sign furnished to it under
4 this subsection on each town highway leading off of a class 1 town highway
5 that has a legal load limit that differs from the limit on the class 1 town
6 highway.

7 * * * Aircraft Fuel Tax * * *

8 Sec. 28. 23 V.S.A. chapter 28 is amended to read:

9 CHAPTER 28. GASOLINE TAX

10 Subchapter 1. General Gasoline Tax

11 § 3101. DEFINITIONS; SCOPE

12 (a) As used in this chapter:

13 (1) The term “distributor” as used in this subchapter shall mean a
14 person, firm, or corporation who imports or causes to be imported gasoline or
15 other motor fuel for use, distribution, or sale within the State, or any person,
16 firm, or corporation who produces, refines, manufactures, or compounds
17 gasoline or other motor fuel within the State for use, distribution, or sale.
18 When a person receives motor fuel in circumstances ~~which~~ that preclude the
19 collection of the tax from the distributor by reason of the provisions of the
20 Constitution and laws of the United States, and thereafter sells or uses the
21 motor fuel in the State in a manner and under circumstances as may subject the

1 sale to the taxing power of the State, the person shall be considered a
2 distributor and shall make the same reports, pay the same taxes, and be subject
3 to all provisions of this subchapter relating to distributors of motor fuel.

4 (2) “Dealer” means any person who sells or delivers motor fuel into the
5 fuel supply tanks of motor vehicles or aircraft owned or operated by others.

6 (3) “Motor vehicle” means any self-propelled vehicle using motor fuel
7 on the public highways and registered or required to be registered for operation
8 on these highways.

9 (b) As used in this subchapter:

10 (1) ~~“gasoline~~ “Gasoline or other motor fuel” or “motor fuel” includes
11 aviation gasoline and shall not include the following:

12 (A) kerosene;

13 (B) clear or undyed diesel “fuel” as defined in section 3002 of this
14 title;

15 (C) “railroad fuel” as defined in section 3002 of this title;

16 (D) aircraft jet fuel; or

17 (E) natural gas in any form.

18 (c) Except for “railroad fuel” taxed under section 3003 of this title, the
19 taxation or exemption from taxation of dyed diesel fuel is not addressed under
20 this title.

1 (d) A dealer shall keep a record of all purchases of motor fuel ~~which~~ that
2 shall include the date of purchase, number of gallons, ~~and~~ the identity of the
3 seller, and, if applicable, shall separately record this information with respect
4 to the purchase of aviation gasoline. The records and statements shall be
5 preserved for a period of three years. The record shall include daily motor fuel
6 meter readings.

7 § 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

8 (a)(1) Except for sales of motor fuels between distributors licensed in this
9 State, which sales shall be exempt from the taxes and assessments authorized
10 under this section, unless exempt under the laws of the United States at the
11 time of filing the report required by section 3108 of this title, each distributor
12 shall pay to the Commissioner:

13 * * *

14 (4) The distributor shall also pay to the Commissioner the tax and
15 assessments specified in this subsection upon each gallon of motor fuel used
16 within the State by him or her.

17 (5) Monies collected on the sales and use of aviation gasoline pursuant
18 to this subsection shall be used exclusively for aviation purposes consistent
19 with 49 U.S.C. § 47133 and Federal Aviation Administration regulations and
20 policies.

21 * * *

1 (d) Since many nonresidents and residents drive to outdoor areas of
2 Vermont in order to view our natural resources, to hunt and fish, and to use our
3 natural resources for other healthful recreational purposes, it is the policy of
4 this State that a portion of the gasoline tax shall be dedicated for the purpose of
5 conserving and maintaining our natural resources. Therefore, beginning in
6 fiscal year 1998, three-eighths of one cent of the tax collected under subsection
7 (a) of this section, except for the tax collected on aviation gasoline, shall be
8 transferred 76 percent to the Fish and Wildlife Fund and 24 percent to the
9 Department of Forests, Parks and Recreation for natural resource management.
10 Of the funds deposited in the Fish and Wildlife Fund, the interest earned by
11 deposited funds and all funds remaining at the end of the fiscal year shall
12 remain in the Fish and Wildlife Fund.

13 * * *

14 § 3108. RETURNS

15 For the purpose of determining the amount of the tax levied and assessed,
16 by the 25th day of each calendar month, each distributor shall send to the
17 Commissioner upon a form prepared and furnished by him or her a statement
18 or return under oath or affirmation, showing:

19 (1) both the number of gallons of motor fuel sold and the number of
20 gallons of motor fuel used by the distributor during the preceding calendar
21 month. ~~The report shall contain;~~

1 49 U.S.C. § 47133 and Federal Aviation Administration regulations and
2 policies, including to provide:

3 (1) navigational aids to airmen ~~or~~;

4 (2) marking, lighting, removal, or elimination of obstructions or hazards
5 to flight; and ~~to provide~~

6 (3) for the improvement of landing areas or facilities that are
7 permanently established for the public use of aircraft ~~or in any other way that~~
8 ~~will promote aviation in the State.~~

9 Sec. 31. 24 V.S.A. § 138(c) is amended to read:

10 (c) Any tax imposed under the authority of this section shall be collected
11 and administered by the Department of Taxes, in accordance with State law
12 governing such State tax or taxes; provided however, that a sales tax imposed
13 under this section shall be collected on each sale that is subject to the Vermont
14 sales tax using a destination basis for taxation, and that a sales tax under this
15 section shall not be imposed or collected on the sale of aviation jet fuel. A per-
16 return fee of \$5.96 shall be assessed to compensate the Department for the
17 costs of administration and collection, 70 percent of which shall be borne by
18 the municipality, and 30 percent of which shall be borne by the State to be paid
19 from the PILOT Special Fund. The fee shall be subject to the provisions of 32
20 V.S.A. § 605.

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* * * Effective Dates; Transition * * *

Sec. 32. EFFECTIVE DATES; TRANSITION PROVISION

(a) This section and Secs. 2 (federal infrastructure funding), 11 (penalties for furnishing alcoholic beverages to minors), 14 (transportation public-private partnerships), 17–18 (Green Mountain Transit Authority name update), and 20 (PUC investigation; electric vehicle charging) shall take effect on passage.

(b) Secs. 25–27 (weight limits in incorporated villages; signs) and 28–30 (aircraft fuel taxes) shall take effect on January 1, 2019.

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

(d) All returns and payments of local option taxes on aviation jet fuel pursuant to 24 V.S.A. § 138 shall be paid to the Department of Taxes on or before July 25, 2018.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE