

1 **HTC LANGUAGE FOR BUDGET BILL (dr req 20-1017)**

2 \* \* \* Adjustments to the Transportation Bill,

3 2020 Acts and Resolves No. 121 \* \* \*

4 Sec. G.100. 2020 Acts and Resolves No. 121, Sec. 1(d)(3) is amended to read:

5 (3) “Federal COVID-19 legislation” includes any federal infrastructure  
6 bills or other federal legislation that ~~provide~~ provides the State with additional  
7 federal funding for transportation-related projects in fiscal year 2021 or was  
8 enacted as a result of COVID-19, including an extension of the Fixing  
9 America’s Surface Transportation Act, Pub. L. No. 114-94 (FAST Act) that  
10 provides additional federal funding or flexibility with how federal funding can  
11 be used, such as eliminating state match requirements, or any transportation-  
12 related infrastructure stimulus bill.

13 Sec. G.101. 2020 Acts and Resolves No. 121, Sec. 1a is amended to read:

14 Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS  
15 INTENDED TO REDUCE TRANSPORTATION-RELATED  
16 GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL  
17 USE, AND SAVE VERMONT HOUSEHOLDS MONEY

18 \* \* \*

19 (2) Bike and Pedestrian Facilities Program. This act, in concert with the  
20 Capital Construction Act, provides for a fiscal year expenditure of  
21 ~~\$18,030,970.00~~ \$17,930,970.00, which will fund 39 bike and pedestrian

1 construction projects, and 12 bike and pedestrian design, right-of-way, or  
2 design and right-of way projects for construction in fiscal year 2021. The  
3 construction projects include the creation, improvement, or rehabilitation of  
4 walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects  
5 are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex,  
6 Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford,  
7 Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton,  
8 Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford,  
9 Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans  
10 City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury,  
11 West Rutland, Williston, and Wilmington.

12 \* \* \*

13 (4) Public Transit Program. This act authorizes ~~\$37,852,845.00~~  
14 \$38,734,820.00 in funding for public transit uses throughout the State, which is  
15 a ~~30.4~~ 33.5 percent increase over fiscal year 2019 levels. An additional  
16 \$3,000,000.00 flows through the State directly to the Green Mountain  
17 Transportation Authority. Included in the authorization are:

18 \* \* \*

19 (5) Rail Program. This act authorizes ~~\$30,815,640.00~~ \$31,494,448.00  
20 for intercity passenger rail service and rail infrastructure throughout the State,  
21 including modifications to the Burlington Vermont Rail Systems railyard to

1 accommodate overnight servicing to facilitate New York City-Burlington rail  
2 service.

3 \* \* \*

4 (8) Vehicle incentive programs. Sec. 14 of this act authorizes an  
5 additional \$50,000.00 to support administrative costs associated with  
6 MileageSmart, which is the State's used high fuel efficiency vehicle incentive  
7 program, and to ensure that the State's emissions repair program is operational  
8 not later than July 1, 2021 and Sec. 12f(3) of this act authorizes the  
9 expenditure of \$1,000,000.00 in one-time Transportation Fund monies for  
10 additional new plug-in electric vehicle incentives and program development  
11 costs under the New PEV Incentive Program. ~~Sees. 3 and 5~~ Sec. 3 of this act  
12 also ~~authorize~~ authorizes the Secretary of Transportation to expend additional  
13 monies on the New PEV Incentive Program and MileageSmart if such funding  
14 becomes available.

15 Sec. G.102. 2020 Acts and Resolves No. 121, Sec. 3 is amended to read:

16 Sec. 3. AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

17 \* \* \*

18 (e) ~~The Secretary of Administration shall, on or before July 31, 2020, file a~~  
19 ~~written report listing all expenditures made during fiscal year 2020 under the~~  
20 ~~authority of subsections (a) and (b) of this section to the House and Senate~~  
21 ~~Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee,~~

1 ~~and Joint Transportation Oversight Committee~~ If additional funding becomes  
2 available pursuant to this section, an additional \$1,600,000.00 for leveling and  
3 paving projects shall be the top priority. The Agency shall have discretion,  
4 within the guidelines established pursuant to subsections (a) and (b) of this  
5 section, if there is more than \$1,600,000.00 available for reallocation.

6 \* \* \*

7 (g) The ~~reports report~~ required pursuant to ~~subsections (e) and~~  
8 subsection (f) of this section shall be in addition to the report required pursuant  
9 to 19 V.S.A. § 10g(e).

10 Sec. G.103. 2020 Acts and Resolves No. 121, Sec. 4 is amended to read:

11 Sec. 4. ADDITION OF BURLINGTON RAIL YARD REALIGNMENT  
12 FOR AMTRAK PROJECT; RAIL PROGRAM

13 (a) The following project is added to the development and evaluation list of  
14 Rail within the Agency's Fiscal Year 2020 Transportation Program, as adopted  
15 pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the ~~development and~~  
16 ~~evaluation~~ construction list of Rail within the Agency's Proposed Fiscal Year  
17 2021 Transportation Program, with a spending authorization of \$1,450,000.00  
18 in Transportation Fund monies for construction: Burlington – Railyard  
19 Realignment for Amtrak.

1           (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
2           Transportation Program for Rail, authorized spending for Statewide – Amtrak  
3           Contract is reduced by \$750,000.00 in Transportation Fund monies.

4           (c) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
5           Transportation Program for Rail, authorized spending for Statewide – Rail  
6           Section Administration is reduced by \$21,192.00 in Transportation Fund  
7           monies.

8           Sec. G.104. 2020 Acts and Resolves No. 121, Sec. 5(a) is amended to read:

9           (a)(1) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
10           Transportation Program for Maintenance, authorized spending is amended as  
11           follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal	45,757,089	<u>45,757,089</u>	0
Services		<u>45,305,185</u>	<u>-451,904</u>
Operating	52,896,134	<u>52,296,134</u>	<u>-600,000</u>
Expenses		<u>54,291,051</u>	<u>1,394,917</u>
Grants	240,200	240,200	0
Total	98,893,423	<u>98,293,423</u>	<u>-600,000</u>
		<u>99,836,436</u>	<u>943,013</u>



1        (b) Morristown fuel farm. Within the Agency of Transportation’s  
2        Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized  
3        spending for Morristown AV-FY21-015 is amended by increasing spending  
4        authority for construction by \$230,000.00 in Transportation Fund monies.

5        (c) Coventry runway 5/23. Within the Agency of Transportation’s  
6        Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources  
7        of funds for Coventry AV-FY20-002 is amended by reducing Transportation  
8        Fund monies by \$8,000.00 and increasing federal fund monies by \$8,000.00.

9        (d) Paving. Within the Agency of Transportation’s Proposed Fiscal Year  
10       2021 Transportation Program for Aviation, the sources of funds for Statewide  
11       AV-FY19-013 is amended by reducing Transportation Fund monies by  
12       \$14,420.00 and increasing federal fund monies by \$14,420.00; and the sources  
13       of funds for Statewide AV-FY21-003 is amended by reducing Transportation  
14       Fund monies by \$4,000.00 and increasing federal fund monies by \$4,000.00.

15       (e) Administrative support. Within the Agency of Transportation’s  
16       Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized  
17       spending for Statewide – Aviation Admin. Support is reduced by \$17,846.00 in  
18       Transportation Fund monies.

1 Sec. G.106. 2020 Acts and Resolves No. 121, Sec. 6 is amended to read:

2 Sec. 6. PROGRAM DEVELOPMENT; ROADWAY

3 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021

4 Transportation Program for Program Development—Roadway, authorized  
5 spending for Burlington MEGC M 5000(1) is amended as follows:

6 \* \* \*

7 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021

8 Transportation Program for Program Development—Roadway, the sources of  
9 funds for Pittsford NH 019-3(491) is amended by reducing TIB funds by  
10 \$946,000.00 and increasing federal fund monies by \$946,000.00.

11 Sec. G.107. 2020 Acts and Resolves No. 121, Secs. 7b and 7c and their  
12 corresponding reader assistance headings are added to read:

13 \* \* \* Paving \* \* \*

14 Sec. 7b. PROGRAM DEVELOPMENT; PAVING

15 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021

16 Transportation Program for Program Development—Paving, authorized  
17 spending for construction in Statewide Federal Paving is increased by  
18 \$1,150,000.00 in Transportation Fund monies and \$4,600,000.00 in federal  
19 fund monies.

20 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021

21 Transportation Program for Program Development—Paving, the sources of



1 funds for Sharon–Bethel IM 089-1(66) is amended by increasing  
2 Transportation Fund monies by \$124,947.00 and federal fund monies by  
3 167,500.00 and reducing TIB funds by \$292,447.00.

4 \* \* \* State Highway Bridges \* \* \*

5 Sec. 7c. PROGRAM DEVELOPMENT; STATE HIGHWAY BRIDGES

6 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
7 Transportation Program for Program Development—State Highway Bridges,  
8 the sources of funds for North Hero–Grand Isle BHF 028-1(26) is amended by  
9 reducing TIB funds by \$2,910,000.00 and increasing federal fund monies by  
10 \$2,910,000.00.

11 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
12 Transportation Program for Program Development—State Highway Bridges,  
13 the sources of funds for Middlebury WCRS(23) is amended by reducing  
14 Transportation Fund monies by \$850,000.00 and increasing federal fund  
15 monies by \$850,000.00.

16 Sec. G.108. 2020 Acts and Resolves No. 121, Sec. 9a is added to read:

17 Sec. 9a. PUBLIC TRANSIT; ADMINISTRATIVE SUPPORT

18 (a)(1) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
19 Transportation Program for Public Transit, authorized spending for State  
20 Public Transportation is amended as follows:

	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Other	6,241,403	7,128,955	887,552
3	Total	6,241,403	7,128,955	887,552
4	<u>Sources of funds</u>			
5	State	6,241,403	3,190,600	-3,050,803
6	Federal	0	3,938,355	3,938,355
7	Total	6,241,403	7,128,955	887,552

8           (2) These amendments reflect a swap of federal fund monies for  
9           Transportation Fund monies in the amount of \$3,100,000.00, which is possible  
10           because of monies that are available for public transit under the Coronavirus  
11           Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act),  
12           an increase in federal funds in the amount of \$838,355.00, which is the result  
13           of a Federal Transit Administration grant award for the replacement of buses,  
14           and an increase in Transportation Fund monies in an amount of \$49,197.00,  
15           which is the required match for the federal grant award for the replacement of  
16           buses.

17           (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
18           Transportation Program for Public Transit, authorized spending authority for  
19           Administrative Support – Public Transit Admin Support is reduced by  
20           \$5,577.00 in Transportation Fund monies.

1 Sec. G.109. 2020 Acts and Resolves No. 121, Secs. 11 and 12 are amended to  
2 read:

3 Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

4 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of  
5 ~~\$1,605,358.00~~ \$1,005,358.00 is transferred from the Transportation Fund to  
6 the Central Garage Fund created in 19 V.S.A. § 13, and \$600,000.00 of this  
7 transfer shall be from one-time Transportation Fund monies pursuant to Sec.  
8 12f(a)(5) of this act.

9 Sec. 12. CENTRAL GARAGE EQUIPMENT

10 In fiscal year 2021, the amount of ~~\$8,668,094.00~~ \$8,068,094.00 is  
11 authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of  
12 this amount, a minimum of \$250,000.00 shall be dedicated for the replacement  
13 of Department of Motor Vehicles enforcement fleet vehicles.

14 Sec. G.110. 2020 Acts and Resolves No. 121, Sec. 12a–12f and their  
15 corresponding reader assistance headings are added to read:

16 Sec. 12a. CENTRAL GARAGE FUNDING

17 Within the Agency of Transportation’s Proposed Fiscal Year 2021  
18 Transportation Program for Central Garage, authorized spending is amended as  
19 follows:

20	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
21	Personal	4,612,051	4,566,949	–45,102

1	Services			
2	Operating	17,027,708	16,415,926	-611,782
3	Expenses			
4	Total	21,639,759	20,982,875	-656,884
5	<u>Sources of funds</u>			
6	Internal	21,639,759	20,982,875	-656,884
7	Service Fund			
8	Total	21,639,759	20,982,875	-656,884

9 \* \* \* Town Highways \* \* \*

10 Sec. 12b. BRATTLEBORO-HINSDALE, NH

11 Within the Agency of Transportation's Proposed Fiscal Year 2021

12 Transportation Program for Town Highway Bridge, authorized spending for

13 Brattleboro-Hinsdale, NH is amended as follows:

14	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Other	750,000	750,000	0
16	PE	0	200,000	200,000
17	ROW	2,875,973	4,675,973	1,800,000
18	Construction	1,000,000	1,000,000	0
19	Total	4,625,973	6,625,973	2,000,000
20	<u>Sources of funds</u>			
21	TIB	925,195	1,325,000	400,000

1	Federal	3,700,778	5,100,778	1,600,000
2	Total	4,625,973	6,625,973	2,000,000

3       Sec. 12c. MONIES FOR TOWN HIGHWAYS

4       (a) Town Highway Structures. Notwithstanding 19 V.S.A. § 306(e)(2), the  
5       Agency shall not issue any new grants under the Town Highway Structures  
6       Program in fiscal year 2021 and authorized spending for grants in fiscal year  
7       2021 is reduced by \$1,683,500.00 in Transportation Fund monies to a total of  
8       \$4,650,000.00 in Transportation Fund monies.

9       (b) Town Highway Class 2 Roadway. Notwithstanding 19 V.S.A.  
10       § 306(h), the Agency shall not issue any new grants under the Class 2 Town  
11       Highway Roadway Program in fiscal year 2021 and authorized spending for  
12       grants in fiscal year 2021 is reduced by \$4,398,750.00 in Transportation Fund  
13       monies to a total of \$3,250,000.00 in Transportation Fund monies.

14       (c) Town Highway Aid.

15       (1) Notwithstanding 19 V.S.A. § 306(a), the annual appropriation for  
16       aid to town highways is increased by \$6,000,000.00 in Transportation Fund  
17       monies to a total of \$33,105,769.00 in Transportation Fund monies.

18       (2) Notwithstanding 19 V.S.A. § 306(a)(3)(D), the additional  
19       \$6,000,000.00 shall be distributed to municipalities not later than October 31,  
20       2020 in the same apportionments and for the same purposes prescribed under  
21       19 V.S.A. § 306(a)(3).

1           (3) The additional appropriation of \$6,000,000.00 in Transportation  
2           Fund monies for aid to town highways authorized pursuant to subdivision (1)  
3           of this subsection shall not be included in any subsequent calculations for the  
4           annual appropriation for aid to town highways pursuant to 19 V.S.A. § 306(a).

5                           \* \* \* Department of Motor Vehicles \* \* \*

6           Sec. 12d. DEPARTMENT OF MOTOR VEHICLES; SAVINGS AND  
7                           INCREASE OF LIMITED SERVICE STAFF

8           Within the Agency of Transportation’s Proposed Fiscal Year 2021  
9           Transportation Program for the Department of Motor Vehicles, authorized  
10           spending is increased by \$48,368.00 for personal services and reduced by  
11           \$96,059.00 for operating expenses with a corresponding reduction of  
12           \$47,691.00 in Transportation Fund monies as the source of funds.

13                          \* \* \* Vacancy Savings; Statewide Allocated Cost Reductions \* \* \*

14           Sec. 12e. VACANCY SAVINGS AND STATEWIDE ALLOCATED  
15                           COST REDUCTIONS

16           (a) Finance and Administration. Within the Agency of Transportation’s  
17           Proposed Fiscal Year 2021 Transportation Program for Finance and  
18           Administration, authorized spending is reduced by \$107,890.00 for personal  
19           services and \$28,189.00 for operating expenses with a corresponding reduction  
20           of \$136,079.00 in Transportation Fund monies as the source of funds.



1           (1) \$1,000,000.00 to be distributed to municipalities not later than  
2           October 31, 2020 in the same apportionments and for the same purposes  
3           prescribed under 19 V.S.A. § 306(a)(3), which shall not be included in any  
4           subsequent calculations for the annual appropriation for aid to town highways  
5           pursuant to 19 V.S.A. § 306(a);

6           (2) \$500,000.00 for maintenance and roadside mowing;

7           (3) \$1,000,000.00 for the New PEV Incentive Program established in  
8           2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to \$100,000.00  
9           of that \$1,000,000.00 available to continue and expand the Agency of  
10           Transportation’s public-private partnership with Drive Electric Vermont to  
11           support the expansion of the plug-in electric vehicle market in the State;

12           (4) \$500,000.00 to fund initiatives to increase public transit ridership in  
13           fiscal year 2021 as authorized under Sec. 9 of this act;

14           (5) \$600,000.00 to increase the transfer from the Transportation Fund to  
15           the Central Garage Fund to increase the appropriation of internal service funds  
16           for the purchase of new equipment consistent with Secs. 11, 12, and 12a of this  
17           act;

18           (6) \$2,400,000.00 for leveling and paving projects; and

19           (7) \$900,000.00 for information technology modernization at the  
20           Department of Motor Vehicles.





1 section remaining unexpended on June 30, 2021 shall be carried forward and  
2 designated for expenditure on these programs in the subsequent fiscal year.

3 (3) Subject to State procurement requirements, the Agency may retain a  
4 contractor or contractors to assist with marketing, program development, and  
5 administration of the programs. Up to \$150,000.00 of program funding may  
6 be set aside for this purpose for the programs described in subsection (c) of this  
7 section in fiscal year 2020 and \$50,000.00 of program funding shall be set  
8 aside for this purpose for the programs described in subsection (c) of this  
9 section in fiscal year 2021 and to ensure that the emissions repair program is  
10 operational not later than July 1, 2021. ~~In fiscal year 2021, the Agency is  
11 authorized to spend up to \$200,000.00 in program funding to continue and  
12 expand the Agency's public-private partnership with Drive Electric Vermont to  
13 support the expansion of the PEV market in the State through technical and  
14 consumer assistance; auto-dealer education; outreach and incentive program  
15 management, including marketing, consumer support, record-keeping and  
16 reporting, program development and modification, and general program  
17 administration for the program described in subsection (b) of this section; and  
18 PEV promotional efforts. The Agency shall develop, in consultation with the  
19 Departments of Environmental Conservation and of Public Service, a scope of  
20 work for funding the Agency's grants to Drive Electric Vermont pursuant to  
21 this section.~~

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\* \* \* Amendments to ATV Laws \* \* \*

Sec. G.113. 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

REQUIRED; EXCEPTIONS

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

(2) Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

(A) ~~on~~ On the property of the owner of the ATV;

(B) ~~in~~ In a ski area, off the highway, for the purpose of grooming snow, maintenance, or in rescue operations;

(C) ~~for~~ For official use by a federal, State, or municipal agency if the ATV is identified with the name or seal of the agency in a manner approved by the Commissioner;

