
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 Counsel 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. 121 (H.942). 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. Adopts the Agency of Transportation's (Agency) Proposed Fiscal Year 2021 Transportation Program except as amended in the act (Transportation Program); provides legislative intent regarding priorities and COVID-19; requires additional reporting from the Agency in September 2020 and February 2021; and defines terms used throughout the act.
- Fiscal Year 2021 Transportation Investments Intended to Reduce Transportation-Related Greenhouse Gas Emissions, Reduce Fossil Fuel Use, and Save Vermont Households Money. Summarizes certain transportation investments.
- Additional Agency Spending. Authorizes the Secretary of Transportation to exceed and redirect spending in certain circumstances and for certain purposes; requires additional reporting if the Secretary plans to or does exceed or redirect spending.
- Amtrak; Burlington Rail Yard Realignment. Adds the Burlington – Railyard Realignment for Amtrak project to the development and evaluation list in the Fiscal Year 2020 and Fiscal Year 2021 Transportation Programs.
- Maintenance. Reduces spending authority for Maintenance by \$600,000.00 in transportation funds; contingently reduces spending authority for Maintenance by up to \$700,000.00 in transportation funds; and contingently increases spending authority for the New PEV Incentive Program and MileageSmart, in equal proportions, by up to \$700,000.00 in transportation funds.
- Aviation. Reduces spending authority for Clarendon AV-FY20-001 by \$530,000.00 in transportation funds; and increases spending authority for Morristown AV-FY21-015 by \$230,000.00 in transportation funds.
- Transportation Buildings. Reduces spending authority for Transportation Buildings Lunenburg by \$350,000.00 in transportation funds.

- Program Development—Roadway; Safety and Traffic Operations; and Bicycle and Pedestrian Facilities. Reduces spending authority for Burlington MEGC M 5000(1) by \$1,580,000.00, with \$47,400.00 coming from transportation infrastructure bond funds, \$1,501,000.00 coming from federal funds, and \$31,600.00 coming from local match; reduces spending authority for Colchester HES NH 5600(14) by \$2,100,000.00 in federal funds; and increases spending authority for Statewide State-Aid Construction Projects by \$200,000.00, with \$100,000.00 coming from transportation funds and \$100,000.00 coming from local match.
- Public Transit Program. Establishes that it is the intent of the General Assembly that public transit operated by transit agencies that are eligible for grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both shall be operated on a fare-free basis with monies for public transit from the CARES Act as practicable; adds a new project to the Transportation Program regarding increasing the use of public transit; and authorizes spending of \$500,000.00 in transportation funds.
- Lamoille Valley Rail Trail. Increases spending authority for Swanton-St. Johnsbury LVRT () by \$4,530,000.00 in Fiscal Year 2021 and by \$3,500,000.00 in Fiscal Year 2022 in federal funds and General Obligation Bond proceeds.
- Central Garage. Notwithstanding statutory formula to transfer \$1,605,358.00 from the Transportation Fund to the Central Garage Fund and authorizes spending of \$8,668,094.00 on replacement equipment with a minimum of \$250,000.00 for the replacement of Department of Motor Vehicles enforcement fleet vehicles.
- Plug-In Electric Vehicle Definitions. Modifies the existing definition of plug-in electric vehicle to also include the definition of plug-in hybrid electric vehicle and battery electric vehicle.
- Vehicle Incentive and Emissions Repair Programs. Modifies the existing programs established pursuant to 2019 Acts and Resolves No. 59, Sec. 34.
- Class 2 Town Highway Roadway Program. Modifies the existing program to allow municipalities that have no State highways or class 1 town highways within their borders to use grants for both class 2 and class 3 town highways.
- Transportation Demand Management and Micro-Transit Innovations Grant Program. Establishes the Transportation Demand Management and Micro-Transit Innovations Grant Program and authorizes \$500,000.00 in grant awards.
- All-Terrain Vehicles. Makes changes to laws on all-terrain vehicles.

- U.S. Postal Service Vehicle Inspection Exemption. Repeals the sunset of an inspection exemption for vehicles used as a mail carrier under a contract with the U.S. Postal Service.
- Right-of-Way Permit Fees. Authorizes the Secretary to waive fees associated with permits or permit amendments issued pursuant to 19 V.S.A. § 1111 for any reason associated with the response and recovery to the COVID-19 pandemic until six months after the conclusion of the state of emergency.
- Pozzolans. Encourages the Agency to continue researching, testing, and, wherever practicable, using pozzolans and alternatives to Portland Cement as part of the concrete mix design for all transportation infrastructure projects.
- Direct-to-Consumer Motor Vehicle Sales. Requires the Agency, in consultation with the Attorney General's Office, the Department of Financial Regulation, a manufacturer that engages in direct-to-consumer motor vehicle sales, and the Vermont Vehicle and Automotive Distributors Association to conduct a study and submit a written report on the regulation of direct-to-consumer motor vehicle sales.

Multiple effective dates, beginning on June 30, 2020

NOTE (October 7, 2020): Secs. G.100–G.111 of 2020 Acts and Resolves No. 154 make additional amendments to the Fiscal Year 2021 Transportation Program. See chart on following page.

| FY21 August Restatement Budget - Act 154 | | | | | |
|---|--|--------------------|--------------------|--------------------------------|-----------------------------|
| Line # | All funding sources | FY20 As Passed | FY21 Act 121 | FY21 Restatement Act 154 | FY21 Act 154 vs. FY20 |
| 1 | Administration-finance-planning | | | | |
| 2 | Central Admin & Finance | 15,497,069 | 16,115,839 | 15,979,760 | 482,691 |
| 3 | Policy & Planning | 11,192,221 | 11,586,696 | 11,551,005 | 358,784 |
| 4 | Transportation Board | 282,191 | 185,750 | 184,774 | -97,417 |
| 5 | Department of Motor Vehicles | 33,150,701 | 34,393,224 | 34,345,533 | 1,194,832 |
| 6 | ADS/DMV IT Project | | | 900,000 | 900,000 |
| 7 | Sub-total | 60,122,182 | 62,281,509 | 62,961,072 | 2,838,890 |
| 8 | Facilities | | | | |
| 9 | Rest Areas | 679,706 | 1,010,000 | 1,010,000 | 330,294 |
| 10 | AOT Buildings | 907,746 | 307,000 | 307,000 | -600,746 |
| 11 | Sub-total | 1,587,452 | 1,317,000 | 1,317,000 | -270,452 |
| 12 | Alternate modes | | | | |
| 13 | Public Transit | 33,824,399 | 37,852,845 | 38,734,820 | 4,910,421 |
| 14 | Aviation | 9,244,636 | 9,547,098 | 9,555,672 | 311,036 |
| 15 | Pedestrian & Bike Facilities | 13,040,923 | 17,000,970 | 17,000,970 | 3,960,047 |
| 16 | Park & Ride | 2,651,588 | 5,580,568 | 5,580,568 | 2,928,980 |
| 17 | Multi-Modal Facilities | 0 | 0 | 0 | 0 |
| 18 | Rail infrastructure | 26,635,351 | 22,665,640 | 24,094,448 | -2,540,903 |
| 19 | Amtrak | 8,300,000 | 8,150,000 | 7,400,000 | -900,000 |
| 20 | Sub-total | 93,696,897 | 100,797,121 | 102,366,478 | 8,669,581 |
| 21 | State Highway Infrastructure | | | | |
| 22 | Maintenance | 94,013,939 | 98,293,423 | 100,336,436 | 6,322,497 |
| 23 | Paving | 100,682,429 | 100,005,261 | 108,155,261 | 7,472,832 |
| 24 | Roadway | 48,779,614 | 42,111,213 | 42,111,213 | -6,668,401 |
| 25 | State bridges | 54,100,006 | 67,955,839 | 67,955,839 | 13,855,833 |
| 26 | Interstate bridges | 30,831,313 | 22,653,892 | 22,653,892 | -8,177,421 |
| 27 | Traffic Operations | 20,925,379 | 34,568,991 | 34,568,991 | 13,643,612 |
| 28 | PD Admin & Tech Services | 23,817,481 | 24,655,243 | 24,335,131 | 517,650 |
| 29 | Sub-total | 373,150,161 | 390,243,862 | 400,116,763 | 26,966,602 |
| 30 | Town programs | | | | |
| 31 | TH Aid | 26,017,744 | 27,105,769 | 34,105,769 | 8,088,025 |
| 32 | Town Bridges | 13,833,851 | 11,073,351 | 13,073,351 | -760,500 |
| 33 | TH Class 2 | 7,648,750 | 7,648,750 | 3,250,000 | -4,398,750 |
| 34 | TH Structures | 6,333,500 | 6,333,500 | 4,650,000 | -1,683,500 |
| 35 | TH Class 1 supplemental grants | 128,750 | 128,750 | 128,750 | 0 |
| 36 | Enhancements | 3,268,618 | 2,763,408 | 2,763,408 | -505,210 |
| 37 | TH State aid nonfederal disasters | 1,150,000 | 1,150,000 | 1,150,000 | 0 |
| 38 | TH State aid federal disasters | 180,000 | 180,000 | 180,000 | 0 |
| 39 | FEMA grant program | 4,140,000 | 1,250,000 | 1,250,000 | -2,890,000 |
| 40 | TH VT Local Roads | 406,307 | 408,965 | 408,965 | 2,658 |
| 41 | Municipal mitigation grants | 2,898,000 | 6,778,000 | 6,055,000 | 3,157,000 |
| 42 | Sub-total | 66,005,520 | 64,820,493 | 67,015,243 | 1,009,723 |
| 43 | AOT Covid-19 | | | 1,557,438 | 1,557,438 |
| 44 | EV Purchase Incentives Program | 300,000 | 50,000 | 1,050,000 | 750,000 |
| 45 | Total All Programs | 594,862,212 | 619,509,985 | 636,383,994 | 41,521,782 |
| 46 | Central Garage Internal Service Funds | 20,112,038 | 21,639,759 | 20,982,875 | 870,837 |
| 47 | Total Appropriations | 614,974,250 | 641,149,744 | 657,366,869 | 42,392,619 |
| 48 | EV Purchase Incentives One-time Funds | 1,700,000 | 0 | 0 | 0 |