

1 **[AS PROPOSED BY THE AGENCY OF TRANSPORTATION,**

2 **SECS. 6, 6a, and 6b BASED ON DR 20-0834, v. 1.8]**

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

4 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

5 (a) The Agency of Transportation’s proposed fiscal year 2021

6 Transportation Program appended to the Agency of Transportation’s proposed
7 fiscal year 2021 budget, as amended by this act, is adopted to the extent
8 federal, State, and local funds are available.

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

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

11 (2) “Plug-in electric vehicle,” “plug-in hybrid electric vehicle,” and
12 “battery electric vehicle” have the same meanings as in 23 V.S.A. § 4(85) as
13 amended by this act and are abbreviated “PEV,” “PHEV,” and “BEV.”

14 (3) “Secretary” means the Secretary of Transportation.

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

17 (5) The table heading “As Proposed” means the proposed Transportation
18 Program referenced in subsection (a) of this section; the table heading “As
19 Amended” means the amendments as made by this act; the table heading
20 “Change” means the difference obtained by subtracting the “As Proposed”
21 figure from the “As Amended” figure; and the terms “change” or “changes” in

1 the text refer to the project- and program-specific amendments, the aggregate
2 sum of which equals the net “Change” in the applicable table heading.

3 * * * Federal Funding * * *

4 Sec. 1a. FEDERAL INFRASTRUCTURE FUNDING

5 (a) If a federal infrastructure bill or other federal legislation is enacted as a
6 result of COVID-19 (federal COVID-19 legislation), the Secretary is
7 authorized to:

8 (1) exceed federal spending authority in the fiscal year 2020
9 Transportation Program and fiscal year 2021 Transportation Program and to
10 obligate and expend the federal monies on:

11 (A) eligible projects in the fiscal year 2020 Transportation Program
12 and fiscal year 2021 Transportation Program; and

13 (B) additional town highway projects or activities that meet federal
14 eligibility and readiness criteria;

15 (2) notwithstanding any provision of Title 19 of the Vermont Statutes
16 Annotated to the contrary, waive any Title 19 match requirements for projects
17 funded under federal COVID-19 legislation; and

18 (3) require that municipalities meet nonfederal match requirements for
19 projects not authorized in the fiscal year 2020 Transportation Program or fiscal
20 year 2021 Transportation Program funded under federal COVID-19 legislation.

1 (b) The Agency shall promptly report the obligation or expenditure of
2 monies under the authority of subsection (a) of this section in writing to the
3 House and Senate Committees on Transportation and to the Joint Fiscal Office
4 while the General Assembly is in session, and to the Joint Fiscal Office, the
5 Joint Fiscal Committee, and the Joint Transportation Oversight Committee
6 when the General Assembly is not in session.

7 (c) Nothing in this section shall be construed to authorize the Secretary to
8 obligate or expend State Transportation Funds, General Funds, or TIB funds
9 above amounts authorized in the fiscal year 2020 Transportation Program or
10 fiscal year 2021 Transportation Program.

11 (d) Subsections (a) and (b) of this section shall continue in effect until
12 February 1, 2021.

13 * * * Additional Agency Spending; Redirection * * *

14 Sec. 1b. AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

15 (a) Notwithstanding Sec. 1 of this act, 2019 Acts and Resolves No. 59,
16 Sec. 1, 19 V.S.A. §§ 10g(n) and 11f(d), and 32 V.S.A. § 706, the Secretary is
17 authorized to utilize appropriated TIB funds, after the transfer required
18 pursuant to 19 V.S.A. § 11f(c) for fiscal years 2020 and 2021; State monies;
19 and federal monies for any of the following purposes in fiscal years 2020
20 and 2021 provided that the Agency expects to accept and obligate federal

1 monies pursuant to subsection 1a(a) of this act in an amount sufficient to cover
2 the additional expenditures:

3 (1) bridge maintenance;

4 (2) paving and surface maintenance;

5 (3) clearing of trees and brush in rights-of-way;

6 (4) ledge and slope remediation;

7 (5) culvert repair and replacement; and

8 (6) any other maintenance activities that are expected to provide an
9 economic stimulus in Vermont communities.

10 (b) If the expenditure of monies on a specific project pursuant to subsection
11 (a) of this section will not significantly delay the planned work schedule of a
12 project in the fiscal year 2020 and 2021 Transportation Programs, the
13 Secretary may enter into a contract for the activity and shall give prompt notice
14 of the contract to the Joint Fiscal Office and to the House and Senate
15 Committees on Transportation when the General Assembly is in session and to
16 the Joint Fiscal Office and the Joint Transportation Oversight Committee when
17 the General Assembly is not in session.

18 (c) If the expenditure of monies on a specific project pursuant to subsection
19 (a) of this section will significantly delay the planned work schedule of a
20 project, the Secretary may enter into a contract for the activity but shall give
21 advance notice of at least 10 business days prior to executing the contract to

1 the House and Senate Committees on Transportation when the General
2 Assembly is in session and to the Joint Fiscal Office, Joint Fiscal Committee,
3 and Joint Transportation Oversight Committee when the General Assembly is
4 not in session.

5 (d) The Secretary of Administration shall, on or before July 31, 2020, file a
6 written report listing all expenditures made during fiscal year 2020 under the
7 authority of subsection (a) of this section to the House and Senate Committees
8 on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint
9 Transportation Oversight Committee.

10 (e) The Secretary of Administration shall, on or before July 31, 2020, file a
11 written report listing all expenditures made during fiscal year 2021 under the
12 authority of subsection (a) of this section to the House and Senate Committees
13 on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint
14 Transportation Oversight Committee.

15 (f) The reports required pursuant to subsections (d) and (e) of this section
16 shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

17 * * * Amtrak; Burlington Rail Yard Realignment * * *

18 Sec. 1c. ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
19 FOR AMTRAK PROJECT

20 The following project is added to the candidate list of Rail within the
21 Agency's Fiscal Year 2020 Transportation Program, as adopted pursuant to

1 2019 Acts and Resolves No. 59, Sec. 1, and the candidate list of Rail within the
2 Agency’s Proposed Fiscal Year 2021 Transportation Program: Burlington –
3 Railyard Realignment for Amtrak.

4 Sec. 2. [Deleted.]

5 Sec. 3. [Deleted.]

6 Sec. 4. [Deleted.]

7 Sec. 5. [Deleted.]

8 * * * Program Development * * *

9 * * * Lamoille Valley Rail Trail * * *

10 **Sec. 6. LAMOILLE VALLEY RAIL TRAIL**

11 **(a) Within the Agency of Transportation’s Proposed Fiscal Year 2021**
12 **Transportation Program for Program Development—Bike & Pedestrian**
13 **Facilities, authorized spending for Swanton-St. Johnsbury LVRT () is**
14 **amended as follows:**

	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
FY21			
Other	2,500,000	7,000,000	4,500,000
Total	2,500,000	7,000,000	4,500,000
FY22			
Other	3,500,000	7,000,000	3,500,000
Total	3,500,000	7,000,000	3,500,000

1 **FY23**

2 Other	4,500,000	0	-4,500,000
3 Total	4,500,000	0	-4,500,000

4 **FY24**

5 Other	3,500,000	0	-3,500,000
6 Total	3,500,000	0	-3,500,000

7 **Sources of funds FY21**

8 State	0	0	0
9 Other	500,000	1,400,000	900,000
10 Federal	2,000,000	5,600,000	3,600,000
11 Total	2,500,000	7,000,000	4,500,000

12 (b) In the Agency of Transportation’s Proposed Fiscal Year 2021
13 Transportation Program for Program Development—Bike & Pedestrian
14 Facilities “Other funds of \$500,000 are General Obligation Bond proceeds
15 appropriated in the capital bill for the Lamoille Valley Rail Trail” is struck and
16 “Other funds of \$1,400,000 are General Obligation Bond proceeds
17 appropriated in the capital construction act for the Lamoille Valley Rail Trail,
18 but if matching federal funds are not available or if federal funds do not require
19 a state match, the funds shall be used for projects in a future capital
20 construction act” is inserted in lieu thereof.

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***** Roadway *****

Sec. 6a. PROGRAM DEVELOPMENT; ROADWAY

Within the Agency of Transportation’s Proposed Fiscal Year 2021

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

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	8,000,000	6,420,000	-1,580,000
Total	8,000,000	6,420,000	-1,580,000

Sources of funds

TIB	240,000	192,600	-47,400
Federal	7,600,000	6,099,000	-1,501,000
Local	160,000	128,400	-31,600
Total	8,000,000	6,420,000	-1,580,000

***** Safety and Traffic Operations *****

Sec. 6b. PROGRAM DEVELOPMENT; SAFETY AND TRAFFIC

OPERATIONS

Within the Agency of Transportation’s Proposed Fiscal Year 2021

Transportation Program for Program Development—Safety and Traffic

Operations authorized spending for Colchester HES NH 5600(14) is amended

as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
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1 Construction 7,000,000 4,900,000 -2,100,000

2 Total 7,000,000 4,900,000 -2,100,000

3 Source of funds

4 Federal 7,000,000 4,900,000 -2,100,000

5 Total 7,000,000 4,900,000 -2,100,000

6 * * * Central Garage * * *

7 Sec. 7. [Deleted.]

8 Sec. 8. TRANSFER TO CENTRAL GARAGE FUND

9 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of
10 \$1,605,358.00 is transferred from the Transportation Fund to the Central
11 Garage Fund created in 19 V.S.A. § 13.

12 Sec. 9. CENTRAL GARAGE EQUIPMENT

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

17 Sec. 10. [Deleted.]

18 * * * Plug-In Electric Vehicle Definitions * * *

19 Sec. 11. 23 V.S.A. § 4(85) is amended to read:

20 (85) “Plug-in electric vehicle” means a motor vehicle that can be
21 powered by an electric motor drawing current from a rechargeable energy

1 storage system, such as from storage batteries or other portable electrical
2 energy storage devices provided that the vehicle can draw recharge energy
3 from a source off the vehicle such as electric vehicle supply equipment. A
4 “plug-in electric vehicle” includes both a “battery electric vehicle” and a
5 “plug-in hybrid electric vehicle” where:

6 (A) “battery electric vehicle” means a motor vehicle that can only be
7 powered by an electric motor drawing current from a rechargeable energy
8 storage system; and

9 (B) “plug-in hybrid electric vehicle” means a motor vehicle that can
10 be powered by an electric motor drawing current from a rechargeable energy
11 storage system but also has an onboard combustion engine.

12 * * * Programs and Incentives to Foster PEV Adoption * * *

13 Sec. 12. 2019 Acts and Resolves No. 59, Sec. 34 is amended to read:

14 Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR
15 PROGRAMS

16 (a) Vehicle incentive and emissions repair programs administration.

17 (1) The Agency of Transportation (Agency), in consultation with the
18 ~~Agency of Natural Resources, the Agency of Human Services, the Department~~
19 Departments of Environmental Conservation and of Public Service, Vermont
20 electric distribution utilities ~~that are offering incentives for PEVs~~, and

1 the State's network of community action agencies, shall establish and
2 administer the programs described in subsections (b) and (c) of this section.

3 (2) The Agency is authorized to spend \$2,000,000.00 as appropriated in
4 the fiscal year 2020 budget and any additional monies as appropriated in the
5 fiscal year 2021 budget on the two programs described in subsections (b) and
6 (c) of this section. Notwithstanding any other provision of law and subject to
7 the approval of the Secretary of Administration, appropriations for the two
8 programs described in subsections (b) and (c) of this section remaining
9 unexpended on June 30, 2021 shall be carried forward and designated for
10 expenditure on these programs in the subsequent fiscal year.

11 (3) Subject to State procurement requirements, the Agency may, in
12 fiscal year 2020, retain a contractor or contractors to assist with marketing,
13 program development, and administration of the two programs and up to
14 \$150,000.00 of program funding may be set aside for this purpose. In fiscal
15 year 2021, the Agency is authorized to spend up to \$200,000.00 in program
16 funding to continue and expand the Agency's public-private partnership with
17 Drive Electric Vermont to support the expansion of the PEV market in the
18 State through technical and consumer assistance; auto dealer education;
19 outreach and incentive program management, including marketing, consumer
20 support, record keeping and reporting, program development and modification,
21 and general program administration for the program described in subsection

1 (b) of this section; and PEV promotional efforts. The Agency shall develop, in
2 consultation with the Departments of Environmental Conservation and of
3 Public Service, a scope of work for funding the Agency's grants to Drive
4 Electric Vermont pursuant to this section.

5 (4) The Agency shall administer the program described in subsection (b)
6 of this section through no-cost contracts with the State's electric distribution
7 utilities.

8 (5) The Agency shall annually evaluate the two programs to gauge
9 effectiveness and submit a written report on the effectiveness of the programs
10 to the House and Senate Committees on Transportation, the House Committee
11 on Energy and Technology, and the Senate Committee on Finance on or before
12 the 31st day of ~~December~~ January in each year following a year that an
13 incentive or repair voucher ~~is~~ was provided through one of the programs.
14 Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section
15 shall continue to be required if an incentive or repair voucher is provided
16 through one of the programs unless the General Assembly takes specific action
17 to repeal the report requirement.

18 (b) Electric vehicle incentive program. A new PEV purchase and lease
19 incentive program for Vermont residents shall structure PEV purchase and
20 lease incentive payments by income to help ~~all~~ Vermonters benefit from
21 electric driving, including Vermont's most vulnerable. The program shall be

1 known as the New PEV Incentive Program. Specifically, the ~~program~~ New
2 PEV Incentive Program shall:

3 (1) apply to both purchases and leases of new PEVs with an emphasis
4 on creating and matching incentives for ~~exclusively electric powered vehicles~~
5 ~~that do not contain an onboard combustion engine~~ BEVs;

6 (2) provide ~~incentives~~ not more than one incentive of \$1,500.00 for a
7 PHEV or \$2,500.00 for a BEV to Vermont households with low and moderate
8 income at or below 160 percent of the State's prior five year average Median
9 Household Income (MHI) level:

10 (A) an individual domiciled in the State whose federal income tax
11 filing status is single or head of household with an adjusted gross income
12 under the laws of the United States greater than \$50,000.00 and at or below
13 \$100,000.00;

14 (B) an individual domiciled in the State whose federal income tax
15 filing status is surviving spouse with an adjusted gross income under the laws
16 of the United States greater than \$50,000.00 and at or below \$125,000.00;

17 (C) a married couple with at least one spouse domiciled in the State
18 whose federal income tax filing status is married filing jointly with an adjusted
19 gross income under the laws of the United States greater than \$50,000.00 and
20 at or below \$125,000.00; or

1 (D) a married couple with at least one spouse domiciled in the State
2 and at least one spouse whose federal income tax filing status is married filing
3 separately with an adjusted gross income under the laws of the United States
4 greater than \$50,000.00 and at or below \$100,000.00;

5 (3) provide not more than one incentive of \$3,000.00 for a PHEV or
6 \$4,000.00 for a BEV to:

7 (A) an individual domiciled in the State whose federal income tax
8 filing status is single, head of household, or surviving spouse with an adjusted
9 gross income under the laws of the United States at or below \$50,000.00;

10 (B) a married couple with at least one spouse domiciled in the State
11 whose federal income tax filing status is married filing jointly with an adjusted
12 gross income under the laws of the United States at or below \$50,000.00; or

13 (C) a married couple with at least one spouse domiciled in the State
14 and at least one spouse whose federal income tax filing status is married filing
15 separately with an adjusted gross income under the laws of the United States at
16 or below \$50,000.00;

17 (4) apply to manufactured PEVs with a Base Manufacturer's Suggested
18 Retail Price (MSRP) of \$40,000.00 or less; and

19 ~~(4)~~(5) provide ~~no~~ not less than \$1,100,000.00, of the initial
20 \$2,000,000.00 authorization, and up to an additional \$2,050,000.00 in fiscal
21 year 2021 in PEV purchase and lease incentives.

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- Sec. 13. [Deleted.]
- Sec. 14. [Deleted.]
- Sec. 15. [Deleted.]
- Sec. 16. [Deleted.]
- Sec. 17. [Deleted.]
- Sec. 18. [Deleted.]

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

- (a) This section and Secs. 1a (federal funding), 1b (spending redirection), and 1c (Amtrak) shall take effect on passage.
- (b) All other sections shall take effect on July 1, 2020.