

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill No.
3 494 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 2018
11 Transportation Program appended to the Agency of Transportation’s proposed
12 fiscal year 2018 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) The table heading “As Proposed” means the Transportation Program
18 referenced in subsection (a) of this section; the table heading “As Amended”
19 means the amendments as made by this act; the table heading “Change” means
20 the difference obtained by subtracting the “As Proposed” figure from the “As
21 Amended” figure; and the term “change” or “changes” in the text refers to the

1 project- and program-specific amendments, the aggregate sum of which equals
2 the net “Change” in the applicable table heading.

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

5 * * * Department of Motor Vehicles * * *

6 Sec. 2. DEPARTMENT OF MOTOR VEHICLES

7 (a) For fiscal year 2018, spending authority for the Department of Motor
8 Vehicles is amended as follows:

9 <u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10 Personal Services	18,395,579	18,395,579	0
11 Operating Expense	11,106,337	10,906,337	-200,000
12 Total	29,501,916	29,301,916	-200,000
13 <u>Sources of Funds</u>			
14 State	27,973,478	27,773,478	-200,000
15 Federal	1,423,438	1,423,438	0
16 Interdept. Transfer	105,000	105,000	0
17 Total	29,501,916	29,301,916	-200,000

18 (b) If the requirement that the Department of Motor Vehicles issue one
19 license plate instead of two license plates for most motor vehicles registered in
20 Vermont results within fiscal year 2018 in cost savings that exceed
21 \$200,000.00, fiscal year 2018 spending authority of transportation funds for

1 the Department of Motor Vehicles is further reduced to the extent of the cost
2 savings in excess of \$200,000.00.

3 * * * State Highway Bridge Program * * *

4 Sec. 2a. PROGRAM DEVELOPMENT – STATE HIGHWAY BRIDGE
5 PROGRAM

6 The following project is added to the development and evaluation (D&E)
7 list of the Program Development – State Highway Bridge Program within the
8 fiscal year 2018 Transportation Program: NH 020-2 () – Quechee – Rehab of
9 Bridge 61 on U.S. Route 4 in the town of Hartford over the Ottauquechee
10 River. To the extent funds become available as a result of the unanticipated
11 delay of or cost savings on projects in the fiscal year 2018 Transportation
12 Program, the funds may be spent as necessary for D&E of this project.

13 * * * Bike and Pedestrian Facilities Program; Lamoille Valley Rail Trail * * *

14 Sec. 3. REPEAL

15 (a) 2016 Acts and Resolves No. 158, Sec. 9a (Bike and Pedestrian
16 Facilities Program; Lamoille Valley Rail Trail) is repealed.

17 (b) In the Program Development – Bike and Pedestrian Facilities Program
18 section of the Agency’s fiscal year 2018 proposed Transportation Program,
19 within the project information description for the Swanton–St. Johnsbury
20 LVRT() project, the projected cash requirement fields are amended as follows:

1 (1) under “Projected FY 2019,” the estimated amount of construction
2 expenditures and the total expenditures is amended from “980,000” to
3 “1,000,000”;

4 (2) under “Projected FY 2020,” the estimated amount of
5 construction expenditures and the total expenditures is amended from “0” to
6 “1,000,000”; and

7 (3) under “Projected FY 2021,” the estimated amount of construction
8 expenditures and the total expenditures is amended from “0” to “1,000,000.”

9 * * * Maintenance Program * * *

10 Sec. 4. MAINTENANCE

11 For fiscal year 2018, spending authority for the Maintenance Program is
12 amended as follows:

<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	45,558,652	43,638,652	-1,920,000
Operating Expense	45,265,393	45,265,393	0
Grants	421,780	421,780	0
Total	91,245,825	89,325,825	-1,920,000
<u>Sources of Funds</u>			
State	87,376,083	87,376,083	0
Federal	3,769,742	1,849,742	-1,920,000
Interdept. Transfer	100,000	100,000	0

1 Total 91,245,825 89,325,825 -1,920,000

2 * * * Town Aid Programs * * *

3 Sec. 5. TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM

4 (a) For fiscal year 2018, spending authority for the Town Highway Class 2

5 Roadway Program is amended as follows:

6	<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
7	Grants	7,248,750	7,848,750	600,000
8	Total	7,248,750	7,848,750	600,000
9	<u>Sources of funds</u>			
10	State	7,248,750	7,848,750	600,000
11	Federal	0	0	0
12	Total	7,248,750	7,848,750	600,000

13 (b) If the requirement that the Department of Motor Vehicles issue one
14 license plate instead of two license plates for most motor vehicles registered in
15 Vermont results within fiscal year 2018 in cost savings that exceed
16 \$200,000.00, spending authority of transportation funds for the fiscal year
17 2018 Town Highway Class 2 Roadway Program is further increased to the
18 extent of the cost savings in excess of \$200,000.00.

1 Sec. 6. TOWN HIGHWAY FEDERAL DISASTERS PROGRAM

2 Spending authority for the fiscal year 2018 Town Highway Federal

3 Disasters Program is amended as follows:

4	<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
5	Grants	200,000	180,000	-20,000
6	Total	200,000	180,000	-20,000
7	<u>Sources of funds</u>			
8	State	20,000	20,000	0
9	Federal	180,000	160,000	-20,000
10	Total	200,000	180,000	-20,000

11 * * * Transportation Alternatives Program * * *

12 Sec. 7. 19 V.S.A. § 38 is amended to read:

13 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

14 * * *

15 (c) The Transportation Alternatives Grant Program is created. The Grant
16 Program shall be administered by the Agency, and shall be funded in the
17 amount provided for in 23 U.S.C. § ~~213(a)~~ 133(h), less the funds set aside for
18 the Recreational Trails Program ~~as specified in 23 U.S.C. § 213(f)~~. Awards
19 shall be made to eligible entities as defined under 23 U.S.C. § ~~213(e)(4)~~
20 133(h), and awards under the Grant Program shall be limited to the activities

1 ~~described at 23 U.S.C. § 213(b) other than Recreational Trails Program grants~~
2 authorized under federal law.

3 (d) Eligible entities awarded a grant must provide all funds required to
4 match federal funds awarded for a Transportation Alternatives project. All
5 grant awards shall be decided and awarded by the Transportation Alternatives
6 Grant Committee.

7 (e) Transportation Alternatives grant awards shall be announced annually
8 by the Transportation Alternatives Grant Committee not earlier than December
9 and not later than the following March.

10 (f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be
11 reserved for municipalities for environmental mitigation projects relating to
12 stormwater and highways, including eligible salt and sand shed projects.

13 (2) Each In fiscal year 2020 and thereafter, \$1,100,000.00 of Grant
14 Program funds, or such lesser sum if all eligible applications amount to less
15 than \$1,100,000.00, shall be reserved for municipalities for environmental
16 mitigation projects relating to stormwater and highways, including eligible salt
17 and sand shed projects. Regarding the balance of Grant Program funds, in
18 evaluating applications for Transportation Alternatives grants, the
19 Transportation Alternatives Grant Committee shall give preferential weighting
20 to projects involving as a primary feature a bicycle or pedestrian facility. The
21 degree of preferential weighting and the circumstantial factors sufficient to

1 overcome the weighting shall be in the complete discretion of the
2 Transportation Alternatives Grant Committee.

3 * * *

4 Sec. 8. MUNICIPAL MITIGATION ASSISTANCE PROGRAM

5 Authorized spending in the Municipal Mitigation Assistance Program for
6 fiscal year 2018 is amended as follows:

7	<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	Operating Expenses	150,000	150,000	0
9	Grants	8,032,342	9,032,342	1,000,000
10	Total	8,182,342	9,182,342	1,000,000
11	<u>Sources of Funds</u>			
12	State	1,640,000	1,240,000	-400,000
13	Federal	5,442,342	5,442,342	0
14	Clean Water Fund	1,100,000	1,100,000	0
15	Other	0	1,400,000	1,400,000
16	Total	8,182,342	9,182,342	1,000,000

17 Sec. 9. FUTURE APPROPRIATIONS; REPEAL

18 2016 Acts and Resolves No. 158, Sec. 5 (future appropriations) is repealed.

1 Sec. 10. 19 V.S.A. § 306 is amended to read:

2 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

3 * * *

4 (c) State aid for town highway bridges. There shall be an annual
5 appropriation for town bridge engineering services and for aid in maintaining
6 or constructing bridges having a span of six feet or more on class 1, 2, and 3
7 town highways. Annually the Agency shall ~~distribute~~ expend these funds
8 according to a the Transportation Program plan based upon applications
9 submitted by the towns approved by the General Assembly. With the approval
10 of the Agency, funds may be used for alternatives which eliminate the need for
11 a bridge or bridges, including construction or reconstruction of highways,
12 purchase of parcels of land that would be landlocked by closure of a bridge or
13 bridges, payment of damages for loss of highway access, and substitution of
14 other means of access.

15 * * *

16 (i) ~~Monies disbursed from the Clean Water Fund established in 10 V.S.A.~~
17 ~~§ 1388 for~~ The Agency shall administer the Municipal Mitigation Assistance
18 Program. Through the Program, the Agency shall provide assistance and
19 grants to municipalities for environmental mitigation projects related to
20 stormwater and highways shall be administered by the Agency through the
21 Municipal Mitigation Grant Program and for the establishment and operation

1 ~~of stormwater utilities. Grants provided to municipalities under the Program~~
2 ~~shall be matched by~~ Municipalities shall match grants with local funds
3 sufficient to cover 20 percent of the project costs, except that the Agency may
4 issue grants for the establishment or operation of stormwater utilities without
5 requiring a local match. From the operating expenses appropriated for the
6 Program, the Agency is authorized to pay costs billed to the Agency by
7 municipal stormwater utilities.

8 * * *

9 * * * Central Garage * * *

10 Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

11 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2018, the amount of
12 \$1,296,047.00 is transferred from the Transportation Fund to the Central
13 Garage Fund created in 19 V.S.A. § 13.

14 * * * Transportation Program Terminology * * *

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

16 § 10. DUTIES

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

18 * * *

19 (16) Inform the Joint Transportation Oversight Committee of any
20 anticipated loss or reduction of federal funding for transportation purposes due

1 to either a lack of State funds for matching, or a decrease in federal funds for
2 the ~~one-year capital program~~ Transportation Program.

3 * * *

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

5 § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

6 ADVANCEMENTS, CANCELLATIONS, AND DELAYS

7 (a) The Agency of Transportation shall annually present to the General
8 Assembly a multiyear Transportation Program covering the same number of
9 years as the Statewide Transportation Improvement ~~Plan~~ Program (STIP),
10 consisting of the recommended budget for all Agency activities for the ensuing
11 fiscal year and projected spending levels for all Agency activities for the
12 following fiscal years. The Program shall include a description and year-by-
13 year breakdown of recommended and projected funding of all projects
14 proposed to be funded within the time period of the STIP and, in addition, a
15 description of all projects that are not recommended for funding in the first
16 fiscal year of the proposed Program but which are scheduled for construction
17 during the time period covered by the STIP. The Program shall be consistent
18 with the planning process established by 1988 Acts and Resolves No. 200, as
19 codified in 3 V.S.A. chapter 67 and 24 V.S.A. chapter 117, the statements of
20 policy set forth in sections 10b–10f of this title, and the long-range systems

1 plan, corridor studies, and project priorities developed through the capital
2 planning process under section 10i of this title.

3 * * *

4 Sec. 14. 19 V.S.A. § 1512 is amended to read:

5 § 1512. UTILITY RELOCATIONS

6 (a) When relocation of a utility is required by a project for the
7 improvement, construction, or reconstruction of a highway under the
8 provisions of this chapter, the ~~agency~~ Agency or a municipality, or both, may
9 pay for some or all of the cost of the relocation.

10 (b) The ~~agency~~ Agency, following the procedures set forth in 3 V.S.A.
11 chapter 25, shall adopt rules setting standards for determining when and to
12 what extent the authority granted by subsection (a) of this section may be
13 exercised. These standards shall take into account the following:

14 * * *

15 (4) the overall effect on the ~~state's transportation capital program~~ State's
16 Transportation Program of using available highway construction funds for
17 utility relocation purposes.

18 * * * Automated Vehicles * * *

19 Sec. 15. AUTOMATED VEHICLES

20 (a) On or before December 15, 2017, the Secretary shall convene a meeting
21 of public and private stakeholders with expertise related to:

1 (1) the licensing of automated vehicle (AV) operators and the
2 registration of AVs;

3 (2) AV operator education and training;

4 (3) insurance and liability issues related to AVs;

5 (4) enforcement of laws governing AV operation;

6 (5) inspections of AVs;

7 (6) testing of AVs in Vermont;

8 (7) emergency response practices in relation to AVs;

9 (8) infrastructure needs associated with the rollout of AVs; and

10 (9) social, economic, and environmental consequences of the rollout
11 of AVs.

12 (b) The purpose of the meeting required under subsection (a) of this section
13 is to gather information related to and raise awareness of opportunities and
14 challenges related to AVs, and identify policy areas requiring further research
15 or possible legislation. On or before January 15, 2018, the Secretary shall
16 report back to the House and Senate Committees on Transportation on its
17 activities and any recommendations related to AVs, including any proposed
18 legislation.

19 (c) The Secretary shall monitor guidance from the federal government,
20 activities in other states, and industry trends related to the development and
21 rollout of AVs.

1 *** Park and Rides ***

2 Sec. 16. 19 V.S.A. chapter 5 is amended to read:

3 CHAPTER 5. CONDEMNATION FOR STATE

4 HIGHWAY PROJECTS

5 § 500. INTENT

6 The purpose of this chapter is to ensure that a property owner receives fair
7 treatment and just compensation when the owner's property is taken for State
8 highway projects, and that condemnation proceedings are conducted
9 expeditiously so that highway projects in the public interest are not
10 unnecessarily delayed.

11 § 501. DEFINITIONS

12 The following words and phrases as used in this chapter shall have the
13 following meanings:

14 ***

15 (4) "Highway" shall include park and rides.

16 ***

17 *** Distribution of Public Transit Program Funds ***

18 Sec. 17. 24 V.S.A. § 5091 is amended to read:

19 § 5091. FUNDING

20 (a) The Secretary of Transportation, within the annual budget setting
21 process, shall meet with the Public Transit Advisory Council and

1 representatives of public transit systems to establish the level of State funds
2 needed by public transit systems in Vermont, and shall consider this level in
3 formulating the Agency of Transportation's ~~State Budget request~~ proposed
4 Transportation Program.

5 (b) State funds authorized by the ~~Legislature~~ General Assembly as grant
6 assistance for the operation of public transit services shall be eligible for use as
7 a matching source for federal funds.

8 (c) The same fiscal accountability requirements and regulatory standards
9 shall apply to all grantees of funds as provided by rule of the Secretary of
10 Transportation.

11 (d) Rideshare, capital, contracted services, and transportation brokerage
12 services are not to be considered as operating funds under this section.

13 (e) State funds shall be paid ~~on a semi-annual payment basis~~ to eligible
14 grantees ~~with the first payment paid immediately upon approval of the contract~~
15 ~~and the second payment to occur at the start of the third quarter of the State~~
16 ~~fiscal year~~ as follows:

17 (1) the first payment of 50 percent of the estimated annual fiscal year
18 total shall be paid immediately upon execution of the grant;

19 (2) subsequent payments shall be paid quarterly based on projected need
20 determined by current fiscal year spending and availability of funds;

1 (3) additional payments, if necessary, shall occur only if actual costs
2 exceed the previous payments and if funds are available.

3 * * *

4 * * * Highways; Utility Facilities * * *

5 Sec. 18. 19 V.S.A. § 1111 is amended to read:

6 § 1111. PERMITTED USE OF THE RIGHT-OF-WAY; RELOCATION OR
7 ADJUSTMENT ORDERS

8 (a) Permits; relocation or adjustment orders.

9 (1) Permits must be obtained by anyone or any corporation wishing to
10 use as described in this section any part of the highway right-of-way on either
11 the State or town system. Notwithstanding any other statutory requirement, a
12 permit shall be required for any use of any highway right-of-way, consistent
13 with the provisions of this section. In issuing a permit under this section for a
14 use of a State highway right-of-way, the Secretary may require a transportation
15 impact fee in accordance with 10 V.S.A. chapter 151, subchapter 5. Except for
16 this transportation impact fee authority of the Secretary, the authority given to
17 the Board, the Secretary, and the Attorney General under this section shall also
18 apply to the legislative bodies of towns, or their designees.

19 (2) Except in emergencies, the Agency or the municipality shall seek
20 input and consider input received from affected utilities before issuing a utility
21 relocation or adjustment order. In specifying the times for utility relocation or

1 adjustment work, the Agency or the municipality shall allocate to each a
2 reasonable time for its role in the relocation or adjustment work after taking
3 into account:

4 (A) the season of the year; and

5 (B) the respective duties and responsibilities of the pole or conduit
6 owner and the involved utilities, including the need to install, transfer, or retire
7 individual components in a specific sequence.

8 (3) When the Agency or a municipality issues a utility relocation or
9 adjustment order in accordance with law in connection with highway
10 maintenance or construction activities, and a utility fails to move or adjust its
11 line or other facility within the time specified in the order, that utility shall be
12 liable to the State or to the municipality for damages that the State or the
13 municipality is required to pay a contractor for delay caused by the failure.

14 However, a utility shall not be liable for such damages if its failure to move or
15 adjust the line or facility is for reasons beyond its control, including:

16 emergency restoration activities; inclement weather; timing restrictions
17 imposed by law or permits; terms of collective bargaining agreements; or the
18 failure of another utility to complete its assigned responsibilities for the
19 installation, transfer, or retirement of its facilities. If the Agency or the
20 selectboard cannot agree with a utility as to whether the utility is liable or as to
21 the amount of damages under this subdivision (a)(3), the Agency or

1 selectboard may bring an action in accordance with subsection (h) of this
2 section.

3 * * *

4 (h) Restraining prohibited acts; damages. Whenever the Secretary believes
5 that any person is in violation of the provisions of this chapter, he or she may
6 also bring an action in the name of the Agency in a court of competent
7 jurisdiction against the person to collect civil penalties as provided for in
8 subsection (j) of this section ~~and~~, for damages, and to restrain by temporary or
9 permanent injunction the continuation or repetition of the violation. The
10 selectboard shall have the same authority for town highways. The Court may
11 issue temporary or permanent injunctions without bond, and any other relief as
12 may be necessary and appropriate for abatement of any violation. An action,
13 injunction, or other enforcement proceeding by a municipality relating to the
14 failure to obtain or comply with the terms and conditions of any permit issued
15 by a municipality pursuant to this section shall be instituted within 15 years
16 from the date the alleged violation first occurred and not thereafter. The
17 burden of proving the date on which the alleged violation first occurred shall
18 be on the person against whom the enforcement action is instituted.

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* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES AND RETROACTIVITY

- (a) This section, Sec. 9 (future appropriations; repeal), and Sec. 15 (automated vehicles) shall take effect on passage. Notwithstanding 1 V.S.A. § 214, Sec. 9 shall apply retroactively to July 1, 2016.
- (b) All other sections shall take effect on July 1, 2017.