

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation

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

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

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

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

11 Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;

12 DEFINITIONS

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

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

19 (1) “Agency” means the Agency of Transportation.

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

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

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

10                   \* \* \* Amendments to Transportation Program \* \* \*

11           Sec. 2. FISCAL YEAR SPENDING AUTHORITY; PROGRAM  
12                   DEVELOPMENT

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

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

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

18           Sec. 3. PROGRAM DEVELOPMENT; ROADWAY

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

5 Spending authority in the Town Highway Aid Program in the Agency of  
6 Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised  
7 February 21, 2019) is increased by \$1,102,710.00 in transportation funds.

8 \* \* \* Voluntary Cancellation of Municipal Projects \* \* \*

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

10 (h) Should capital projects in the Transportation Program be delayed  
11 because of unanticipated problems with permitting, right-of-way acquisition,  
12 construction, local concern, or availability of federal or State funds, the  
13 Secretary is authorized to advance projects in the approved Transportation  
14 Program. The Secretary is further authorized to undertake projects to resolve  
15 emergency or safety issues. Upon authorizing a project to resolve an  
16 emergency or safety issue, the Secretary shall give prompt notice of the  
17 decision and action taken to the Joint Fiscal Office and to the House and  
18 Senate Committees on Transportation when the General Assembly is in  
19 session, and when the General Assembly is not in session, to the Joint  
20 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint  
21 Fiscal Committee. Should an approved project in the current Transportation

1 Program require additional funding to maintain the approved schedule, the  
2 Agency is authorized to allocate the necessary resources. However, the  
3 Secretary shall not delay or suspend work on approved projects to reallocate  
4 funding for other projects except when other funding options are not available.  
5 In such case, the Secretary shall notify ~~the members of~~ the Joint Transportation  
6 Oversight Committee, ~~and~~ the Joint Fiscal Office, and the Joint Fiscal  
7 Committee when the General Assembly is not in session and the House and  
8 Senate Committees on Transportation and the Joint Fiscal Office when the  
9 General Assembly is in session. With respect to projects in the approved  
10 Transportation Program, the Secretary shall notify, in the district affected, the  
11 regional planning commission, the municipality, Legislators, ~~members of~~ the  
12 Senate and House Committees on Transportation, and the Joint Fiscal Office of  
13 any change ~~which~~ that likely will affect the fiscal year in which the project is  
14 planned to go to construction. No project shall be canceled without the  
15 approval of the General Assembly.

16 \* \* \* Project Cancellations \* \* \*

17 Sec. 6. PROJECT CANCELLATIONS

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



1 grant awarded in federal fiscal year 2019 for the Vermont Regional Freight  
2 Rail Corridor Upgrade Project in the amount of \$20,000,000.00.

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

4 Sec. 9. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

5 IMPROVEMENTS (CRISI) GRANT (RAIL)

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

11 Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project.

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

14	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Other	0	2,082,519	2,082,519
16	Total	0	2,082,519	2,082,519
17	<u>Sources of Funds</u>			
18	Federal	0	2,082,519	2,082,519
19	Total	0	2,082,519	2,082,519





\* \* \* 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

1 town shall be that town's percentage of class 1 town highways of the total class  
2 1 town highway mileage in the State.

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

7 (C) Fifty percent of the State's annual town highway appropriation  
8 shall be apportioned to class 3 town highways. The apportionment for each  
9 town shall be that town's percentage of class 3 town highways of the total class  
10 3 town highway mileage in the State.

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

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

1                                   \* \* \* Public Transit Funding \* \* \*

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

3           § 5083. DECLARATION OF POLICY

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

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

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

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

19           (3)(4) Congestion mitigation to preserve air quality, decrease  
20           greenhouse gas emissions, and ~~the sustainability of~~ sustain the highway  
21           network.

1           ~~(4)~~(5) Advancement of economic development objectives, including  
2 services for workers and visitors that support the travel and tourism industry.  
3 Applicants for “new starts” in this service sector shall demonstrate a high level  
4 of locally derived income for operating costs from fare-box recovery, contract  
5 income, or other income.

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

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

16           (d) The Agency of Transportation shall provide written guidance, funding,  
17 and technical assistance in the preparation of financial and management plans  
18 for public transit systems for each fiscal year. To provide a foundation for  
19 financial stability and reliability in the provision of transportation services to  
20 the public, the Agency of Transportation shall, in cooperation with the Public  
21 Transit Advisory Council, establish both short and long-range fiscal, operating,

1 and capital investment plans to support the goals outlined in this section and  
2 regional transportation development plan proposals and regional plans as  
3 required by section 5089 of this title.

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

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

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

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

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

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

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

3           (2) ~~20 percent of operating funds shall be based on need for employment~~  
4           ~~transportation, as measured by the percentage of the State's employed persons~~  
5           ~~residing in each of the designated transit service areas, using data developed by~~  
6           ~~the Vermont Department of Labor. [Repealed.]~~

7           (3) ~~15 percent of operating funds shall be based on the need for~~  
8           ~~congestion mitigation and air quality, as measured by the percentage of the~~  
9           ~~State's overall population living in high density areas in each of the designated~~  
10          ~~transit service areas, using data from the U.S. Bureau of the Census.~~  
11          ~~[Repealed.]~~

12          (4) ~~15 percent of the operating funds shall be based on need for~~  
13          ~~economic development transportation, as measured by the percentage of the~~  
14          ~~State's jobs in each of the designated transit service areas, using data~~  
15          ~~developed annually by the Vermont Department of Labor. [Repealed.]~~

16   \* \* \* Public Transit Study \* \* \*

17          Sec. 16. STUDY OF METHODS TO INCREASE PUBLIC TRANSIT

18   RIDERSHIP IN VERMONT

19           (a) As Vermont plans for a future with reduced greenhouse gas emissions  
20           as determined in the State Energy Plan, improvements to transit service to

1 enhance the use of mobility options and accessibility will be critical to  
2 achieving the State’s environmental goals.

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

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

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

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

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

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

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

19           (d) The Agency shall evaluate recommendations for potential inclusion in  
20           its fiscal year 2021 budget proposal as a request for the funding necessary to  
21           achieve the recommendations determined by the working group pursuant to



1 subsection (b) of this section. The request for funding shall be separate and  
2 distinct from the Agency’s funding request for public transit.

3 \* \* \* State Highway Condemnation and Acquisition \* \* \*

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

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

10 \* \* \*

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

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

19 (1) ~~statements~~ Statements that the Agency has complied with subsection  
20 503(d) of this chapter;

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

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

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

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

8           (a) Authority. The Agency, when in its judgment the ~~interest~~ interests of  
9           the State ~~requires~~ require, may take any property necessary to lay out, relocate,  
10          alter, construct, reconstruct, maintain, repair, widen, grade, or improve any  
11          State highway, including affected portions of town highways. In furtherance  
12          of these purposes, the Agency may enter upon lands to conduct necessary  
13          examinations and surveys; however, the Agency shall do this work with  
14          minimum damage to the land and disturbance to the owners and shall be  
15          subject to liability for actual damages. All property taken permanently shall be  
16          taken in fee simple whenever practicable. The Agency’s acquisition of  
17          property pursuant to this chapter, whether by condemnation or conveyance in  
18          lieu of condemnation, shall not require subdivision approval under any law,  
19          regulation, or municipal ordinance. For all State highway projects involving  
20          property acquisitions, the Agency shall follow the provisions of the Uniform

1 Relocation Assistance and Real Property Acquisitions Policies Act (“Act<sup>2</sup>) and  
2 its implementing regulations, as may be amended.

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

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

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

12 \* \* \* Highway Work; Minimum Wages \* \* \*

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

14 § 18. WAGES

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



1 a law enforcement officer may withdraw blood for the purpose of determining  
2 the presence of alcohol or ~~other~~ another drug. This limitation does not apply to  
3 the taking of a breath sample. A medical facility or business may not charge  
4 more than \$75.00 for services rendered when an individual is brought to a  
5 facility for the sole purpose of an evidentiary blood sample or when an  
6 emergency medical technician or paramedic draws an evidentiary blood  
7 sample.

8 \* \* \* Electric Vehicle Definitions \* \* \*

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

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

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

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

18 Sec. 26. LEGISLATIVE FINDINGS

19 The General Assembly finds that:

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

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

8       (c) State policy, including Vermont’s Comprehensive Energy Plan (CEP),  
9       recognizes vehicle electrification as an essential strategy for meeting the  
10       State’s climate and energy goals. The CEP calls for 50,000 EVs or 10 percent  
11       of the fleet in Vermont by 2025 advancing to EVs composing 25 percent for  
12       the fleet by 2030. Vermont has approximately 2,600 EVs on the road today,  
13       and EVs in Vermont are just 3.5 percent of new passenger vehicle  
14       registrations. Projections show Vermont is not yet on track to meet its  
15       transportation-electrification targets.

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

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

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

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

12       Sec. 27. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE  
13       PROGRAM

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

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

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

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

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

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

12               (4) run until available funds are fully obligated, with available  
13        incentives spread evenly across each year to the extent reasonably practicable;  
14        and

15               (5) be funded on a first-come, first-served basis in each year of the  
16        program.

17        (d) To the extent public electric distribution utilities are willing to  
18        participate, each sale or lease incentive may come with a Level 2 home charger  
19        provided by the electric distribution utility and funded under Tier 3 of  
20        Vermont’s Renewable Energy Standard or other available means. The home  
21        charger shall be capable of allowing the electric distribution utility to manage



1 grid load. Electric distribution utilities shall encourage the adoption of EVs  
2 while ensuring fairness to all customers when developing rates for customers  
3 with EVs. Participating utilities shall help market the program.

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

7 (f) The PSD shall evaluate the program annually to gauge its  
8 effectiveness.

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

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

12 The Department of Public Service, in consultation with the Agency of  
13 Transportation and the Joint Fiscal Office, shall complete a study and submit a  
14 written report to the House and Senate Committees on Transportation on or  
15 before December 15, 2019 concerning the steps necessary to implement fees  
16 on electric and plug-in hybrid electric vehicle charging, as well as facilitating  
17 the extension of the Electric Vehicle Incentive Program established in Sec. 27  
18 of this act in order to achieve the levels of electric vehicle adoption in  
19 Vermont’s Comprehensive Energy Plan (CEP). The CEP suggests that annual  
20 sales of electric and plug-in hybrid electric vehicles will need to reach 4,600 by  
21 2025. This study and report shall consider the following factors:

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

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

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

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

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

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

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

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

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

17                                 \* \* \*

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

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\* \* \*

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

(5) Fees collected under ~~subdivision~~ subdivisions (3) and (4) of 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 charging departments to offset the costs of providing these services or products. However, for purposes of fees established under this subdivision for copies of public records, the fees shall be calculated as provided in 1 V.S.A. § 316. These fees shall be reported in accordance with section 605 of this title.

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

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

\* \* \*

~~(4) Notwithstanding any other provision of this subchapter, any agency or department may establish, set, and adjust fees for the use of electric vehicle (EV) charging stations owned or controlled by the State. The agency or~~

1 ~~department may establish fees for EV charging at less than its costs, to cover~~  
2 ~~its costs, or at the existing regional market rate. EV charging stations owned~~  
3 ~~or controlled by the State shall be subject to the same laws specifically~~  
4 ~~governing EV charging stations owned or controlled by private parties.~~

5 [Repealed.]

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

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

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

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

14 § 11. TRANSPORTATION FUND

15 The Transportation Fund shall comprise the following:

16 \* \* \*

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

19 (8) other miscellaneous sources including the sale of maps, plans, ~~and~~  
20 reports, fees collected by the Travel Information Council, leases for property at  
21 State-owned airports and railroads, proceeds from the sale of State surplus

1 property under the provisions of 29 V.S.A. §§ 1556 and 1557, ~~and~~ proceeds  
2 from the sale of recycled materials, and fees collected for use of electric  
3 vehicle charging stations at facilities owned or controlled by the Agency.

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

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

6 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

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

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

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

5 \* \* \*

6 (7) Notwithstanding subdivisions (1) and (2) of this section, the  
7 Commission and Department shall not have jurisdiction over a company  
8 otherwise not regulated by the Commission that is engaged in the siting,  
9 construction, ownership, operation, or control of a facility that sells or supplies  
10 electricity to the public exclusively for charging plug-in electric vehicles or  
11 plug-in hybrid electric vehicles. Electric distribution utilities that are regulated  
12 by the Commission may provide electric vehicle charging services to the  
13 public on an unregulated basis through a separate unregulated affiliate or may  
14 offer such charging services to the public on a regulated basis with cost  
15 recovery under the authority, oversight, and with approval of the Commission.  
16 A meter used to measure the amount of electricity sold or to calculate charges  
17 at the point of charging, whether on a regulated or unregulated basis, shall not  
18 be considered a meter operated in a public utility system for the purposes of  
19 9 V.S.A. § 2651(14).

1                   \* \* \* Transportation Alternatives Grant Committee \* \* \*

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

3           § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

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

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

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

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

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

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

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

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

20           (b) ~~Municipal and legislative members of the Transportation Alternatives~~  
21 ~~Grant Committee shall serve concurrently for two year terms and the initial~~

1 ~~appointments of these members shall be made in a manner which allows for~~  
2 ~~them to serve a full legislative biennium. In the event a municipal or legislative~~  
3 ~~member ceases to serve on the Committee prior to the full term, the appointing~~  
4 ~~authority shall fill the position for the remainder of the term. The Committee~~  
5 ~~shall, to the greatest extent practicable, encompass a broad geographic~~  
6 ~~representation of Vermont. [Repealed.]~~

7 (c) The Transportation Alternatives Grant Program is created. The Grant  
8 Program shall be administered by the Agency, and shall be funded in the  
9 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the  
10 Recreational Trails Program. Awards shall be made to eligible entities as  
11 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall  
12 be limited to the activities authorized under federal law and no more than  
13 \$300,000.00 per grant.

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

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



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

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

7 (3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program  
8 funds, or such lesser sum if all eligible applications amount to less than  
9 \$1,100,000.00, shall be reserved for municipalities for environmental  
10 mitigation projects relating to stormwater and highways, including eligible salt  
11 and sand shed projects.

12 (4) Regarding Grant Program funds awarded in fiscal years 2020 and  
13 2021, and the balance of Grant Program funds not reserved for environmental  
14 mitigation projects in fiscal year 2022 and thereafter, in evaluating applications  
15 for Transportation Alternatives grants, the ~~Transportation Alternatives Grant~~  
16 ~~Committee~~ Agency shall give preferential weighting to projects involving as a  
17 primary feature a bicycle or pedestrian facility. The degree of preferential  
18 weighting and the circumstantial factors sufficient to overcome the weighting  
19 shall be in the complete discretion of the ~~Transportation Alternatives Grant~~  
20 ~~Committee~~ Agency.

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

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

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

11 The Agency of Transportation, in consultation with the Joint Fiscal Office,  
12 shall conduct a technical analysis of commuter rail service utilizing self-  
13 propelled diesel multiple unit (DMU) rail cars between St. Albans, Essex  
14 Junction, Burlington, and Montpelier and shall report its findings and any  
15 recommendations to the House and Senate Committees on Transportation on  
16 or before January 15, 2020. Such a study shall build upon the Montpelier—St.  
17 Albans Commuter Rail Service Feasibility Study, Section 11 (a), Act 40  
18 (2015), Jan. 13, 2017 as updated by the Memorandum from Vermont Agency  
19 of Transportation to House and Senate Committees on Transportation, Mar. 28,  
20 2017.

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\* \* \* 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 study) 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.