

1 H.529

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation

5 Statement of purpose of bill as introduced: This bill proposes to adopt the  
6 State's annual Transportation Program and make miscellaneous changes to  
7 laws related to transportation.

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

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

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

12 Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;

13 DEFINITIONS

14 (a) The Agency of Transportation's proposed fiscal year 2020  
15 Transportation Program appended to the Agency of Transportation's Proposed  
16 Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as  
17 amended by this act, is adopted to the extent federal, State, and local funds are  
18 available.

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

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

1           (2) “Secretary” means the Secretary of Transportation.

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

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

11                           \* \* \* Amendments to Transportation Program \* \* \*

12           Sec. 2. FISCAL YEAR SPENDING AUTHORITY; PROGRAM

13                           DEVELOPMENT

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

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

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

19           Sec. 3. PROGRAM DEVELOPMENT; ROADWAY

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

21 Transportation Program (Revised February 21, 2019) for Program

1 Development—Roadway authorized spending for Burlington MEGC M 5001

2 (1) is amended as follows:

3	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
4	PE	500,000	500,000	0
5	Construction	10,500,000	5,500,000	-5,000,000
6	Total	11,000,000	6,000,000	-5,000,000
7	<u>Sources of funds</u>			
8	TIB	330,000	180,000	-150,000
9	Federal	10,450,000	5,700,000	-4,750,000
10	Local	220,000	120,000	-100,000
11	Total	11,000,000	6,000,000	-5,000,000

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

13 Transportation Program (Revised February 21, 2019) for Program

14 Development—Roadway authorized spending for Waterbury FEGC F 013-

15 4(13) is amended as follows:

16	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
17	Construction	10,000,000	10,000,000	0
18	Total	10,000,000	10,000,000	0
19	<u>Sources of funds</u>			
20	TIB	0	150,000	150,000
21	State	300,000	150,000	-150,000

1	Federal	9,500,000	9,500,000	0
2	Local	200,000	200,000	0
3	Total	10,000,000	10,000,000	0

4 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 ~~\$1,090,326.00~~ \$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><i>FY20</i></u>	<u><i>As Proposed</i></u>	<u><i>As Amended</i></u>	<u><i>Change</i></u>
<i>Construction</i>	<i>300,000</i>	<i>300,000</i>	<i>0</i>
<i>Total</i>	<i>300,000</i>	<i>300,000</i>	<i>0</i>

*Sources of funds*

<i>State (Transportation Fund)</i>	<i>300,000</i>	<i>0</i>	<i>-300,000</i>
<i>State (Interdepartmental Transfer)</i>	<i>0</i>	<i>300,000</i>	<i>300,000</i>

*Total            300,000            300,000            0*

1                            \* \* \* Voluntary Cancellation of Municipal Projects \* \* \*

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

3                    (h) Should capital projects in the Transportation Program be delayed  
4                    because of unanticipated problems with permitting, right-of-way acquisition,  
5                    construction, local concern, or availability of federal or State funds, the  
6                    Secretary is authorized to advance projects in the approved Transportation  
7                    Program. The Secretary is further authorized to undertake projects to resolve  
8                    emergency or safety issues. Upon authorizing a project to resolve an  
9                    emergency or safety issue, the Secretary shall give prompt notice of the  
10                    decision and action taken to the Joint Fiscal Office and to the House and  
11                    Senate Committees on Transportation when the General Assembly is in  
12                    session, and when the General Assembly is not in session, to the Joint  
13                    Transportation Oversight Committee, the Joint Fiscal Office, and the Joint  
14                    Fiscal Committee. Should an approved project in the current Transportation  
15                    Program require additional funding to maintain the approved schedule, the  
16                    Agency is authorized to allocate the necessary resources. However, the  
17                    Secretary shall not delay or suspend work on approved projects to reallocate  
18                    funding for other projects except when other funding options are not available.  
19                    In such case, the Secretary shall notify ~~the members of~~ the Joint Transportation  
20                    Oversight Committee, ~~and~~ the Joint Fiscal Office, and the Joint Fiscal

1 Committee when the General Assembly is not in session and the House and  
2 Senate Committees on Transportation and the Joint Fiscal Office when the  
3 General Assembly is in session. With respect to projects in the approved  
4 Transportation Program, the Secretary shall notify, in the district affected, the  
5 regional planning commission, the municipality, Legislators, ~~members of the~~  
6 Senate and House Committees on Transportation, and the Joint Fiscal Office of  
7 any change ~~which~~ that likely will affect the fiscal year in which the project is  
8 planned to go to construction. No project shall be canceled without the  
9 approval of the General Assembly.

10 \* \* \* Project Cancellations \* \* \*

11 Sec. 6. PROJECT CANCELLATIONS

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

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

20 \* \* \* Project Additions \* \* \*

21 Sec. 7. PROJECT ADDITIONS

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

5       (b) The following project is added to the candidate list of the Program  
6       Development—Traffic & Safety Program within the fiscal year 2020  
7       Transportation Program: Shelburne – South Burlington – Automated Traffic  
8       Signal Performance Measures.

9                               \* \* \* BUILD Grant Acceptance \* \* \*

10       Sec. 8. BETTER UTILIZING INVESTMENTS TO LEVERAGE

11                       DEVELOPMENT (BUILD) GRANT (RAIL)

12       Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k)  
13       (Secretary; powers and duties), the Agency of Transportation is authorized to  
14       accept the Better Utilizing Investments to Leverage Development (BUILD)  
15       grant awarded in federal fiscal year 2019 for the Vermont Regional Freight  
16       Rail Corridor Upgrade Project in the amount of \$20,000,000.00.

17                               \* \* \* CRISI Grant Acceptance and Project Addition \* \* \*

18       Sec. 9. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

19                       IMPROVEMENTS (CRISI) GRANT (RAIL)

20       (a) Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A.  
21       § 7(k) (Secretary; powers and duties), the Agency of Transportation is

1 authorized to accept the Consolidated Rail Infrastructure and Safety  
2 Improvements (CRISI) grant in the amount of \$2,082,519.00 for the following  
3 project, which is added to the fiscal year 2020 Transportation Program:  
4 Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project.

5 (b) Spending authority for the Windsor – St. Albans CRISI (17) Vermonter  
6 Amtrak Safety Project is authorized as follows:

7	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	Other	0	2,082,519	2,082,519
9	Total	0	2,082,519	2,082,519
10	<u>Sources of Funds</u>			
11	Federal	0	2,082,519	2,082,519
12	Total	0	2,082,519	2,082,519

13 \* \* \* Central Garage \* \* \*

14 Sec. 10. TRANSFER TO CENTRAL GARAGE FUND

15 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of  
16 \$355,358.00 is transferred from the Transportation Fund to the Central Garage  
17 Fund created in 19 V.S.A. § 13.

18 Sec. 11. CENTRAL GARAGE EQUIPMENT

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

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



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

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

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

10 \* \* \* Town Highway Aid \* \* \*

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

12 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

13 (a) General State aid to town highways.

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

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

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

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

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

9           (A) Six percent of the State's annual town highway appropriation  
10          shall be apportioned to class 1 town highways. The apportionment for each  
11          town shall be that town's percentage of class 1 town highways of the total class  
12          1 town highway mileage in the State.

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

17          (C) Fifty percent of the State's annual town highway appropriation  
18          shall be apportioned to class 3 town highways. The apportionment for each  
19          town shall be that town's percentage of class 3 town highways of the total class  
20          3 town highway mileage in the State.

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

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

11                           \* \* \* Public Transit Funding \* \* \*

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

13       § 5083. DECLARATION OF POLICY

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

20           (1) Provision for basic mobility for transit-dependent persons, as  
21 defined in the current public transit policy plan ~~of January 15, 2000~~, including

1 meeting the performance standards for urban, suburban, and rural areas. The  
2 density of a service area's population is an important factor in determining  
3 whether the service offered is fixed route, demand-response, or volunteer  
4 drivers.

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

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

9 ~~(3)~~(4) Congestion mitigation to preserve air quality, decrease  
10 greenhouse gas emissions, and the sustainability of sustain the highway  
11 network.

12 ~~(4)~~(5) Advancement of economic development objectives, including  
13 services for workers and visitors that support the travel and tourism industry.  
14 Applicants for "new starts" in this service sector shall demonstrate a high level  
15 of locally derived income for operating costs from fare-box recovery, contract  
16 income, or other income.

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

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

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

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

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

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

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

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

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

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

14           ~~(2) 20 percent of operating funds shall be based on need for~~  
15           ~~employment transportation, as measured by the percentage of the State's~~  
16           ~~employed persons residing in each of the designated transit service areas, using~~  
17           ~~data developed by the Vermont Department of Labor. [Repealed.]~~

18           ~~(3) 15 percent of operating funds shall be based on the need for~~  
19           ~~congestion mitigation and air quality, as measured by the percentage of the~~  
20           ~~State's overall population living in high density areas in each of the designated~~

1 ~~transit service areas, using data from the U.S. Bureau of the Census.~~

2 [Repealed.]

3 (4) ~~15 percent of the operating funds shall be based on need for~~  
4 ~~economic development transportation, as measured by the percentage of the~~  
5 ~~State's jobs in each of the designated transit service areas, using data~~  
6 ~~developed annually by the Vermont Department of Labor. [Repealed.]~~

7 \* \* \* Public Transit Study \* \* \*

8 Sec. 16. STUDY OF METHODS TO INCREASE PUBLIC TRANSIT  
9 RIDERSHIP IN VERMONT

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

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

20 (1) determines what factors limit the use of public transit, as defined in  
21 State statute, in Vermont including proximity to routes, availability of park and

1 rides, quality of service delivered, first and last mile(s) hinderances, use and  
2 availability of ride-hailing services, availability and ease of use of volunteer  
3 resources, joint procurement of services among State agencies, and other  
4 factors as identified by the Agency;

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

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

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

18 (5) identifies what infrastructure and delivery improvements might  
19 contribute to increased transit ridership, including use of micro-transit, rural  
20 route development and feeder route development by transit providers,  
21 transitioning to cleaner and more efficient vehicles, improved or new



1 sidewalks and bike paths, improved bicycle storage facilities, road crossing  
2 enhancements, and reservations and ride availability applications.

3 (c) The Agency shall deliver a written report of its findings and any  
4 recommendations, including on where and how to make the most effective  
5 improvements in service and criteria to use to determine the priorities of  
6 investments, to the House and Senate Committees on Transportation on or  
7 before January 15, 2020.

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

13 \* \* \* State Highway Condemnation and Acquisition \* \* \*

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

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

20 \* \* \*

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

1 (a) Verified complaint. If a property owner has not entered into an  
2 agreement stipulating to the necessity of a taking and the public purpose of a  
3 highway project, and the Agency wishes to proceed with the taking, the  
4 Agency shall file a verified complaint in the Civil Division of the Superior  
5 Court in a county where the project is located seeking a judgment of  
6 condemnation. The complaint shall name as defendants each ~~interested person~~  
7 property owner who has not stipulated to a proposed taking, and shall include:

8 (1) ~~statements~~ Statements that the Agency has complied with subsection  
9 503(d) of this chapter;

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

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

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

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

18 (a) Authority. The Agency, when in its judgment the ~~interest~~ interests of  
19 the State ~~requires~~ require, may take any property necessary to lay out, relocate,  
20 alter, construct, reconstruct, maintain, repair, widen, grade, or improve any  
21 State highway, including affected portions of town highways. In furtherance

1 of these purposes, the Agency may enter upon lands to conduct necessary  
2 examinations and surveys; however, the Agency shall do this work with  
3 minimum damage to the land and disturbance to the owners and shall be  
4 subject to liability for actual damages. All property taken permanently shall be  
5 taken in fee simple whenever practicable. The Agency's acquisition of  
6 property pursuant to this chapter, whether by condemnation or conveyance in  
7 lieu of condemnation, shall not require subdivision approval under any law,  
8 regulation, or municipal ordinance. For all State highway projects involving  
9 property acquisitions, the Agency shall follow the provisions of the Uniform  
10 Relocation Assistance and Real Property Acquisitions Policies Act (“Act”)  
11 (Act) and its implementing regulations, as may be amended.

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

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

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

21 \* \* \* Highway Work; Minimum Wages \* \* \*

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

2 § 18. WAGES

3 In making up specifications and advertising for bids on highway work, the  
4 ~~board~~ Agency shall fix, subject to local conditions, the minimum wage per  
5 hour for various classes of labor and the minimum to be paid per hour or per  
6 cubic yard for trucks ~~which~~ that the contractor shall be bound to pay.

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

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

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

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

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

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

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

22 \* \* \*

1                               \* \* \* Evidentiary Blood Sample \* \* \*

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

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

13                               \* \* \* Electric Vehicle Definitions \* \* \*

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

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

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

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

5           Sec. 26. LEGISLATIVE FINDINGS

6           The General Assembly finds that:

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

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

14          (c) State policy, including Vermont’s Comprehensive Energy Plan (CEP),  
15          recognizes vehicle electrification as an essential strategy for meeting the  
16          State’s climate and energy goals. The CEP calls for 10 percent of the fleet in  
17          Vermont by 2025 advancing to EVs composing 25 percent of the fleet by  
18          2030. Vermont has approximately 2,600 EVs on the road today, and EVs in  
19          Vermont are just 3.5 percent of new passenger vehicle registrations.  
20          Projections show Vermont is not yet on track to meet its transportation-  
21          electrification targets.

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

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

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

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

18       Sec. 27. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE  
19               PROGRAM

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

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

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

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

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

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

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

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



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

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

12       ~~(f) The PSD shall evaluate the program annually to gauge its effectiveness.~~

*(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.*

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

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

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

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

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

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

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

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

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

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

4        ~~Sec. 29. 32 V.S.A. § 603 is amended to read:~~

5        § 603. FEE CREATION, AMOUNT, AND ADJUSTMENT OF AMOUNT

6                                \* \* \*

7                (3) Fees for the following, unless otherwise specified by law, may be set  
8        by the agency or department providing the service or product, and shall be  
9        reasonably and directly related to their costs, as provided in subdivision (2) of  
10       this section:

11                                \* \* \*

12                (4) Notwithstanding any other provision of this subchapter, any agency  
13        or department may establish, set, and adjust fees for the use of electric vehicle  
14        (EV) charging stations owned or controlled by the State. The agency or  
15        department may establish fees for EV charging at less than its costs, to cover  
16        its costs, or at the existing regional market rate. EV charging stations owned  
17        or controlled by the State shall be subject to the same laws specifically  
18        governing EV charging stations owned or controlled by private parties.

19                (5) Fees collected under ~~subdivision~~ subdivisions (3) and (4) of this  
20        section shall be credited to special funds established and managed pursuant to  
21        subchapter 5 of chapter 7 of this title, and shall be available to the charging

1 ~~departments to offset the costs of providing these services or products.~~

2 However, for purposes of fees established under this subdivision for copies of  
3 public records, the fees shall be calculated as provided in 1 V.S.A. § 316.

4 These fees shall be reported in accordance with section 605 of this title.

5 Sec. 30. 32 V.S.A. § 603 is amended to read:

6 § 603. FEE CREATION, AMOUNT, AND ADJUSTMENT OF AMOUNT

7 \* \* \*

8 (4) ~~Notwithstanding any other provision of this subchapter, any agency~~  
9 ~~or department may establish, set, and adjust fees for the use of electric vehicle~~  
10 ~~(EV) charging stations owned or controlled by the State. The agency or~~  
11 ~~department may establish fees for EV charging at less than its costs, to cover~~  
12 ~~its costs, or at the existing regional market rate. EV charging stations owned~~  
13 ~~or controlled by the State shall be subject to the same laws specifically~~  
14 ~~governing EV charging stations owned or controlled by private parties.~~

15 [Repealed.]

16 (5) Fees collected under subdivisions subdivision (3) and (4) of this  
17 section shall be credited to special funds established and managed pursuant to  
18 subchapter 5 of chapter 7 of this title, and shall be available to the charging  
19 departments to offset the costs of providing these services or products.

20 However, for purposes of fees established under this subdivision for copies of  
21 public records, the fees shall be calculated as provided in 1 V.S.A. § 316.

22 ~~These fees shall be reported in accordance with section 605 of this title.~~

*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.]

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

2 § 11. TRANSPORTATION FUND

3 The Transportation Fund shall comprise the following:

4 \* \* \*

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

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

13 \* \* \* Jurisdiction Over Electric Vehicle Charging Stations \* \* \*

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

15 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES



1           (7) Notwithstanding subdivisions (1) and (2) of this section, the  
2           Commission and Department shall not have jurisdiction over a company  
3           otherwise not regulated by the Commission that is engaged in the siting,  
4           construction, ownership, operation, or control of a facility that sells or supplies  
5           electricity to the public exclusively for charging plug-in electric vehicles or  
6           plug-in hybrid electric vehicles. Electric distribution utilities that are regulated  
7           by the Commission may provide electric vehicle charging services to the  
8           public on an unregulated basis through a separate unregulated affiliate or may  
9           offer such charging services to the public on a regulated basis with cost  
10           recovery under the authority, oversight, and with approval of the Commission.  
11           A meter used to measure the amount of electricity sold or to calculate charges  
12           at the point of charging, whether on a regulated or unregulated basis, shall not  
13           be considered a meter operated in a public utility system for the purposes of  
14           9 V.S.A. § 2651(14).

15                           \* \* \* Transportation Alternatives Grant Committee \* \* \*

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

17           § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

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

21                           ~~(2) a representative from the Division of Historic Preservation appointed~~

22           ~~by the Secretary of Commerce and Community Development;~~



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

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

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

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

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

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

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

20           ~~(c) The Transportation Alternatives Grant Program is created. The Grant~~  
21           ~~Program shall be administered by the Agency, and shall be funded in the~~

1 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the  
2 Recreational Trails Program. Awards shall be made to eligible entities as  
3 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall  
4 be limited to the activities authorized under federal law and no more than  
5 \$300,000.00 per grant.

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

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

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

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

19 (3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program  
20 funds, or such lesser sum if all eligible applications amount to less than  
21 \$1,100,000.00, shall be reserved for municipalities for environmental

1 mitigation projects relating to stormwater and highways, including eligible salt  
2 and sand shed projects.

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

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

18 \* \* \* Technical Analysis of Commuter Rail Service \* \* \*

19 Sec. 34. TECHNICAL ANALYSIS OF COMMUTER RAIL SERVICE  
20 UTILIZING SELF-PROPELLED DIESEL MULTIPLE UNIT  
21 (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 ~~study~~ 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.

1 \* \* \* Effective Dates \* \* \*

2 Sec. 35. EFFECTIVE DATES

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

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

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