
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 59 (H.529). Transportation; motor vehicles; natural resources and energy; judiciary

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

This act:

- Transportation Program Adopted; Definitions. Adopts the Agency of Transportation’s (“Agency”) Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) except as amended in the act (“Transportation Program”), defines terms used throughout the act, and corrects a typographic error in the Transportation Program.
- Fiscal Year 2020 Transportation Investments Intended to Reduce Transportation-Related Greenhouse Gas Emissions, Reduce Fossil Fuel Use, and Save Vermont Households Money. Summarizes certain transportation investments.
- Toll Credits. Contingently, based on whether the Agency’s fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, reduces spending authority in Program Development by the amount of toll credits approved, but not to exceed \$845,416.64, in transportation funds and increases spending authority in Program Development by the amount of toll credits approved, but not to exceed \$845,416.64, in federal funds.
- Program Development—Roadway. Reduces spending authority for Burlington MEGC M 5001(1) in Program Development by \$5,000,000.00, with \$150,000.00 coming from transportation infrastructure bond funds, \$4,750,000.00 coming from federal funds, and \$100,000.00 coming from local match and changes the funding source of \$150,000.00 in spending for Waterbury FEGC F 013-4(13) from transportation funds to transportation infrastructure bond funds.
- Program Development—Traffic & Safety. Increases spending authority for Shelburne – South Burlington – NHG SGNL(51) in Program Development by \$115,000.00 with all \$115,000.00 coming from federal funds.
- Municipal Mitigation Assistance Program. Decreases spending authority for grants in the Municipal Mitigation Assistance Program by \$800,000.00 in

special funds from the Clean Water Fund and contingently, based on whether the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, increases spending authority for grants in the Municipal Mitigation Assistance Program by \$200,000.00 in transportation funds.

- State Aid for Town Highways. Contingently, based on whether the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, increases spending authority in the Town Highway Aid Program by \$680,416.64 in transportation funds.
- Maintenance Program. Increases spending authority in the Maintenance Program by \$100,000.00 in transportation funds.
- Public Transit Program. Reduces spending authority in the Public Transit Program for the Opioid Treatment Pilot by \$200,000.00 in transportation funds.
- Aviation Program. Reduces spending authority in the Aviation Program for the Clarendon SRE Building by \$100,000.00 in transportation funds.
- Voluntary Cancellation of Municipal Projects. Permits the Agency to cancel a municipal project upon the request or concurrence of the municipality provided that notice of the cancellation is included in the Agency's annual proposed transportation program.
- Project Cancellations. Cancels the Colchester – Improvements to the Mill Pond/Severence Road intersection project in the Bike and Pedestrian Facilities Program and the Belvidere BO 1448 (), Springfield BO 1442 (40), and Woodstock BO 1444 () projects in the Town Highway Bridge Program.
- Project Additions. Adds the Colchester – Bayside Intersection Roundabout and Stormwater Improvements project to the candidate list of the Program Development—Traffic & Safety Program and the Shelburne – South Burlington – Automated Traffic Signal Performance Measures project to the Transportation Program in the Program Development—Traffic & Safety Program, with a spending authorization of \$65,000.00 in spending from \$13,000.00 in transportation funds and \$52,000.00 in federal funds.
- Better Utilizing Investments to Leverage Development (BUILD) Grant (Rail). Authorizes the Agency to accept the Better Utilizing Investments to Leverage Development (BUILD) grant awarded in federal fiscal year 2019 for the Vermont Regional Freight Rail Corridor Upgrade Project in the amount of \$20,000,000.00.
- Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant (Rail). Authorizes the Agency to accept the Consolidated Rail Infrastructure

and Safety Improvements (CRISI) grant in the amount of \$2,082,519.00 for the Windsor-St. Albans CRISI (17) Vermonter Amtrak Safety Project, which is added to the Transportation Program with a spending authorization of \$2,082,519.00 in federal funds.

- Central Garage. Transfers \$355,358.00 from the Transportation Fund to the Central Garage Fund, reduces authorized spending in fiscal year 2020 operating expenses in the Central Garage by \$39,904.00 in internal service funds, and modifies the existing formula that governs the amount of the annual transfer from the Transportation Fund to the Central Garage Fund to have a minimum transfer of \$1,355,358.00 starting in fiscal year 2021 that must be adjusted annually from inflation based on the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the two most recently closed State fiscal years.
- Appropriation for State Aid for Town Highways. Modifies the existing formula that governs the appropriation for State aid for town highways to adjust annually for inflation based on percentage increases during the two most recently closed State fiscal years.
- Public Transit. Modifies public transit policy goals and weighting, modifies how the Agency distributes State and federal funds to public transit systems, and requires the Agency to study and report on methods to increase public transit ridership in Vermont by January 15, 2020 and costs/construction timeline to upgrade the State-owned railroad line between Montpelier and Barre to meet commuter rail standards by December 1, 2019.
- State Highway Condemnation and Acquisition. Clarifies that notice goes to owners of property to be acquired, adds a definition for “survey,” and specifies that acquisition of property through condemnation or conveyance in lieu of condemnation shall not require subdivision approval.
- Public-Private Partnership (P3). Clarifies how “partnership” and “partner” are used in the subchapter of Title 23 on public-private partnerships.
- Highway Work; Minimum Wages. Clarifies that it is the Agency and not the “board” that shall fix the minimum wages that a contractor is bound to pay in specifications and advertisements for bids on highway work.
- Junior Operator Use of Portable Electronic Devices. Establishes the minimum and maximum civil penalties for first and second or subsequent violations of the existing prohibition on a person under 18 years of age using a portable electronic device while operating a motor vehicle on a highway.
- School Bus Driver Blood Alcohol Concentration Limitation. Expands when an individual’s blood alcohol concentration cannot be more than 0.02 to cover

anyone operating a vehicle when the operation requires an operator's license with a school bus endorsement.

- Evidentiary Blood Sample. Expands who can draw an evidentiary blood sample to also include an intermediate or advanced emergency medical technician; specifies where an evidentiary blood sample can be drawn to include at a medical facility, police or fire department, or other safe and clean location as determined by the individual withdrawing blood; prohibits a law enforcement officer, even if trained to withdraw blood, acting in that official capacity, from withdrawing blood for the purpose of determining the presence of alcohol or another drug; and establishes a \$75.00 maximum fee that can be charged for an evidentiary blood sample.
- Plug-In Electric Vehicle Definition. Adds a definition for a plug-in electric vehicle.
- Electric Vehicle Supply Equipment Definition. Adds definitions for electric vehicle supply equipment and electric vehicle supply equipment available to the public.
- Electric Vehicle Supply Equipment as Weights and Measures. Adds electric vehicle supply equipment available to the public to the definition of weights and measures and requires the Agency of Agriculture, Food and Markets to report on the National Institute of Standards and Technology's progress towards adopting code on electric vehicle fueling systems, along with a recommendation for an annual licensing fee for electric vehicle supply equipment available to the public.
- Net Metering at Electric Vehicle Supply Equipment. Excludes from the definition of a net metering system a plant for generation of electricity that primarily supplies electricity to electric vehicle supply equipment for the resale of electricity.
- Vehicle Incentive and Emissions Repair Programs. Establishes the vehicle incentive and emissions repair programs, which provide point-of-sale vouchers for the purchase or lease of new plug-in electric vehicles and the purchase of used highly efficient vehicles and point-of-repair vouchers to repair certain motor vehicles that failed the on board diagnostic (OBD) systems inspection, and requires the Department of Labor to report on whether to establish a program to provide vehicle repairs to certain Vermonters and how to fund such a program by February 1, 2020.
- Public Utility Commission Tariff Design Report. Requires the Public Utility Commission to report on steps necessary to implement fees on plug-in electric vehicle charging and how to address net metering and net metering credits by December 15, 2019.

- Fees for Electric Vehicle Supply Equipment Owned or Controlled by the State. Permits State agencies that own or control electric vehicle supply equipment to establish, set, and adjust fees at less than its costs, to cover its costs, or to equal the retail rate charged for the use of electric vehicle supply equipment available to the public for three years starting on July 1, 2019.
- Public Utility Commission Jurisdiction Over Electric Vehicle Supply Equipment. Specifies that the Public Utility Commission does not have jurisdiction over persons otherwise not regulated by the Public Utility Commission that engage in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle and that these persons may charge by the kWh but shall not be treated as an electric distribution utility for doing so.
- State Vehicle Fleet. Requires the Commissioner of Buildings and General Services, to the maximum extent practicable, to purchase and lease hybrid or plug-in electric vehicles for the State fleet with a minimum of 50%, bumped to 75% on July 1, 2021, of newly purchased and leased vehicles being hybrid or plug-in electric vehicles and requires the Commissioner to, whenever possible and provided that the vehicles are comparable and meet the State's needs, only purchase or lease the lowest-cost year of the selected make and model and only the latest year model when it is the least expensive.
- Transportation Alternative Grants Program. Eliminates the Transportation Alternatives Grant Committee but vests the responsibilities of the eliminated committee with the Agency and specifies that awards under the Transportation Alternatives Grant Program shall not exceed \$300,000.00 per grant allocation.
- Emissions Inspections. Requires all motor vehicles registered in the State to undergo an annual visual emissions and safety inspection but only motor vehicles registered in the State that are 16 model years old or less to undergo an annual on board diagnostic (OBD) systems inspection and requires the Department of Motor Vehicles to update the Periodic Inspection Manual accordingly through rulemaking within 14 days after passage and the tablet software used by inspection stations accordingly by July 1, 2019.
- Feebate and Vehicle Incentive Programs Funding Report. Requires the Agency, in consultation with the Joint Fiscal Office, to report on whether Vermont should establish a time-of-acquisition vehicle feebate program and how to fund vehicle incentive programs by October 15, 2019.
- Weight-Based Registration Report. Requires the Agency, in consultation with the Joint Fiscal Office, to report on the feasibility of implementing an annual motor vehicle registration fee system by December 15, 2019.
- Sign Law Violations. Eliminates the criminal fine and possible term of imprisonment for a violation of the sign law, 10 V.S.A. chapter 21, and

replaces it with a \$50.00 civil penalty and gives the Vermont Judicial Bureau jurisdiction over violations of the sign law related to the prohibition on outdoor advertising.

Multiple effective dates, beginning on June 14, 2019

See chart on following page.

H.529 FY20 Transportation Program				
Line #	All funding sources	FY19 As Passed	FY20 As Passed	FY20 vs FY19
1	Administration-finance-planning			
2	Central Admin & Finance	14,655,914	15,497,069	841,155
3	Policy & Planning	11,086,484	11,192,221	105,737
4	Transportation Board	271,543	282,191	10,648
5	Department of Motor Vehicles	31,360,732	33,150,701	1,789,969
6	Sub-total	57,374,673	60,122,182	2,747,509
7	Facilities			
8	Rest Areas	744,802	679,706	-65,096
9	AOT Buildings	1,578,050	907,746	-670,304
10	Sub-total	2,322,852	1,587,452	-735,400
11	Alternate modes			
12	Public Transit	29,020,229	33,824,399	4,804,170
13	Aviation	13,799,763	9,244,636	-4,555,127
14	Pedestrian & Bike Facilities	10,866,048	13,040,923	2,174,875
15	Park & Ride	3,807,556	2,651,588	-1,155,968
16	Multi-Modal Facilities	0	0	0
17	Rail infrastructure	21,249,051	26,635,351	5,386,300
18	Amtrak	8,350,000	8,300,000	-50,000
19	Sub-total	87,092,647	93,696,897	6,604,250
20	State Highway Infrastructure			
21	Maintenance	87,896,279	94,013,939	6,117,660
22	Paving	104,199,583	100,682,429	-3,517,154
23	Roadway	51,972,218	48,779,614	-3,192,604
24	State bridges	57,636,326	54,100,006	-3,536,320
25	Interstate bridges	24,543,000	30,831,313	6,288,313
26	Traffic Operations	21,515,547	20,925,379	-590,168
27	PD Admin & Tech Services	22,748,320	23,817,481	1,069,161
28	Sub-total	370,511,273	373,150,161	2,638,888
29	Town programs			
30	TH Aid	25,982,744	26,017,744	35,000
31	Town Bridges	13,324,994	13,833,851	508,857
32	TH Class 2	7,648,750	7,648,750	0
33	TH Structures	6,333,500	6,333,500	0
34	TH Class 1 supplemental grants	128,750	128,750	0
35	Enhancements	3,600,875	3,268,618	-332,257
36	TH State aid nonfederal disasters	1,150,000	1,150,000	0
37	TH State aid federal disasters	180,000	180,000	0
38	FEMA grant program	5,059,457	4,140,000	-919,457
39	TH VT Local Roads	403,714	406,307	2,593
40	Municipal mitigation grants	9,082,342	2,898,000	-6,184,342
41	Sub-total	72,895,126	66,005,520	-6,889,606
42	EV Purchase Incentives Program		300,000	
43	Total All Programs	590,196,571	594,862,212	4,365,641
44	Central Garage Internal Service Funds		20,112,038	
45	Total Appropriations		614,974,250	
46	EV Purchase Incentives Program one time funds		1,700,000	