

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) 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 terms “change” or “changes” in the text refer 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 * * * Federal Infrastructure Funding * * *

6 Sec. 2. FEDERAL INFRASTRUCTURE FUNDING

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

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

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

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

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

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

10 * * * Infrastructure for Rebuilding America Grant * * *

11 Sec. 3. INFRASTRUCTURE FOR REBUILDING AMERICA GRANT

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

15 (2) If USDOT does solicit INFRA grant applications in 2018, the
16 Agency may submit an application for an INFRA grant for bridge and culvert
17 projects on Interstate 89 with a total cost of up to \$105,000,000.00, which
18 amount includes a State match of up to \$21,000,000.00. If it submits a grant
19 application, the Agency shall identify Transportation Infrastructure Bonds as a
20 possible source of State matching dollars and, promptly upon its submission to
21 the USDOT, the Agency shall send an electronic copy of the grant application

1 to the Joint Fiscal Office, which shall then transmit it to the Joint Fiscal
2 Committee and to the chairs of the House and Senate Committees on
3 Transportation.

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

10 * * * Program Development; Traffic & Safety Operations * * *

11 Sec. 4. PROGRAM DEVELOPMENT—TRAFFIC & SAFETY

12 OPERATIONS

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

1 * * * Program Development; Bike & Pedestrian Facilities * * *

2 Sec. 5. PROGRAM DEVELOPMENT—BIKE & PEDESTRIAN

3 FACILITIES

4 Spending authority on the Statewide—New Awards activity within the
5 fiscal year 2019 Program Development—Bike & Pedestrian Facilities Program
6 is amended as follows:

7	<u>FY19</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	PE	0	0	0
9	ROW	0	0	0
10	Const	600,000	900,000	300,000
11	Total	600,000	900,000	300,000
12	<u>Sources of funds</u>			
13	State	300,000	450,000	150,000
14	Local	300,000	450,000	150,000
15	Federal	0	0	0
16	Total	600,000	900,000	300,000

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* * * Aviation Program * * *

Sec. 6. AVIATION PROGRAM

For fiscal year 2019:

(1) The sources of funds for the AV-FY18-001 (local match of FAA projects; Burlington Airport) project within the Aviation Program are amended to read:

<u>FY19</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<u>Sources of funds</u>			
State	750,000	600,000	-150,000
Local	500,000	650,000	150,000
Federal	11,250,000	11,250,000	0
Total	12,500,000	12,500,000	0

(2) Spending authority of transportation funds in the Aviation Program is reduced by \$150,000.00.

* * * Town Highway Bridge Program * * *

Sec. 7. TOWN HIGHWAY BRIDGE PROGRAM

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

1 * * * Maintenance Program and District Leveling * * *

2 Sec. 8. MAINTENANCE PROGRAM AND DISTRICT LEVELING;
3 SPENDING AUTHORITY

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

7 (b) Authorized spending in fiscal year 2019 for the Statewide District
8 Leveling activity in the Program Development—Paving Program is reduced by
9 \$2,400,000.00 in transportation funds and increased by \$2,400,00.00 in federal
10 funds.

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

13 (d) If TDI makes a payment to the State in fiscal year 2018 or 2019
14 pursuant to the TDI Agreement or pursuant to a renegotiation of the TDI
15 Agreement, the Secretary shall allocate the amount of the payment received to
16 the Statewide District Leveling activity or to the Maintenance Program, or to
17 both, and authorized spending of transportation funds in fiscal year 2019 for
18 the Statewide District Leveling activity and for the Maintenance Program is
19 increased in accordance with the allocation made.

20 (e) If TDI makes no payment to the State in fiscal year 2018 or 2019
21 pursuant to the TDI Agreement or a renegotiation thereof or if a payment made

1 by TDI is insufficient to restore the reduction in spending authority made in
2 subsections (b) and (c) of this section, the Secretary shall allocate any
3 unreserved surplus in the Transportation Fund as of the end of fiscal year 2018
4 to the Statewide District Leveling activity or to the Maintenance Program, or to
5 both, and authorized spending of transportation funds in fiscal year 2019 for
6 the Statewide District Leveling activity and for the Maintenance Program is
7 increased in accordance with the allocation made.

8 (f)(1) Subject to subdivision (2) of this subsection, and notwithstanding
9 32 V.S.A. § 706, if the contingent allocations directed in subsections (d) and
10 (e) of this section do not occur or are insufficient to restore the reduction in
11 spending authority made in subsections (b) and (c) of this section, the
12 Secretary of Administration, after consulting with the Secretary of
13 Transportation, is authorized to transfer balances of fiscal year 2019
14 Transportation Fund appropriations within the Agency to the extent required to
15 restore the reduction in spending authority made in subsections (b) and (c) of
16 this section, and authorized spending of transportation funds in fiscal year
17 2019 for the Statewide District Leveling activity and for the Maintenance
18 Program is increased in accordance with the balances transferred.

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

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

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

4 (3) In making any appropriation transfer authorized under this section,
5 the Secretary of Administration shall avoid, to the extent possible, any
6 reductions in appropriations to the town programs described in 19 V.S.A.
7 § 306. Any reductions to these town programs shall not affect the timing of
8 reimbursements to towns for projects or delay any projects or grants and shall
9 be replaced in the affected appropriations in fiscal year 2020.

10 * * * Contingent Addition to State Highway System * * *

11 Sec. 9. CONTINGENT ADDITION OF VERMONT ROUTE 119 IN THE
12 TOWN OF BRATTLEBORO TO THE STATE HIGHWAY SYSTEM

13 (a) If the condition specified in subsection (b) of this section is satisfied,
14 pursuant to 19 V.S.A. § 15(a), upon substantial completion of construction of
15 the Brattleboro-Hinsdale, NH bridge replacement project (BF A004(152)), the
16 following highway segment in the Town of Brattleboro shall be added to the
17 State highway system: the entirety of the new Vermont Route 119 in the Town
18 of Brattleboro, extending from its intersection with Vernon Street (TH#4) to
19 the westerly low watermark of the Connecticut River.

1 (b) The addition to the State highway system specified in subsection (a) of
2 this section shall occur only if the Town of Brattleboro enters into a
3 maintenance agreement with the Agency.

4 * * * Abandoned Aircraft * * *

5 Sec. 10. 5 V.S.A. chapter 9 is amended to read:

6 CHAPTER 9. GENERAL PROVISIONS; ABANDONED AIRCRAFT

7 Subchapter 1. Aeronautics; Authority and Duties; Penalties

8 * * *

9 Subchapter 2. Abandoned Aircraft

10 § 221. DEFINITIONS

11 As used in this subchapter:

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

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

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

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

18 LIABILITY

19 (a) Subject to subsection (b) of this section, an airport manager who
20 discovers an aircraft or aircraft component apparently abandoned, or an aircraft

1 without a currently effective federal registration certificate, on the property of
2 the airport has authority to:

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

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

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

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

10 (B) the make and the factory or identification number of the aircraft
11 or aircraft component;

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

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

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

17 (A) Attempt to provide a notice of intent to the owner and to the
18 lienholder, if any, of the aircraft or aircraft component. If the address of the
19 last place of residence of the owner or lienholder of the aircraft or aircraft
20 component is ascertainable through the exercise of reasonable diligence,
21 including inquiry of the Federal Aviation Administration’s aircraft registry, the

1 airport manager shall send the notice of intent by certified mail to the address
2 or addresses; otherwise, the airport manager shall be deemed to have fulfilled
3 the requirement of this subdivision (b)(2)(A) if the manager posts the notice of
4 intent on the aircraft or aircraft component.

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

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

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

16 § 223. LIEN; RIGHT TO CONTEST COSTS

17 (a) If the notice requirements of subsection 222(b) of this title are fulfilled,
18 all reasonable storage, removal, and other costs necessarily incurred thereafter
19 by an airport manager or a storage operator in carrying out the provisions of
20 this subchapter shall be a lien on the aircraft or aircraft component held by the
21 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.

* * * Abandoned Vessels * * *

1
2 Sec. 11. 10 V.S.A. chapter 48A is added to read:

3 CHAPTER 48A. ABANDONED VESSELS

4 § 1420. VESSELS; ABANDONMENT PROHIBITED; REMOVAL AND
5 DISPOSITION OF ABANDONED VESSELS

6 (a) Definitions. In this chapter, unless the context clearly requires
7 otherwise:

8 (1) “Abandon” means, with respect to a vessel, any of the following:

9 (A) to leave unattended on public waters or on immediately adjacent
10 land for more than 30 days without the express consent of the Secretary or, if
11 on immediately adjacent land, of the person in control of the land;

12 (B) to leave partially or fully submerged in public waters for more
13 than 30 days without the express consent of the Secretary;

14 (C) to leave partially or fully submerged in public waters a
15 petroleum-powered vessel for more than 48 hours without the express consent
16 of the Secretary; or

17 (D) to leave unattended on public waters or on immediately adjacent
18 land for any period if the vessel poses an imminent threat to navigation or to
19 public health or safety.

20 (2) “Commissioner” means the Commissioner of Motor Vehicles or
21 designee.

1 (3) “Law enforcement officer” means an individual described in
2 23 V.S.A. § 3302 who is certified by the Vermont Criminal Justice Training
3 Council as a level II or level III law enforcement officer under 20 V.S.A.
4 § 2358.

5 (4)(A) “Public waters” means:

6 (i) the portions of Lake Champlain, Lake Memphremagog, and the
7 Connecticut River that are within the territorial limits of Vermont;

8 (ii) boatable tributaries of Lake Champlain and Lake
9 Memphremagog upstream to the first barrier to navigation, and impoundments
10 and boatable tributaries of those impoundments of the Connecticut River
11 upstream to the first barrier to navigation, within the territorial limits of
12 Vermont; and

13 (iii) all natural inland lakes, ponds, and rivers within Vermont,
14 and other waters within the territorial limits of Vermont including the Vermont
15 portion of boundary waters, that are boatable under the laws of this State.

16 (B) “Public waters” does not include waters in private ponds and
17 private preserves as set forth in chapter 119 of this title.

18 (5) “Secretary” means the Secretary of Natural Resources or designee.

19 (6) “Storage operator” means:

20 (A) the Secretary, if storing an abandoned vessel after causing its
21 removal pursuant to this section; or

1 (B) a person who stores a vessel removed pursuant to this section at
2 the request of the Secretary, or a subsequent transferee thereof.

3 (7) “Vessel” means:

4 (A) a motorboat; or

5 (B) a sailboat, or other boat, that is 16 or more feet in length.

6 (b) Relationship with other laws. The authority conferred to the Secretary
7 and the penalties established in this section are in addition to authority granted
8 or penalties established elsewhere in law, and nothing in this section shall be
9 construed to modify any authority or the application of penalties under any
10 other provision of law, including under chapter 47, 159, 201, or 211 of this
11 title.

12 (c) Abandonment of vessels prohibited.

13 (1) Civil violation. A person shall not abandon a vessel on public
14 waters or immediately adjacent land. A person who violates this subdivision
15 shall be subject to civil enforcement under chapters 201 and 211 of this title
16 and, in any such enforcement action, the Secretary may obtain an order to
17 recover costs specified in subdivision (d)(1) of this section incurred by the
18 Agency of Natural Resources.

19 (2) Criminal violation. A person shall not knowingly abandon a
20 petroleum-powered vessel or knowingly abandon a vessel that poses an

1 imminent threat to navigation or to public health or safety. A person who
2 violates this subdivision shall be subject to a fine of up to \$10,000.00.

3 (d)(1) Removal of abandoned vessel. Upon request from a law
4 enforcement officer or at his or her own initiative, the Secretary shall promptly
5 cause the removal and safe storage of a vessel that is abandoned as described
6 in subdivision (a)(1) of this section, unless the vessel is to be removed by a
7 federal agency. If removal is requested by a law enforcement officer, the
8 Secretary shall make reasonable efforts to determine if the vessel qualifies as
9 abandoned. In addition, the Secretary shall have the authority to take actions
10 as may be necessary to eliminate risks to public health or safety caused by the
11 condition of the vessel.

12 (2) Responsibility for costs; lien.

13 (A) The owner of a vessel removed under the authority of this section
14 shall be responsible for reasonable:

15 (i) removal costs;

16 (ii) cleanup and disposal costs;

17 (iii) storage costs incurred after the storage operator sends the
18 Department of Motor Vehicles a notice of removal consistent with subdivision
19 (e)(1) of this section; and

20 (iv) costs of enforcing this section borne by the Secretary.

1 (B) Costs for which an owner is responsible under subdivision
2 (d)(2)(A) of this section shall be a lien on the vessel held by the person who
3 incurred the costs. Nothing in this subdivision (d)(2)(B) shall be construed to
4 modify any rights or authority to recover such costs that may exist under any
5 other provision of law.

6 (3) Limitation on liability. Except in the case of intentionally inflicted
7 damages, the Secretary shall not be liable to the owner or lienholder of an
8 abandoned vessel for any damages to the vessel incurred during its removal or
9 storage, or as a result of actions taken to eliminate risks to public health or
10 safety caused by the condition of the vessel, in accordance with this section.

11 (e)(1) Notice of removal and place of storage. Within three business days
12 of the date of removal of an abandoned vessel, the storage operator shall send
13 notice to the Commissioner of:

14 (A) the federal, state, or foreign registration number, and the hull
15 identification number, of the vessel, if any;

16 (B) a description of the vessel, including its color, size, and, if
17 available, its manufacturer's trade name and manufacturer's series name;

18 (C) the date of removal and the location from where the vessel was
19 removed;

1 (D) the name and contact information of an individual at the Agency
2 of Natural Resources who can provide information about the vessel’s removal
3 and how to reclaim it; and

4 (E) the periodic storage charges that will apply, if any.

5 (2) Listing of removed vessel. The Commissioner shall post and
6 maintain on the website of the Department of Motor Vehicles a listing of
7 vessels removed under the authority of this section with the information
8 received under subdivision (1) of this subsection.

9 (f) Disposition following removal.

10 (1) As used in this subdivision:

11 (A) A “notice of intent” shall include the information described in
12 subdivision (e)(1) of this section and an indication of the storage operator’s
13 intent to take ownership or otherwise dispose of an abandoned vessel.

14 (B) The term “address” shall mean the plural “addresses” if more
15 than one address is ascertained.

16 (2) Within 30 days after the date of removal of the abandoned vessel, a
17 storage operator shall:

18 (A) Cause a notice of intent to be published in the environmental
19 notice bulletin under 3 V.S.A. § 2826.

20 (B) Make reasonable efforts to ascertain the address of the owner and
21 any lienholder and, if the address is ascertained, send the notice of intent to the

1 address by certified mail, return receipt requested. Reasonable efforts shall
2 include inquiring of the person in control of the waters or land from which the
3 abandoned vessel was removed, the clerk of the municipality in which the
4 waters or land is located, the State Police, the Office of the Secretary of State,
5 and the Department of Motor Vehicles as to the identity and address of the
6 owner and any lienholder.

7 (3) Ownership of the vessel shall pass to the storage operator free of all
8 claims of any prior owner or lienholder if the owner or lienholder has not
9 reclaimed the vessel and paid all costs authorized under subdivision (d)(2) of
10 this section within 60 days after the later of:

11 (A) publication in the environmental notice bulletin under 3 V.S.A.
12 § 2826; or

13 (B) if the address of the owner or lienholder is ascertained, the date
14 the notice of intent is mailed.

15 (4) If ownership passes to the storage operator under this subsection, the
16 storage operator may sell, transfer, or otherwise dispose of the vessel.

17 However, if the vessel is subject to titling under 23 V.S.A. chapter 36, the
18 storage operator shall apply to the Commissioner for a title or salvage title as
19 may be appropriate, and the Commissioner shall issue an appropriate title or
20 salvage title, at no charge, if the storage operator offers sufficient proof that

1 ownership of the vessel lawfully passed to the storage operator under this
2 section.

3 (g) Owner and lienholder rights. An owner or lienholder of an abandoned
4 vessel removed from public waters or immediately adjacent land under this
5 section may contest the removal, transfer of title, or other disposition of a
6 vessel under this section, and the necessity or reasonableness of any costs
7 described in subdivision (d)(2) of this section, by petitioning the Secretary.
8 The contested case provisions of 3 V.S.A. chapter 25 shall govern any matter
9 brought under this subsection. A person aggrieved by a final decision of the
10 Secretary may appeal the decision to the Civil Division of the Superior Court.
11 Nothing in this subsection shall be construed to interfere with the right of an
12 owner or lienholder to contest these issues in any enforcement action brought
13 by the Secretary.

14 Sec. 12. 10 V.S.A. § 8003 is amended to read:

15 § 8003. APPLICABILITY

16 (a) The Secretary may take action under this chapter to enforce the
17 following statutes and rules, permits, assurances, or orders implementing the
18 following statutes, and the Board may take such action with respect to
19 subdivision (10) of this subsection:

20 * * *

1 (27) 10 V.S.A. chapter 123, relating to threatened and endangered
2 species; ~~and~~

3 (28) 30 V.S.A. § 255, relating to regional coordination to reduce
4 greenhouse gases; and

5 (29) 10 V.S.A. § 1420, relating to abandoned vessels.

6 * * *

7 * * * Railroads; Vegetation Control * * *

8 Sec. 13. 5 V.S.A. § 3672 is amended to read:

9 § 3672. ~~SELECTBOARD MEMBERS' DUTIES; RECOVERY~~

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

1 Sec. 14. 5 V.S.A. § 3673 is amended to read as follows:

2 § 3673. ~~CUTTING OF TREES~~ VEGETATION CONTROL

3 ~~A person or corporation operating a railroad in this State shall cause all~~
4 ~~trees, shrubs, and bushes to be destroyed at reasonable times within the~~
5 ~~surveyed boundaries of their lands, for a distance of 80 rods in each direction~~
6 ~~from all public grade crossings. A railroad shall take reasonable measures to~~
7 ~~control vegetation that is both on railroad property and on or immediately~~
8 ~~adjacent to the roadbed, so that the vegetation does not obstruct a highway~~
9 ~~user's view of traffic control devices at a grade crossing or of a train~~
10 ~~approaching the crossing.~~

11 Sec. 15. 5 V.S.A. § 3674 is amended to read:

12 § 3674. ~~SELECTBOARD MEMBERS' DUTIES; LIABILITY FOR~~
13 ~~DAMAGES~~ ENFORCEMENT

14 ~~When such person or corporation neglects or refuses to destroy the trees,~~
15 ~~shrubs, and bushes, as required by section 3673 of this title, after 60 days²~~
16 ~~notice in writing, given by the selectboard members of the town in which such~~
17 ~~trees, shrubs, and bushes are located, the selectboard members shall~~
18 ~~immediately cause them to be destroyed at the expense of the town. The town~~
19 ~~shall thereafter be entitled to recover from such person or corporation its actual~~
20 ~~cost for the destruction. In the event such person or corporation fails to pay to~~
21 ~~the town such cost for 60 days from the time the selectboard members sent~~

1 ~~notice thereof by mail to the principal office of such person or corporation,~~
2 ~~such town shall be entitled to recover such cost including a reasonable fee. If a~~
3 ~~railroad fails to control vegetation as required by section 3671 or 3673 of this~~
4 ~~title within 30 days after written notice is given by the selectboard of the town~~
5 ~~in which the vegetation is located or by the Agency in the case of violations~~
6 ~~involving a State highway grade crossing, the Transportation Board, upon~~
7 ~~application by the town or the Agency and after notice and hearing, may order~~
8 ~~the railroad to perform the work. Any such order shall specify a date by which~~
9 ~~the work must be completed. If the railroad fails to comply with the Board's~~
10 ~~order, the Board may impose a civil penalty of \$100.00 against the railroad for~~
11 ~~each day that the railroad fails to comply with the Board's order.~~

12 * * * Penalties for Furnishing Alcoholic Beverages to Minors * * *

13 Sec. 16. 7 V.S.A. § 658 is amended to read:

14 § 658. SALE OR FURNISHING TO MINORS; ENABLING

15 CONSUMPTION BY MINORS; MINORS CAUSING DEATH OR

16 SERIOUS BODILY INJURY

17 * * *

18 (d)(1) A person who violates subsection (a) of this section, where the
19 person under 21 years of age, while operating a motor vehicle, snowmobile,
20 vessel, or all-terrain vehicle on a public highway, public land, or public waters,
21 or in a place where a Vermont Association of Snow Travelers (VAST) trail

1 maintenance assessment or a Vermont ATV Sportsman’s Association (VASA)
2 Trail Access Decal is required, causes death or serious bodily injury to himself
3 or herself or to another person as a result of the violation, shall be imprisoned
4 not more than five years or fined not more than \$10,000.00, or both.

5 (2) As used in this subsection:

6 (A) “All-terrain vehicle” shall have the same meaning as set forth in
7 23 V.S.A. § 3501.

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

10 (C) “Public waters” shall have the same meaning as in 10 V.S.A.
11 § 1422.

12 (D) “Snowmobile” shall have the same meaning as set forth in
13 23 V.S.A. § 3201.

14 (E) “Vessel” shall have the same meaning as set forth in 23 V.S.A.
15 § 3302.

16 * * * President Calvin Coolidge State Historic Site;

17 Supplemental Guide Signs * * *

18 Sec. 17. 10 V.S.A. § 494 is amended to read:

19 § 494. EXEMPT SIGNS

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

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* * *

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

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

(B) After having considered the six priority categories in ~~this~~ subdivision (A) of this subdivision (6), the Travel Information Council may approve installation of a sign for any of the following provided the location is open a minimum of 120 days each year and is located within 15 miles of an interstate highway exit:

- (A)(i) ~~Nonprofit~~ nonprofit museums;

1 ~~(B)(ii)~~ ~~Cultural~~ cultural and recreational attractions owned by the
2 State or federal government;
3 ~~(C)(iii)~~ ~~Officially~~ officially designated scenic byways;
4 ~~(D)(iv)~~ ~~Park~~ park and ride or multimodal centers; and
5 ~~(E)(v)~~ ~~Fairgrounds~~ fairgrounds or exposition sites;
6 ~~provided the designations in subdivisions (A) through (E) of this subdivision~~
7 ~~(6) are open a minimum of 120 days each year and are located within 15 miles~~
8 ~~of an interstate highway exit.~~

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

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

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

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

17 * * *

* * * Central Garage * * *

1
2 Sec. 18. 19 V.S.A. § 13 is amended to read:

3 § 13. CENTRAL GARAGE FUND

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

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

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

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

19 (c)(1) ~~There shall be established and maintained within the central garage~~
20 ~~fund a separate transportation equipment replacement account for the purposes~~
21 ~~stated in subsection (b) of this section. In fiscal year 2008, \$1,120,000.00, and~~

1 ~~thereafter an amount equal to two thirds of one percent of the prior year~~
2 ~~transportation fund appropriation, but not less than \$1,120,000.00, shall be~~
3 ~~transferred prior to August 1 from the transportation fund to the central garage~~
4 ~~fund and allocated to the transportation equipment replacement account, and~~
5 ~~beginning in fiscal year 2001, and thereafter, an amount not less than the sum~~
6 ~~of equipment depreciation expense and net equipment sales from the prior~~
7 ~~fiscal year, shall be allocated prior to August 1 from within the central garage~~
8 ~~fund to the transportation equipment replacement account. All expenditures~~
9 ~~from this account shall be appropriated by the general assembly and used~~
10 ~~exclusively for the purchase of equipment as authorized in subsection (b) of~~
11 ~~this section. For the purpose specified in subsection (b) of this section, the~~
12 ~~following amount shall be transferred from the Transportation Fund to the~~
13 ~~Central Garage Fund:~~

14 (A) in fiscal year 2019, \$1,318,442.00; and
15 (B) in subsequent fiscal years, at a minimum, the amount specified in
16 subdivision (A) of this subdivision (1) as adjusted annually by increasing the
17 previous fiscal year's amount by the percentage increase in the Bureau of
18 Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U)
19 during the previous State fiscal year.

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

4 (A) the amount transferred pursuant to subdivision (1) of this
5 subsection;

6 (B) the amount of the equipment depreciation expense from the prior
7 fiscal year; and

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

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

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

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

16 (g) [Repealed.]

17 * * * Town Highway Aid * * *

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

19 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

20 (a) General State aid to town highways.

1 (1) An annual appropriation to class 1, 2, and 3 town highways shall be
2 made. This appropriation shall increase ~~or decrease~~ over the previous fiscal
3 year's appropriation by the same percentage as ~~any increase or decrease in the~~
4 following, whichever is less:

5 (A) ~~the Transportation~~ year-over-year increase in the Agency's total
6 appropriations in the previous fiscal year funded by Transportation Fund
7 revenues, excluding the ~~town highway appropriations~~ appropriation for town
8 highways under this subsection for that year; or

9 (B) the year-over-year increase in the State's total appropriations in
10 the previous fiscal year of General Fund, Education Fund, and State Health
11 Care Resources Fund monies.

12 (2) If the year-over-year change in appropriations specified in either
13 subdivision (1)(A) or (B) of this subsection is negative, then the appropriation
14 to town highways under this subsection shall be equal to the previous fiscal
15 year's appropriation.

16 (3) The funds appropriated shall be distributed to towns as follows:

17 ~~(A)~~ (A) Six percent of the State's annual town highway appropriation
18 shall be apportioned to class 1 town highways. The apportionment for each
19 town shall be that town's percentage of class 1 town highways of the total class
20 1 town highway mileage in the State.

1 ~~(2)~~(B) Forty-four percent of the State’s annual town highway
2 appropriation shall be apportioned to class 2 town highways. The
3 apportionment for each town shall be that town’s percentage of class 2 town
4 highways of the total class 2 town highway mileage in the State.

5 ~~(3)~~(C) Fifty percent of the State’s annual town highway appropriation
6 shall be apportioned to class 3 town highways. The apportionment for each
7 town shall be that town’s percentage of class 3 town highways of the total class
8 3 town highway mileage in the State.

9 ~~(4)~~(D) Monies apportioned under subdivisions (1), (2), and (3) of this
10 subsection shall be distributed to each town in quarterly payments beginning
11 July 15 in each year.

12 ~~(5)~~(E) Each town shall use the monies apportioned to it solely for town
13 highway construction, improvement, and maintenance purposes or as the
14 nonfederal share for public transit assistance. These funds may also be used
15 for the establishment and maintenance of bicycle routes. The members of the
16 selectboard shall be personally liable to the State, in a civil action brought by
17 the Attorney General, for making any unauthorized expenditures from money
18 apportioned to the town under this section.

19 * * *

1 * * * Transportation Public-Private Partnerships * * *

2 Sec. 20. 19 V.S.A. chapter 26 is amended to read:

3 CHAPTER 26. DESIGN-BUILD CONTRACTS AND PUBLIC-PRIVATE
4 PARTNERSHIPS

5 Subchapter 1. Design-build Contracts

6 * * *

7 Subchapter 2. Public-Private Partnership Pilot

8 § 2611. PILOT ESTABLISHED; INTENT

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

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

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

17 (1) review whether and how the Agency has exercised the authority and
18 whether the P3 agreements it has entered into have served the public
19 interest; and

20 (2) determine whether the authority should terminate, be extended, or be
21 amended.

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

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

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

7 § 2612. DEFINITIONS

8 As used in this subchapter:

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

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

13 (3) “Proposal” means a conditional offer of a private entity that, after
14 review, negotiation, and documentation, and after legislative approval if
15 required under this subchapter, may lead to a P3 agreement as provided in this
16 subchapter.

17 (4) “Public-private partnership” or “P3” means an alternative project
18 delivery mechanism that may be used by the Agency to permit private sector
19 participation in a project, including in its financing, development, operation,
20 management, ownership, leasing, or maintenance.

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

5 § 2613. AUTHORITY

6 (a) The Agency is authorized to receive unsolicited proposals or to solicit
7 proposals to undertake a project as a public-private partnership. The Agency
8 shall develop, and have authority to amend, criteria to review and evaluate
9 such proposals to determine if they are in the public interest and shall review
10 and evaluate all proposals received in accordance with these criteria. In
11 addition to other criteria that the Agency may develop, at minimum, the
12 criteria shall require consideration of:

13 (1) the benefits of the proposal to the State transportation system and the
14 potential impact to other projects currently prioritized in the most recently
15 adopted Transportation Program;

16 (2) the extent to which a proposal would reduce the investment of State
17 funds required to advance the project that the proposal addresses; and

18 (3) the extent to which a proposal would enable the State to receive
19 additional federal funding that would not otherwise be available.

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

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

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

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

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

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

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

15 § 2614. LEGISLATIVE APPROVAL

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

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

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

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

4 (C) the nature and amount of State funding of the project and of any
5 ongoing State financial responsibility for ongoing maintenance or operation
6 costs; and

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

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

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

13 § 2615. REPORT

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

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

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

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

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

8 Sec. 21. REPEAL OF TRANSPORTATION P3 AUTHORITY

9 19 V.S.A. §§ 2613 (Agency of Transportation’s P3 authority) and 2614
10 (legislative approval of P3 proposals) shall be repealed on July 1, 2023.

11 * * * Gasoline Assessments; Calculations; Data Retention * * *

12 Sec. 22. 23 V.S.A. § 3106(a)(2) is amended to read:

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

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

1 a quarter shall be permanently maintained on the website of the Department of
2 Public Service.

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

8 * * * Green Mountain Transit Authority; Name Update * * *

9 Sec. 23. 24 V.S.A. § 5084 is amended to read:

10 § 5084. PUBLIC TRANSIT ADVISORY COUNCIL

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

14 * * *

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

17 * * *

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

19 CHAPTER 801. ~~CHITTENDEN COUNTY TRANSPORTATION~~ GREEN

20 MOUNTAIN TRANSIT AUTHORITY

1 § 1. CREATION OF AUTHORITY

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

4 * * *

5 § 3. MEMBERSHIP IN THE AUTHORITY

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

21 * * *

1 § 11. ASSESSMENTS OF NEW MEMBERS OUTSIDE CHITTENDEN

2 COUNTY

3 Municipalities outside Chittenden County that vote to join the ~~Chittenden~~
4 ~~County Transportation~~ Green Mountain Transit Authority on or after July 1,
5 2010 shall negotiate with the Board of Commissioners of the ~~Chittenden~~
6 ~~County Transportation~~ Green Mountain Transit Authority on the amount of the
7 levy to be assessed upon the municipality and terms of payment of that
8 assessment; and the municipality may not join prior to agreement with the
9 Authority on terms of the levy and payment. Upon the addition of one
10 municipality to the membership of the ~~Chittenden County Transportation~~
11 Green Mountain Transit Authority from outside Chittenden County, the
12 Authority shall immediately begin work on the formula for assessment that
13 will be approved in accordance with this chapter.

14 § 12. MUNICIPALITIES AUTHORIZED TO VOTE FOR MEMBERSHIP

15 IN THE ~~CHITTENDEN COUNTY TRANSPORTATION~~ GREEN

16 MOUNTAIN TRANSIT AUTHORITY

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

1 § 13. OTHER REPRESENTATION

2 If Washington, Lamoille, Franklin, or Grand Isle County does not have a
3 municipal member from its county on the Board of Commissioners of the
4 ~~Chittenden County Transportation~~ Green Mountain Transit Authority, the
5 regional planning commission serving the ~~County~~ county may appoint a Board
6 member to the ~~Chittenden County Transportation~~ Green Mountain Transit
7 Authority from a member of its regional planning commission or regional
8 planning commission staff to represent its interests on the ~~Chittenden County~~
9 ~~Transportation~~ Green Mountain Transit Authority Board.

10 * * * Electric Vehicles; Public Service * * *

11 Sec. 25. PUBLIC UTILITY COMMISSION; INVESTIGATION; ELECTRIC
12 VEHICLE CHARGING

13 (a) After notice and opportunity for hearing, the Public Utility Commission
14 (PUC or Commission) shall complete an investigation and issue a final order
15 on or before July 1, 2019 concerning the charging of plug-in electric vehicles
16 (EV).

17 (b) As used in this section, “electric distribution utility” means a company
18 that delivers electric energy to retail customers over a pole-and-wire network.

19 (c) The Commission’s final order shall include:

20 (1) its findings, determinations, or recommendations on each of the
21 following issues related to the role of electric distribution utilities:

1 (A) removal or mitigation, as appropriate, of barriers to EV charging,
2 including strategies, such as time-of-use rates, to reduce operating costs for
3 current and future EV users without shifting costs to ratepayers who do not
4 own or operate EVs;

5 (B) strategies for managing the impact of EVs on and services
6 provided by EVs to the electric transmission and distribution system;

7 (C) electric system benefits and costs of EV charging, electric utility
8 planning for EV charging, and rate design for EV charging; and

9 (D) the appropriate role of electric distribution utilities with respect
10 to the deployment and operation of EV charging stations;

11 (2) its findings or recommendations, or both, on each of the following
12 issues related to EV charging stations owned or operated by persons other than
13 electric distribution utilities:

14 (A) the recommended scope of the jurisdiction of the Commission,
15 the Department of Public Service, and other State agencies over such stations;

16 (B) the appropriate oversight of the rates and prices charged by such
17 stations, including the transparency to the consumer of those rates and
18 prices; and

19 (C) the recommended billing and complaint procedures for such
20 charging stations; and

1 (3) its findings or recommendations, or both, on each of the following
2 issues:

3 (A) jointly with the Secretary of Transportation, recommended
4 options to address how EV users pay toward the cost of maintaining the State’s
5 transportation infrastructure;

6 (B) the accuracy of electric metering and submetering technology for
7 charging EVs;

8 (C) strategies to encourage EV usage at a pace necessary to achieve
9 the goals of the State’s Comprehensive Energy Plan and its greenhouse gas
10 reduction goals, without shifting costs to electric ratepayers who do not own or
11 operate EVs; and

12 (D) any other issues the Commission considers relevant to ensuring a
13 fair, cost-effective, and accessible EV charging infrastructure that will be
14 sufficient to meet increased deployment of EVs.

15 (d) During the course of the investigation and in its final order, the
16 Commission shall identify recommendations on the issues identified in
17 subsection (c) of this section that may require enabling legislation.

18 (e) The Commission shall submit copies of its final order to the House and
19 Senate Committees on Transportation, the House Committee on Energy and
20 Technology, and the Senate Committees on Finance and on Natural Resources
21 and Energy.

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

2 Sec. 26. 23 V.S.A. § 3507 is amended to read:

3 § 3507. ENFORCEMENT; PENALTIES AND REVOCATION OF
4 REGISTRATION

5 * * *

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

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

13 Sec. 27. 23 V.S.A. § 3506 is amended to read:

14 § 3506. OPERATION

15 (a) A person ~~may~~ shall only operate or permit an all-terrain vehicle owned
16 by him or her or under his or her control to be operated in accordance with this
17 chapter.

18 (b) An all-terrain vehicle ~~may~~ shall not be operated:

19 (1) Along a public highway ~~unless it~~ except if one or more of the
20 following applies:

1 (A) the highway is not being maintained during the snow season or
2 ~~unless;~~

3 (B) the highway has been opened to all-terrain vehicle travel by the
4 selectboard or trustees or local governing body and is so posted by the
5 municipality ~~except an;~~

6 (C) the all-terrain vehicle is being used for agricultural purposes ~~may~~
7 ~~be~~ and is operated not closer than three feet from the traveled portion of any
8 highway for the purpose of traveling within the confines of the farm; or

9 (D) the all-terrain vehicle is being used by an employee or agent of
10 an electric transmission or distribution company subject to the jurisdiction of
11 the Public Utility Commission under 30 V.S.A. § 203 for utility purposes,
12 including safely accessing utility corridors, provided that the all-terrain vehicle
13 shall be operated along the edge of the roadway and shall yield to other
14 vehicles.

15 * * *

16 * * * All-terrain Vehicles; Allocation of Fees and Penalties * * *

17 Sec. 28. 23 V.S.A. § 3513 is amended to read:

18 § 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR
19 LAW ENFORCEMENT SERVICES

20 (a) The amount of ~~85~~ 90 percent of the fees and penalties collected under
21 this ~~subchapter~~ chapter, except interest, is ~~hereby~~ allocated to the Agency of

1 Natural Resources for use by the Vermont ATV Sportsman’s Association
2 (VASA) for development and maintenance of a Statewide ATV Trail Program,
3 for trail liability insurance, and to contract for law enforcement services with
4 any constable, sheriff’s department, municipal police department, the
5 Department of Public Safety, and the Department of Fish and Wildlife for
6 purposes of trail compliance pursuant to this chapter. The Departments of
7 Public Safety and of Fish and Wildlife are authorized to contract with VASA
8 to provide these law enforcement services. ~~The Agency of Natural Resources~~
9 ~~may retain for its use up to \$7,000.00 during each fiscal year to be used for~~
10 ~~administration of the State grant that supports this program.~~

11 (b) ~~The Office of the~~ Secretary of Administration shall assist VASA with
12 the procurement of trail liability and other related insurance.

13 * * *

14 Sec. 29. 23 V.S.A. § 3513(a) is amended to read:

15 (a) The amount of ~~90~~ 85 percent of the fees and penalties collected under
16 this chapter, except interest, is allocated to the Agency of Natural Resources
17 for use by the Vermont ATV Sportsman’s Association (VASA) for
18 development and maintenance of a Statewide ATV Trail Program, for trail
19 liability insurance, and to contract for law enforcement services with any
20 constable, sheriff’s department, municipal police department, the Department
21 of Public Safety, and the Department of Fish and Wildlife for purposes of trail

1 compliance pursuant to this chapter. The Departments of Public Safety and of
2 Fish and Wildlife are authorized to contract with VASA to provide these law
3 enforcement services.

4 * * * Default Weight Limits on Town Highways * * *

5 Sec. 30. 23 V.S.A. § 1392 is amended to read:

6 § 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

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

10 (1) 16,000 pounds upon any bridge with a wood floor, wood subfloor, or
11 wood stringers on a class 3 or 4 town highway or 20,000 pounds on a bridge
12 with wood floor, wood subfloor, or wood stringers on a class 1 or 2 town
13 highway unless otherwise posted by the selectboard of such town.

14 (2) 24,000 pounds, upon a class 2, 3, or 4 town highway or bridge with
15 other than wood floor, in any town; or incorporated village, ~~or city~~.

16 * * *

1 Sec. 31. 23 V.S.A. § 1393 is amended to read:

2 § 1393. WEIGHT LIMITS IN ~~INCORPORATED VILLAGES AND~~ CITIES;
3 ADOPTION BY TOWNS OR INCORPORATED VILLAGES OF
4 STATE LIMITS; LIMITS ON CLASS 1 TOWN HIGHWAYS

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

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

16 (3) ~~Notwithstanding the provisions of this chapter,~~ Except as provided in
17 subdivision 1392(1) of this title, State ~~highway~~ Highway System weight limits
18 as specified in section 1392 of this title shall apply to class 1 town highways.

19 * * *

1 * * * Signs Indicating Weight Limits * * *

2 Sec. 32. 23 V.S.A. § 1394 is amended to read:

3 § 1394. DESIGNATION OF CLASS 1 TOWN HIGHWAYS; SIGNS

4 INDICATING LEGAL LOAD OFF STATE HIGHWAYS OR

5 CLASS 1 TOWN HIGHWAYS

6 (a) The class 1 town highways connecting the State highways through
7 cities, villages, or ~~municipalities~~ towns shall be designated by the State
8 Transportation Board and marked by the ~~State~~ Secretary of Transportation.

9 (b) The ~~State~~ Secretary of Transportation shall have signs erected on each
10 ~~road which~~ town highway that leads off the State Highway System stating the
11 legal load of the town highway leading from, if the legal load of the town
12 highway differs from the legal load on the State Highway System.

13 (c) If the legal load limit of a class 2, 3, or 4 town highway leading off a
14 class 1 town highway differs from the legal load limit on the class 1 town
15 highway, the Secretary of Transportation shall furnish a sign to the
16 municipality where the class 1 town highway is located, as needed to indicate
17 the legal load for each town highway leading from the class 1 town highway
18 that has a different legal load. The Secretary shall furnish the sign, and any
19 replacement sign as may be needed, at no cost to the municipality. The
20 municipality shall be responsible for erecting each sign furnished to it under

1 this subsection on each town highway leading off a class 1 town highway that
2 has a legal load limit that differs from the limit on the class 1 town highway.

3 * * * Aircraft Fuel Tax * * *

4 Sec. 33. 23 V.S.A. chapter 28 is amended to read:

5 CHAPTER 28. GASOLINE TAX

6 Subchapter 1. General Gasoline Tax

7 § 3101. DEFINITIONS; SCOPE

8 (a) As used in this chapter:

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

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

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

6 (b) As used in this subchapter;

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

9 (A) kerosene;

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

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

13 (D) aircraft jet fuel; or

14 (E) natural gas in any form.

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

18 ~~(4) “Motor vehicle” means any self-propelled vehicle using motor fuel~~
19 ~~on the public highways and registered or required to be registered for operation~~
20 ~~on these highways.~~

21 * * *

1 § 3105. RECORDS OF SALES AND IMPORTATIONS

2 (a)(1) A distributor shall keep a record of all sales of motor fuel, ~~which that~~
3 shall include the number of gallons sold, the date of sale, and also the number
4 of gallons used by the distributor. With every consignment of motor fuel to a
5 purchaser within the State, each distributor shall also deliver a written
6 statement containing the date and the number of gallons delivered and the
7 names of the purchaser and the seller. The distributor shall also keep a record
8 of all importations of motor fuel, ~~which that~~ shall include the number of
9 gallons imported and the date of importation.

10 (2) With respect to any sale, use, consignment, or importation of
11 aviation gasoline, a distributor shall separately record the same information
12 required under subdivision (1) of this subsection.

13 (3) The records and statements shall be preserved by distributors and
14 purchasers, respectively, for a period of three years; and shall be offered for
15 inspection upon verbal or written demand of the Commissioner or his or her
16 agent.

17 * * *

18 (d) A dealer shall keep a record of all purchases of motor fuel ~~which that~~
19 shall include the date of purchase, number of gallons, ~~and~~ the identity of the
20 seller, and, if applicable, shall separately record this information with respect
21 to the purchase of aviation gasoline. The records and statements shall be

1 preserved for a period of three years. The record shall include daily motor fuel
2 meter readings.

3 § 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

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

9 * * *

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

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

17 * * *

18 (d) Since many nonresidents and residents drive to outdoor areas of
19 Vermont in order to view our natural resources, to hunt and fish, and to use our
20 natural resources for other healthful recreational purposes, it is the policy of
21 this State that a portion of the gasoline tax shall be dedicated for the purpose of

1 conserving and maintaining our natural resources. Therefore, beginning in
2 fiscal year 1998, three-eighths of one cent of the tax collected under subsection
3 (a) of this section, except for the tax collected on aviation gasoline, shall be
4 transferred 76 percent to the Fish and Wildlife Fund and 24 percent to the
5 Department of Forests, Parks and Recreation for natural resource management.
6 Of the funds deposited in the Fish and Wildlife Fund, the interest earned by
7 deposited funds and all funds remaining at the end of the fiscal year shall
8 remain in the Fish and Wildlife Fund.

9 * * *

10 § 3108. RETURNS

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

15 (1) both the number of gallons of motor fuel sold and the number of
16 gallons of motor fuel used by the distributor during the preceding calendar
17 month. ~~The report shall contain:~~

18 (2) separately, both the number of gallons of aviation gasoline sold and
19 the number of gallons of aviation gasoline used by the distributor during the
20 preceding calendar month; and

1 (3) any further information ~~which~~ that the Commissioner prescribes.

2 * * *

3 Sec. 34. 23 V.S.A. § 1220a(b) is amended to read:

4 (b) The DUI Enforcement Special Fund shall consist of:

5 * * *

6 (3) beginning May 1, 2013 and thereafter, \$0.0038 per gallon of the
7 revenues raised by the motor fuel tax on gasoline imposed by chapter 28 of this
8 title, except for the revenues raised by the tax on aviation gasoline; and

9 (4) any additional funds transferred or appropriated by the General
10 Assembly.

11 Sec. 35. 5 V.S.A. § 211 is amended to read:

12 § 211. APPROPRIATION FROM ~~GASOLINE TAXES ON AIRCRAFT~~ TAXES ON AIRCRAFT

13 FUEL

14 Funds appropriated from the proceeds of ~~the~~ any tax on ~~gasoline used in~~
15 ~~aircraft and capital development projects for aeronautical purposes are to~~
16 aircraft fuel, including jet fuel and aviation gasoline, shall be expended under
17 the direction of the Agency exclusively for aviation purposes consistent with
18 49 U.S.C. § 47133 and Federal Aviation Administration regulations and
19 policies, including to provide:

20 (1) ~~navigationa~~ l aids to airmen ~~of~~ ;

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

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

6 Sec. 36. 24 V.S.A. § 138 is amended to read:

7 § 138. LOCAL OPTION TAXES

8 * * *

9 (c) Any tax imposed under the authority of this section shall be collected
10 and administered by the Department of Taxes, in accordance with State law
11 governing such State tax or taxes; provided, however, that a sales tax imposed
12 under this section shall be collected on each sale that is subject to the Vermont
13 sales tax using a destination basis for taxation. ~~A~~ Except with respect to taxes
14 collected on the sale of aviation jet fuel, a per-return fee of \$5.96 shall be
15 assessed to compensate the Department for the costs of administration and
16 collection, 70 percent of which shall be borne by the municipality, and
17 30 percent of which shall be borne by the State to be paid from the PILOT
18 Special Fund. The fee shall be subject to the provisions of 32 V.S.A. § 605.

19 (d)(1) ~~Of~~ Except as provided in subsection (c) and subdivision (2) of this
20 section with respect to taxes collected on the sale of aviation jet fuel, of the
21 taxes collected under this section, 70 percent of the taxes shall be paid on a

1 quarterly basis to the municipality in which they were collected, after reduction
2 for the costs of administration and collection under subsection (c) of this
3 section. Revenues received by a municipality may be expended for municipal
4 services only, and not for education expenditures. Any remaining revenue
5 shall be deposited into the PILOT Special Fund established by 32 V.S.A.
6 § 3709.

7 (2)(A) Of the taxes collected under this section on the sale of aviation jet
8 fuel, on a quarterly basis, 70 percent of the taxes shall be paid to the
9 municipality in which they were collected, and 30 percent shall be deposited in
10 the Transportation Fund.

11 (B) All revenues referenced in subdivision (A) of this subdivision (2)
12 shall be used exclusively for aviation purposes consistent with 49 U.S.C.
13 § 47133 and Federal Aviation Administration regulations and policies.

14 Sec. 37. 19 V.S.A. § 11 is amended to read:

15 § 11. TRANSPORTATION FUND

16 The Transportation Fund shall comprise the following:

17 * * *

18 (4) monies received from the sales and use tax on aviation jet fuel and
19 on natural gas used to propel a motor vehicle under 32 V.S.A. chapter 233, and
20 from the portion of a local option tax on the sale of aviation jet fuel specified
21 in 24 V.S.A. § 138;

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* * * Petroleum Cleanup Fund; Releases of Aircraft Fuel * * *

Sec. 38. 10 V.S.A. § 1941 is amended to read:

§ 1941. PETROLEUM CLEANUP FUND

* * *

(b) The Secretary may authorize disbursements from the Fund for the purpose of the cleanup and restoration of contaminated soil and groundwater caused by releases of petroleum, including aviation gasoline, from underground storage tanks and aboveground storage tanks, including air emissions for remedial actions, and for compensation of third parties for injury and damage caused by a release. This Fund shall be used for no other governmental purposes, nor shall any portion of the Fund ever be available to borrow from by any branch of government; it being the intent of the General Assembly that this Fund and its increments shall remain intact and inviolate for the purposes set out in this chapter. Disbursements under this section may be made only for uninsured costs incurred after January 1, 1987 and for which a claim is made prior to July 1, 2019 and judged to be in conformance with prevailing industry rates. This includes:

* * *

1 Sec. 39. 5 V.S.A. § 693 is amended to read:

2 § 693. CONDITIONS

3 A municipality receiving grants from the State of Vermont shall meet such
4 conditions as the Secretary:

5 (1) may establish with respect to maintenance and continued use of the
6 subject airport site for aeronautical purposes; and

7 (2) shall establish in order to require the municipality to assist the State
8 in identifying vendors that distribute, sell, or use aircraft jet fuel in the State in
9 connection with the airport.

10 * * * Passing Motor Vehicles and Vulnerable Users * * *

11 Sec. 40. 23 V.S.A. § 1033 is amended to read:

12 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

13 (a) Passing motor vehicles generally. Motor vehicles proceeding in the
14 same direction may be overtaken and passed only as follows:

15 (1) The driver of a motor vehicle overtaking another motor vehicle
16 proceeding in the same direction may pass to its left at a safe distance, and
17 when so doing shall exercise due care, shall not pass to the left of the center of
18 the highway except as authorized in section 1035 of this title, and shall not
19 again drive to the right side of the roadway until safely clear of the overtaken
20 vehicle.

1 (2) Except when overtaking and passing on the right is permitted, the
2 driver of an overtaken motor vehicle shall give way to the right in favor of the
3 overtaking motor vehicle and shall not increase the speed of his or her vehicle
4 until completely passed by the overtaking vehicle.

5 (b) ~~Passing~~ Approaching or passing vulnerable users. The operator of a
6 motor vehicle approaching or passing a vulnerable user as defined in
7 subdivision 4(81) of this title shall exercise due care, which includes reducing
8 speed and increasing clearance to a recommended distance of at least four feet,
9 to pass the vulnerable user safely, and shall cross the center of the highway
10 only as provided in section 1035 of this title. A person who violates this
11 subsection shall be subject to a civil penalty of not less than \$200.00.

12 (c) Approaching or passing certain stationary vehicles. The operator of a
13 motor vehicle approaching or passing a stationary sanitation, maintenance,
14 utility, or delivery vehicle with flashing lights shall exercise due care, which
15 includes reducing speed and increasing clearance to a recommended distance
16 of at least four feet, to pass the vehicle safely, and shall cross the center of the
17 highway only as provided in section 1035 of this title. A person who violates
18 this subsection shall be subject to a civil penalty of not less than \$200.00.

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* * * Effective Dates * * *

Sec. 41. EFFECTIVE DATES

(a) This section and Secs. 2 (federal infrastructure funding), 16 (penalties for furnishing alcoholic beverages to minors), 20 (transportation public-private partnerships), 23–24 (Green Mountain Transit Authority name update), and 25 (PUC investigation; electric vehicle charging) shall take effect on passage.

(b) Secs. 30–32 (town highway weight limits; signs) and 33–37 (aircraft fuel taxes) shall take effect on January 1, 2019.

(c) Sec. 29, 23 V.S.A. § 3513(a) (sunset of change to ATV fee and penalty allocation) shall take effect on July 1, 2023.

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

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE