

H.529

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

It is hereby enacted by the General Assembly of the State of Vermont:

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;

DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2020

Transportation Program appended to the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as amended by this act, is adopted to the extent federal, State, and local funds are available.

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

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the terms "change" or "changes" in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

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

* * * Amendments to Transportation Program * * *

Sec. 2. FISCAL YEAR SPENDING AUTHORITY; PROGRAM
DEVELOPMENT

Spending authority in Program Development in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is hereby amended as follows:

(a) transportation funds is reduced by \$845,416.00; and

(b) federal funds is increased by \$845,416.00.

Sec. 3. PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Roadway authorized spending for Burlington MEGC M 5001 (1) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	500,000	500,000	0
Construction	10,500,000	5,500,000	-5,000,000
Total	11,000,000	6,000,000	-5,000,000

Sources of funds

TIB	330,000	180,000	-150,000
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Federal	10,450,000	5,700,000	-4,750,000
Local	220,000	120,000	-100,000
Total	11,000,000	6,000,000	-5,000,000

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2020

Transportation Program (Revised February 21, 2019) for Program

Development—Roadway authorized spending for Waterbury FEGC F 013-

4(13) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	10,000,000	10,000,000	0
Total	10,000,000	10,000,000	0

Sources of funds

TIB	0	150,000	150,000
State	300,000	150,000	-150,000
Federal	9,500,000	9,500,000	0
Local	200,000	200,000	0
Total	10,000,000	10,000,000	0

Sec. 4. SPENDING IN THE TOWN HIGHWAY AID PROGRAM

Spending authority in the Town Highway Aid Program in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by \$995,416.00 in transportation funds.

* * * Electric Vehicle Charging Stations at Park and Ride Lots * * *

Sec. 4a. ELECTRIC VEHICLE CHARGING STATIONS AT PARK AND
RIDE LOTS

Within the Agency of Transportation's Proposed Fiscal Year 2020

Transportation Program (Revised February 21, 2019) for Park & Ride Lots

authorized spending for Statewide EVCS(1)-EV charging stations is amended

as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	300,000	300,000	0
Total	300,000	300,000	0

Sources of funds

State (Transportation Fund)	300,000	0	-300,000
State (Interdepartmental Transfer)	0	300,000	300,000
Total	300,000	300,000	0

* * * Voluntary Cancellation of Municipal Projects * * *

Sec. 5. 19 V.S.A. § 10g(h) is amended to read:

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve

emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision and action taken to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee, the Joint Fiscal Office, and the Joint Fiscal Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify ~~the members of~~ the Joint Transportation Oversight Committee, ~~and~~ the Joint Fiscal Office, and the Joint Fiscal Committee when the General Assembly is not in session and the House and Senate Committees on Transportation and the Joint Fiscal Office when the General Assembly is in session. With respect to projects in the approved Transportation Program, the Secretary shall notify, in the district affected, the regional planning commission, the municipality, Legislators, ~~members of~~ the Senate and House Committees on Transportation, and the Joint Fiscal Office of any change ~~which~~ that likely will affect the fiscal year in which the project is

planned to go to construction. No project shall be canceled without the approval of the General Assembly.

* * * Project Cancellations * * *

Sec. 6. PROJECT CANCELLATIONS

(a) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project within the Bike and Pedestrian Facilities Program: Colchester – Improvements to the Mill Pond/Severence Road intersection.

(b) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following projects within the Town Highway Bridge Program: Belvidere BO 1448(), Springfield BO 1442 (40), Woodstock BO 1444 ().

* * * Project Additions * * *

Sec. 7. PROJECT ADDITIONS

(a) The following project is added to the candidate list of Program Development—Traffic & Safety Program within the fiscal year 2020 Transportation Program: Colchester – Bayside Intersection Roundabout and Stormwater Improvements.

(b) The following project is added to the candidate list of the Program Development—Traffic & Safety Program within the fiscal year 2020

Transportation Program: Shelburne – South Burlington – Automated Traffic
Signal Performance Measures.

* * * BUILD Grant Acceptance * * *

Sec. 8. BETTER UTILIZING INVESTMENTS TO LEVERAGE
DEVELOPMENT (BUILD) GRANT (RAIL)

Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k)
(Secretary; powers and duties), the Agency of Transportation is authorized 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.

* * * CRISI Grant Acceptance and Project Addition * * *

Sec. 9. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
IMPROVEMENTS (CRISI) GRANT (RAIL)

(a) Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A.
§ 7(k) (Secretary; powers and duties), the Agency of Transportation is
authorized to accept the Consolidated Rail Infrastructure and Safety
Improvements (CRISI) grant in the amount of \$2,082,519.00 for the following
project, which is added to the fiscal year 2020 Transportation Program:
Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project.

(b) Spending authority for the Windsor – St. Albans CRISI (17) Vermonter

Amtrak Safety Project is authorized as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519
<u>Sources of Funds</u>			
Federal	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519

* * * Central Garage * * *

Sec. 10. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of \$355,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

Sec. 11. CENTRAL GARAGE EQUIPMENT

Authorized spending in fiscal year 2020 for operating expenses in the Central Garage is reduced by \$39,904 in internal service funds.

Sec. 12. 19 V.S.A. § 13(c)(1) is amended to read:

(c)(1) For the purpose specified in subsection (b) of this section, the following amount shall be transferred from the Transportation Fund to the Central Garage Fund:

(A) in fiscal year ~~2019~~ 2021, ~~\$1,318,442.00~~ \$1,355,358.00; and

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

* * * Town Highway Aid * * *

Sec. 13. 19 V.S.A. § 306(a) is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

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

(A) the year-over-year increase in the two most recently closed fiscal years in the Agency's total appropriations ~~in the previous fiscal year~~ funded by Transportation Fund revenues, excluding ~~the appropriation~~ appropriations for town highways under this subsection (a) ~~for that year~~; or

(B) the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous State fiscal year~~ same period in subdivision (1)(A) of this subsection.

(2) If the year-over-year change in appropriations specified in either subdivision (1)(A) or (B) of this subsection is negative, then the appropriation

to town highways under this subsection shall be equal to the previous fiscal year's appropriation.

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

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

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

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

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

(E) Each town shall use the monies apportioned to it solely for town highway construction, improvement, and maintenance purposes or as the nonfederal share for public transit assistance. These funds may also be used

for the establishment and maintenance of bicycle routes and sidewalks. The members of the selectboard shall be personally liable to the State, in a civil action brought by the Attorney General, for making any unauthorized expenditures from money apportioned to the town under this section.

* * * Public Transit Funding * * *

Sec. 14. 24 V.S.A. § 5083 is amended to read:

§ 5083. DECLARATION OF POLICY

(a) It shall be the State's policy to make maximum use of available federal funds for the support of public transportation. State operating support funds shall be included in Agency operating budgets to the extent that funds are available. State policy shall support the maintenance of existing public transit services and creation of new services including, ~~in order of precedence,~~ the following goals:

(1) Provision for basic mobility for transit-dependent persons, as defined in the current public transit policy plan of ~~January 15, 2000~~, including meeting the performance standards for urban, suburban, and rural areas. The density of a service area's population is an important factor in determining whether the service offered is fixed route, demand-response, or volunteer drivers.

(2) Expanding public transit service in rural areas and increasing ridership statewide.

(3) Access to employment, including creation of demand-response service.

~~(3)~~(4) Congestion mitigation to preserve air quality, decrease greenhouse gas emissions, and ~~the sustainability of~~ sustain the highway network.

~~(4)~~(5) Advancement of economic development objectives, including services for workers and visitors that support the travel and tourism industry. Applicants for “new starts” in this service sector shall demonstrate a high level of locally derived income for operating costs from fare-box recovery, contract income, or other income.

(b) The Agency of Transportation shall evaluate proposals for new public transit service submitted by providers in response to a notice of funding availability, by examining feasibility studies submitted by providers. The feasibility studies shall address criteria set forth in the most recent public transit policy plan.

(c) The Agency, in cooperation with the Public Transit Advisory Council, shall adopt appropriate performance and service standards for transit systems receiving federal or State assistance. The Agency of Transportation shall provide guidance, training, funding, and technical assistance to transit systems in order to meet the performance and service standards established.

(d) The Agency of Transportation shall provide written guidance, funding, and technical assistance in the preparation of financial and management plans for public transit systems for each fiscal year. To provide a foundation for financial stability and reliability in the provision of transportation services to the public, the Agency of Transportation shall, in cooperation with the Public Transit Advisory Council, establish both short and long-range fiscal, operating, and capital investment plans to support the goals outlined in this section and regional transportation development plan proposals and regional plans as required by section 5089 of this title.

Sec. 15. 24 V.S.A. § 5091(i) is amended to read:

(i) ~~To implement~~ The Agency of Transportation shall distribute State and federal funds to public transit systems through an annual competitive program that implements the public transportation policy goals set forth in section 5083 of this title and 19 V.S.A. § 10f, ~~the Agency of Transportation shall use the following formula for distribution of operating funds to public transit systems; and achieves, where possible, geographic balance in funding.~~

~~(1)(A) 10 percent based on the percentage of the State's population of elders (persons age 60 and above) in each of the designated transit service areas;~~

~~(B) 10 percent based on the percentage of the State's youth population (persons ages 12 through 17) in each of the designated transit service areas;~~

~~(C) 10 percent based on the percentage of the State's population of people who have limited physical mobility in each of the designated transit service areas; [Repealed]~~

~~(D) 10 percent based on the percentage of the State's population of people who are in poverty in each of the designated transit service areas;~~

~~(E) 10 percent based on the percentage of the State's households lacking access to an automobile in each of the designated transit service areas.~~

~~(2) 20 percent of operating funds shall be based on need for employment transportation, as measured by the percentage of the State's employed persons residing in each of the designated transit service areas, using data developed by the Vermont Department of Labor. [Repealed.]~~

~~(3) 15 percent of operating funds shall be based on the need for congestion mitigation and air quality, as measured by the percentage of the State's overall population living in high density areas in each of the designated transit service areas, using data from the U.S. Bureau of the Census.~~

~~[Repealed.]~~

~~(4) 15 percent of the operating funds shall be based on need for economic development transportation, as measured by the percentage of the~~

~~State's jobs in each of the designated transit service areas, using data developed annually by the Vermont Department of Labor. [Repealed.]~~

* * * Public Transit Study * * *

Sec. 16. STUDY OF METHODS TO INCREASE PUBLIC TRANSIT

RIDERSHIP IN VERMONT

(a) As Vermont plans for a future with reduced greenhouse gas emissions as determined in the State Energy Plan, improvements to transit service to enhance the use of mobility options and accessibility will be critical to achieving the State's environmental goals.

(b) The Agency of Transportation shall, in consultation with stakeholders such as the Vermont Public Transportation Association, the Public Transit Advisory Council, human services agencies, hospitals, nonprofit agencies that provide transportation to their clients, as well as any other stakeholders that are identified, study methods to increase use of public transit in Vermont for both residents and visitors that:

(1) determines what factors limit the use of public transit, as defined in State statute, in Vermont including proximity to routes, availability of park and rides, quality of service delivered, first and last mile(s) hinderances, use and availability of ride-hailing services, availability and ease of use of volunteer resources, joint procurement of services among State agencies, and other factors as identified by the Agency;

(2) reviews the current research on what methods best serve to increase ridership, particularly in small cities and rural areas, including research published by the Transportation Research Board and other national groups, data collected during the outreach for the Public Transit Policy Plan (PTPP), recent plans published by the Agency of Human Services, and other State agencies;

(3) assesses the status of current initiatives the Agency and others are undertaking to deliver increased service, the PTPP, opioid transportation, micro-transit project in Montpelier, automated vehicle location applications, trip planners, mobility management, and other initiatives;

(4) assesses how best to use the gap analysis results from the PTPP to take advantage of available seats on current transit routes and to determine the most effective new service investments; and

(5) identifies what infrastructure and delivery improvements might contribute to increased transit ridership, including use of micro-transit, rural route development and feeder route development by transit providers, transitioning to cleaner and more efficient vehicles, improved or new sidewalks and bike paths, improved bicycle storage facilities, road crossing enhancements, and reservations and ride availability applications.

(c) The Agency shall deliver a written report of its findings and any recommendations, including on where and how to make the most effective

improvements in service and criteria to use to determine the priorities of investments, to the House and Senate Committees on Transportation on or before January 15, 2020.

(d) The Agency shall evaluate recommendations for potential inclusion in its fiscal year 2021 budget proposal as a request for the funding necessary to achieve the recommendations determined by the working group pursuant to subsection (b) of this section. The request for funding shall be separate and distinct from the Agency's funding request for public transit.

* * * State Highway Condemnation and Acquisition * * *

Sec. 17. 19 V.S.A. § 503(d) is amended to read:

(d) Notice and other documents. The Agency shall hand-deliver or send by mail to ~~interested persons~~ owners of property to be condemned a notice of procedures and rights and the offer of just compensation. The notice of procedures and rights shall include an explanation of the proposed State highway project and its purpose, and statements that:

* * *

Sec. 18. 19 V.S.A. § 504(a) is amended to read:

(a) Verified complaint. If a property owner has not entered into an agreement stipulating to the necessity of a taking and the public purpose of a highway project, and the Agency wishes to proceed with the taking, the Agency shall file a verified complaint in the Civil Division of the Superior

Court in a county where the project is located seeking a judgment of condemnation. The complaint shall name as defendants each ~~interested person~~ property owner who has not stipulated to a proposed taking, and shall include:

(1) ~~statements~~ Statements that the Agency has complied with subsection 503(d) of this chapter;

(2) ~~the~~ The Agency's written determination of necessity;

(3) ~~a~~ A general description of the negotiations undertaken; ~~and~~

(4) ~~a~~ A survey of the proposed project, and legal descriptions of the property and of the interests therein proposed to be taken. As used in this subdivision, "survey" means a plan, profile, or cross-section of the proposed project. The survey and legal descriptions served upon the property owner only need to include the particular property or properties at issue.

Sec. 19. 19 V.S.A. § 502(a) is amended to read:

(a) Authority. The Agency, when in its judgment the ~~interest~~ interests of the State ~~requires~~ require, may take any property necessary to lay out, relocate, alter, construct, reconstruct, maintain, repair, widen, grade, or improve any State highway, including affected portions of town highways. In furtherance of these purposes, the Agency may enter upon lands to conduct necessary examinations and surveys; however, the Agency shall do this work with minimum damage to the land and disturbance to the owners and shall be subject to liability for actual damages. All property taken permanently shall be

taken in fee simple whenever practicable. The Agency's acquisition of property pursuant to this chapter, whether by condemnation or conveyance in lieu of condemnation, shall not require subdivision approval under any law, regulation, or municipal ordinance. For all State highway projects involving property acquisitions, the Agency shall follow the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (“Act”) (Act) and its implementing regulations, as may be amended.

* * * Public-Private Partnership (P3) Definition * * *

Sec. 20. 19 V.S.A. § 2612(4) is amended to read:

(4) “Public-private partnership” or “P3” means an alternative project delivery mechanism that may be used by the Agency to permit private sector participation in a project, including in its financing, development, operation, management, ownership, leasing, or maintenance. As used in this subchapter, “partnership” shall refer solely to a “public-private partnership” and “partner” shall refer to the State or to the private entity participant or participants in a public-private partnership.

* * * Highway Work; Minimum Wages * * *

Sec. 21. 19 V.S.A. § 18 is amended to read:

§ 18. WAGES

In making up specifications and advertising for bids on highway work, the ~~board~~ Agency shall fix, subject to local conditions, the minimum wage per

hour for various classes of labor and the minimum to be paid per hour or per cubic yard for trucks ~~which~~ that the contractor shall be bound to pay.

* * * Junior Operator Use of Portable Electronic Devices * * *

Sec. 22. 23 V.S.A. § 1095a(d) is added to read:

(d) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a civil penalty of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

* * * School Bus Driver Blood Alcohol Content Limitation * * *

Sec. 23. 23 V.S.A. § 1201(a) is amended to read:

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a ~~school bus as defined in subdivision 4(34) of this title~~ vehicle when the operation requires an operator's license with a school bus endorsement; or

* * *

* * * Evidentiary Blood Sample * * *

Sec. 24. 23 V.S.A. § 1203(b) is amended to read:

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or advanced emergency medical technician, or paramedic acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or ~~other~~ another drug. This limitation does not apply to the taking of a breath sample. A medical facility or business may not charge more than \$75.00 for services rendered when an individual is brought to a facility for the sole purpose of an evidentiary blood sample or when an emergency medical technician or paramedic draws an evidentiary blood sample.

* * * Electric Vehicle Definitions * * *

Sec. 25. 23 V.S.A. § 4(85)–(86) is added to read:

(85) “Electric vehicle” means a pleasure car that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices where the recharge energy must be drawn from a source off the vehicle, such as residential electric service.

(86) “Plug-in hybrid electric vehicle” means an electric vehicle that also includes an on-board method of charging, such as an on-board engine and generator.

* * * Electric Vehicle Purchase and Lease Incentive Program * * *

Sec. 26. LEGISLATIVE FINDINGS

The General Assembly finds that:

(a) In its final report, the Vermont Climate Action Commission recommended building an electric vehicle (EV) point-of-sale customer incentive for new and used EVs.

(b) Transportation energy burdens are particularly high for rural Vermonters with low income. A vigorous incentive for both new and used EVs, combined with the lower fueling and maintenance costs of EVs, could significantly lessen transportation cost burdens for Vermonters.

(c) State policy, including Vermont’s Comprehensive Energy Plan (CEP), recognizes vehicle electrification as an essential strategy for meeting the State’s climate and energy goals. The CEP calls for 10 percent of the fleet in Vermont by 2025 advancing to EVs composing 25 percent of the fleet by 2030. Vermont has approximately 2,600 EVs on the road today, and EVs in Vermont are just 3.5 percent of new passenger vehicle registrations. Projections show Vermont is not yet on track to meet its transportation-electrification targets.

(d) Meeting Vermont's transportation-electrification targets will help make Vermont attractive to employers, workers, and tourists and help grow Vermont's economy by keeping transportation energy expenditures in State.

(e) In 2015, approximately \$830 million was spent on gasoline sales in Vermont. If this travel had all been powered by electricity, the cost would have been significantly less, saving drivers more than \$500 million.

(f) Vehicle electrification faces several barriers, including EV model availability, publicly available charging stations, and lack of public awareness about the benefits of EVs. While State government is working hard to address these issues, surveys consistently confirm that the up-front cost of EVs is among the top barriers and that consumer incentives are effective in increasing EV sales.

(g) A robust consumer purchase and lease incentive would accelerate EV sales and help bring EV technology up to scale. Moreover, a consumer purchase and lease incentive would help consumers overcome the fear of change that can come with entering the EV market and the fear of obsolescence that can accompany the rapid growth of EV technology.

Sec. 27. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE
PROGRAM

(a) As used in this section: “electric vehicle” and “plug-in hybrid electric vehicle” have the same meanings as in 23 V.S.A. § 4 and are collectively referred to as “EVs.”

(b) The Public Service Department (PSD), with the cooperation and support of the Agency of Natural Resources (ANR) and the Agency of Transportation (VTrans), shall establish and administer a new and used EV purchase and lease incentive program (program) for Vermont residents to be known as the Electric Vehicle Incentive Program.

(c) The program shall structure EV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont’s most vulnerable. Specifically, the program shall:

(1) better match the incentive to consumer behavior and shall apply to both purchases and leases and to both new and used EVs;

(2) provide incentives of \$2,500.00 to households with income levels between 100 percent and 140 percent of the State’s most recent Median Household Income (MHI) level and incentives of \$5,000.00 to households below Vermont’s MHI;

(3) apply to vehicles with a Base Manufacturer’s Suggested Retail Price (MSRP) of \$40,000.00 or less;

(4) run until available funds are fully obligated; and

(5) be funded on a first-come, first-served basis.

(d) To the extent public electric distribution utilities are willing to participate, each sale or lease incentive may come with a Level 2 home charger provided by the electric distribution utility and funded under Tier 3 of Vermont's Renewable Energy Standard or other available means. The home charger shall be capable of allowing the electric distribution utility to manage grid load. Electric distribution utilities shall encourage the adoption of EVs while ensuring fairness to all customers when developing rates for customers with EVs. Participating utilities shall help market the program.

(e) Subject to State procurement requirements, the PSD may retain a consultant to assist with marketing, program development, and administration. Up to \$75,000.00 of program funding may be set aside for this purpose.

(f) The PSD shall annually evaluate the Electric Vehicle Incentive Program to gauge its effectiveness and submit a written report on the effectiveness of the program to the House and Senate Committees on Transportation, the House Committee on Energy and Technology, and the Senate Committee on Finance on or before the 31st day of December in each year that an incentive is provided through the program.

* * * Study on Extension of Electric Vehicle Incentive Program * * *

Sec. 28. STUDY OF EXTENSION OF ELECTRIC VEHICLE INCENTIVE
PROGRAM

The Department of Public Service, in consultation with the Agency of Transportation and the Joint Fiscal Office, shall complete a study and submit a written report to the House and Senate Committees on Transportation on or before December 15, 2019 concerning the steps necessary to implement fees on electric and plug-in hybrid electric vehicle charging, as well as facilitating the extension of the Electric Vehicle Incentive Program established in Sec. 27 of this act in order to achieve the levels of electric vehicle adoption in Vermont's Comprehensive Energy Plan (CEP). The CEP suggests that annual sales of electric and plug-in hybrid electric vehicles will need to reach 4,600 by 2025. This study and report shall consider the following factors:

(a) the cost and feasibility of utility equipment needed to separately meter electric and plug-in hybrid electric vehicle charging;

(b) other costs incurred by the electric utilities related to electric and plug-in hybrid electric vehicle deployment, associated infrastructure, and implementation of the State's renewable energy standard;

(c) the amount of incremental revenue to the electric utilities generated by additional electric and plug-in hybrid electric vehicles;

(d) the feasibility of using other funding mechanisms to support the Electric Vehicle Incentive Program;

(e) the level of investment and incentives needed to reach the number of electric and plug-in hybrid electric vehicles in the CEP; and

(f) such other factors as the Department of Public Service and Agency of Transportation may identify.

* * * Fees for Use of Electric Vehicle (EV) Charging Stations * * *

Sec. 29. 32 V.S.A. § 604 is added to read:

§ 604. ELECTRIC VEHICLE CHARGING STATION FEES

Notwithstanding any other provision of this subchapter, any agency or department may establish, set, and adjust fees for the use of electric vehicle charging stations owned or controlled by the State. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or at the existing regional market rate. Electric vehicle charging stations owned or controlled by the State shall be subject to the same laws specifically governing electric vehicle charging stations owned or controlled by private parties. Fees collected under this section shall be credited to special funds established and managed pursuant to subchapter 5 of chapter 7 of this title and shall be available to the agencies and departments that collect fees for electric vehicle charging to offset the costs of providing the service.

Sec. 30. 32 V.S.A. § 604 is amended to read:

§ 604. ~~ELECTRIC VEHICLE CHARGING STATION FEES~~

~~Notwithstanding any other provision of this subchapter, any agency or department may establish, set, and adjust fees for the use of electric vehicle charging stations owned or controlled by the State. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or at the existing regional market rate. Electric vehicle charging stations owned or controlled by the State shall be subject to the same laws specifically governing electric vehicle charging stations owned or controlled by private parties. Fees collected under this section shall be credited to special funds established and managed pursuant to subchapter 5 of chapter 7 of this title and shall be available to the agencies and departments that collect fees for electric vehicle charging to offset the costs of providing the service.~~

[Repealed.]

Sec. 31. 19 V.S.A. § 11 is amended to read:

§ 11. TRANSPORTATION FUND

The Transportation Fund shall comprise the following:

* * *

(7) both statewide and departmental indirect cost recoveries from federal sources by the Agency of Transportation; and

(8) other miscellaneous sources including the sale of maps, plans, ~~and~~ reports, fees collected by the Travel Information Council, leases for property at State-owned airports and railroads, proceeds from the sale of State surplus property under the provisions of 29 V.S.A. §§ 1556 and 1557, ~~and~~ proceeds from the sale of recycled materials, and fees collected for use of electric vehicle charging stations at facilities owned or controlled by the Agency.

* * * Jurisdiction Over Electric Vehicle Charging Stations * * *

Sec. 32. 30 V.S.A. § 203 is amended to read:

§ 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

The Public Utility Commission and the Department of Public Service shall have jurisdiction over the following described companies within the State, their directors, receivers, trustees, lessees, or other persons or companies owning or operating such companies and of all plants, lines, exchanges, and equipment of such companies used in or about the business carried on by them in this State as covered and included herein. Such jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department may, when they deem the public good requires, examine the plants, equipment, lines, exchanges, stations, and property of the companies subject to their jurisdiction under this chapter.

(1) A company engaged in the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

(2) That part of the business of a company ~~which~~ that consists of the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

* * *

(7) Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over a company otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging plug-in electric vehicles or plug-in hybrid electric vehicles. Electric distribution utilities that are regulated by the Commission may provide electric vehicle charging services to the public on an unregulated basis through a separate unregulated affiliate or may offer such charging services to the public on a regulated basis with cost recovery under the authority, oversight, and with approval of the Commission. A meter used to measure the amount of electricity sold or to calculate charges at the point of charging, whether on a regulated or unregulated basis, shall not

be considered a meter operated in a public utility system for the purposes of
9 V.S.A. § 2651(14).

* * * Transportation Alternatives Grant Committee * * *

Sec. 33. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a) ~~The Transportation Alternatives Grant Committee is created and shall
comprise:~~

~~(1) the Secretary of Transportation or his or her designee;~~

~~(2) a representative from the Division of Historic Preservation appointed
by the Secretary of Commerce and Community Development;~~

~~(3) one member appointed by the Secretary of Commerce and
Community Development to represent the tourism and marketing industry;~~

~~(4) a representative of the Agency of Natural Resources appointed by the
Secretary of Natural Resources;~~

~~(5) three municipal representatives appointed by the governing body of
the Vermont League of Cities and Towns;~~

~~(6) one member representing and appointed by the governing board of
the Vermont Association of Planning and Development Agencies;~~

~~(7) two members from the House designated by the Speaker; and~~

~~(8) two members from the Senate designated by the Committee on
Committees. [Repealed.]~~

~~(b) Municipal and legislative members of the Transportation Alternatives Grant Committee shall serve concurrently for two-year terms and the initial appointments of these members shall be made in a manner which allows for them to serve a full legislative biennium. In the event a municipal or legislative member ceases to serve on the Committee prior to the full term, the appointing authority shall fill the position for the remainder of the term. The Committee shall, to the greatest extent practicable, encompass a broad geographic representation of Vermont. [Repealed.]~~

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and no more than \$300,000.00 per grant.

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

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

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

(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.

(3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(4) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in evaluating applications for Transportation Alternatives grants, the ~~Transportation Alternatives Grant Committee~~ Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting

shall be in the complete discretion of the ~~Transportation Alternatives Grant~~
~~Committee~~ Agency.

(g) The Agency shall develop an outreach and marketing effort designed to provide information to communities with respect to the benefits of participating in the Transportation Alternatives Grant Program. The outreach and marketing activities shall include apprising municipalities of the availability of grants for salt and sand sheds. The outreach effort should be directed to areas of the State historically underserved by this Program.

* * * Technical Analysis of Commuter Rail Service * * *

Sec. 34. TECHNICAL ANALYSIS OF COMMUTER RAIL SERVICE
UTILIZING SELF-PROPELLED DIESEL MULTIPLE UNIT
(DMU) RAIL CARS

The Agency of Transportation, in consultation with the Joint Fiscal Office, shall conduct a technical analysis of commuter rail service utilizing self-propelled diesel multiple unit (DMU) rail cars between St. Albans, Essex Junction, Burlington, and Montpelier and shall report its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2020. Such a technical analysis shall build upon the Montpelier—St. Albans Commuter Rail Service Feasibility Study, Section 11 (a), Act 40 (2015), Jan. 13, 2017 as updated by the Memorandum from

Vermont Agency of Transportation to House and Senate Committees on
Transportation, Mar. 28, 2017.

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES

(a) This section and Secs. 8 (BUILD grant), 9 (CRISI grant), 16 (public transit study), 25 (electric vehicle definitions), 26 (legislative findings), 27 (incentive program), 28 (electric vehicle incentive program study), 32 (PUC jurisdiction), and 34 (commuter rail technical analysis) shall take effect on passage.

(b) Sec. 30 (fees for electric vehicle charging stations) shall take effect on July 1, 2022.

(c) All other sections shall take effect on July 1, 2019.