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H.942

Representatives McCormack of Burlington, Murphy of Fairfax, Corcoran of Bennington, Burke of Brattleboro, McCarthy of St. Albans City, McCoy of Poultney, Potter of Clarendon, Quimby of Concord, Savage of Swanton, Sullivan of Burlington, and White of Hartford move that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; INTENT; REPORTS;
DEFINITIONS

(a) Transportation program adopted. The Agency of Transportation’s proposed fiscal year 2021 Transportation Program appended to the Agency of Transportation’s proposed fiscal year 2021 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) Intent.

(1) It is the intent of the General Assembly that the Agency’s top priority should be the transportation program adopted under subsection (a) of this section, including preserving all funding to municipalities.

(2) In response to the unprecedented challenges posed by the COVID-19 pandemic, the General Assembly acknowledges that continued funding of

1 infrastructure will help boost our local economy and support the health and
2 welfare of Vermonters. Accordingly, it is the intent of the General Assembly
3 that the projects funded in this act, including under Secs. 2 and 3 of this act,
4 will serve to support and help drive growth in Vermont’s economy during this
5 uncertain time.

6 (3) In light of the long-term and ongoing climate change emergency, it
7 is the intent of the General Assembly to continue to invest in and prioritize
8 measures that will directly contribute to the reduction of greenhouse gas
9 emissions consistent with the State’s 2016 Comprehensive Energy Plan.

10 (c) Reports.

11 (1) The Agency shall, on or before September 1, 2020, file a written
12 report with the Joint Transportation Oversight Committee and the House and
13 Senate Committees on Appropriations and on Transportation with the
14 following information:

15 (A) an update on enacted and anticipated federal COVID-19
16 legislation;

17 (B) an update on projects in the transportation program adopted
18 under subsection (a) of this section that are not anticipated to proceed as
19 planned in fiscal year 2021 and the reasons why;

1 (C) an update on projects not in the transportation program adopted
2 under subsection (a) of this section that will proceed in fiscal year 2021 and the
3 source of funding;

4 (D) the status of and funding remaining for the electric vehicle
5 incentive programs established pursuant to 2019 Acts and Resolves No. 59,
6 Sec. 34;

7 (E) the balance of funding available for public transit under federal
8 COVID-19 legislation; and

9 (F) any expected reduction in funding available for municipalities.

10 (2) The Agency shall, on or before February 15, 2021, file a written
11 report with the House and Senate Committees on Appropriations and on
12 Transportation with the following information:

13 (A) an update on enacted and anticipated federal COVID-19
14 legislation;

15 (B) an update on projects in the transportation program adopted
16 under subsection (a) of this section that are not anticipated to proceed as
17 planned in fiscal year 2021 and the reasons why;

18 (C) an update on projects not in the transportation program adopted
19 under subsection (a) of this section that will proceed in fiscal year 2021 and the
20 source of funding;

1 (D) the status of and funding remaining for the electric vehicle
2 incentive programs established pursuant to 2019 Acts and Resolves No. 59,
3 Sec. 34;

4 (E) the balance of funding available for public transit under federal
5 COVID-19 legislation; and

6 (F) any expected reduction in funding available for municipalities.

7 (d) Definitions. As used in this act, unless otherwise indicated:

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

9 (2) “Electric vehicle supply equipment” has the same meaning as in
10 30 V.S.A. § 201 and is abbreviated “EVSE.”

11 (3) “Federal COVID-19 legislation” includes any federal infrastructure
12 bills or other federal legislation that provide the State with additional federal
13 funding for transportation-related projects in fiscal year 2021 or was enacted as
14 a result of COVID-19.

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

18 (5) “Secretary” means the Secretary of Transportation.

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

1 (A) projects in the fiscal year 2020 Transportation Program and fiscal
2 year 2021 Transportation Program;

3 (B) additional town highway projects; and

4 (C) activities that meet federal eligibility and readiness criteria;

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

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

11 (b) The Agency shall promptly report the obligation or expenditure of
12 monies under the authority of subsection (a) of this section in writing to the
13 House and Senate Committees on Transportation and to the Joint Fiscal Office
14 while the General Assembly is in session and to the Joint Fiscal Office, the
15 Joint Fiscal Committee, and the Joint Transportation Oversight Committee
16 when the General Assembly is not in session.

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

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

3 * * * Additional Agency Spending; Redirection * * *

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

5 (a) Notwithstanding Sec. 1 of this act; 2019 Acts and Resolves No. 59,
6 Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, the Secretary is authorized to
7 utilize State and federal monies for any of the following activities that will
8 keep Vermonters employed, promote economic activity, and allow the State
9 and municipalities to catch up on deferred maintenance in fiscal years 2020
10 and 2021, provided that the Agency expects to accept and obligate federal
11 monies pursuant to subsection 2(a) of this act in an amount sufficient to cover
12 the additional expenditures:

13 (1) bridge maintenance;

14 (2) paving and surface maintenance;

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

16 (4) ledge and slope remediation;

17 (5) culvert repair and replacement; and

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

20 (b) Notwithstanding Sec. 1 of this act; 2019 Acts and Resolves No. 59,

21 Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, the Secretary is authorized to

1 utilize State and federal monies for any of the following greenhouse gas
2 emissions reduction efforts in fiscal years 2020 and 2021, provided that the
3 Agency expects to accept and obligate federal monies pursuant to subsection
4 2(a) of this act in an amount sufficient to cover the additional expenditures:

5 (1) funding for a grant program for the installation of EVSE that builds
6 upon the existing VW EVSE Grant Program that the Department of Housing
7 and Community Development has been administering on behalf of the
8 Department of Environmental Conservation;

9 (2) PEV buses for public transit;

10 (3) PEVs for the State motor vehicle fleet; and

11 (4) funding, not to exceed \$1,000,000.00, for the New PEV Incentive
12 Program created pursuant to 2019 Acts and Resolves No. 59, Sec. 34 as
13 amended by the act.

14 (c) If the expenditure of monies pursuant to subsection (a) or (b) of this
15 section will not significantly delay the planned work schedule of a project in
16 the fiscal year 2020 and 2021 Transportation Programs, the Secretary may
17 enter into a contract for the activity or proceed with the expenditure and shall
18 give prompt notice of the contract or expenditure to the Joint Fiscal Office and
19 to the House and Senate Committees on Transportation when the General
20 Assembly is in session and to the Joint Fiscal Office and the Joint

1 Transportation Oversight Committee when the General Assembly is not in
2 session.

3 (d) If the expenditure of monies pursuant to subsection (a) or (b) of this
4 section will significantly delay the planned work schedule of a project, the
5 Secretary may enter into a contract for the activity or proceed with the
6 expenditure but shall give advance notice of at least 10 business days prior to
7 executing the contract or making the expenditure to the House and Senate
8 Committees on Transportation when the General Assembly is in session and to
9 the Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation
10 Oversight Committee when the General Assembly is not in session.

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

16 (f) The Secretary of Administration shall, on or before July 31, 2021, file a
17 written report listing all expenditures made during fiscal year 2021 under the
18 authority of subsections (a) and (b) of this section to the House and Senate
19 Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee,
20 and Joint Transportation Oversight Committee.

1 (g) The reports required pursuant to subsections (e) and (f) of this
2 section shall be in addition to the report required pursuant to 19 V.S.A.
3 § 10g(e).

4 * * * Amtrak; Burlington Rail Yard Realignment * * *

5 Sec. 4. ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
6 FOR AMTRAK PROJECT

7 The following project is added to the development and evaluation list of
8 Rail within the Agency’s Fiscal Year 2020 Transportation Program, as adopted
9 pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the development and
10 evaluation list of Rail within the Agency’s Proposed Fiscal Year 2021
11 Transportation Program: Burlington – Railyard Realignment for Amtrak.

12 * * * Highway Maintenance * * *

13 Sec. 5. HIGHWAY MAINTENANCE

14 Within the Agency of Transportation’s Proposed Fiscal Year 2021
15 Transportation Program for Maintenance, spending is amended as follows:

16	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
17	Personal	45,757,089	45,757,089	0
18	Services			
19	Operating	52,896,134	51,596,134	-1,300,000
20	Expenses			
21	Grants	240,200	240,200	0

1	Total	98,893,423	97,593,423	-1,300,000
2	<u>Sources of funds</u>			
3	State	96,415,636	95,115,636	-1,300,000
4	Federal	2,377,787	2,377,787	0
5	Interdepart.			
6	Transfer	100,000	100,000	0
7	Total	98,893,423	97,593,423	-1,300,000

* * * Program Development * * *

* * * Roadway * * *

Sec. 6. 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:

14	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Construction	8,000,000	6,420,000	-1,580,000
16	Total	8,000,000	6,420,000	-1,580,000
17	<u>Sources of funds</u>			
18	TIB	240,000	192,600	-47,400
19	Federal	7,600,000	6,099,000	-1,501,000
20	Local	160,000	128,400	-31,600
21	Total	8,000,000	6,420,000	-1,580,000

1 * * * Safety and Traffic Operations * * *

2 Sec. 7. PROGRAM DEVELOPMENT; SAFETY AND TRAFFIC

3 OPERATIONS

4 Within the Agency of Transportation’s Proposed Fiscal Year 2021

5 Transportation Program for Program Development—Safety and Traffic

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

7 as follows:

8	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
9	Construction	7,000,000	4,900,000	-2,100,000
10	Total	7,000,000	4,900,000	-2,100,000
11	<u>Source of funds</u>			
12	Federal	7,000,000	4,900,000	-2,100,000
13	Total	7,000,000	4,900,000	-2,100,000

14 * * * Public Transit * * *

15 Sec. 8. PUBLIC TRANSIT; FARE-FREE

16 It is the intent of the General Assembly that public transit operated by

17 transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C.

18 § 5307 or 5311, or both, in the State shall be operated on a fare-free basis with

19 monies for public transit from the Coronavirus Aid, Relief, and Economic

20 Security Act, Pub. L. No. 116-136 (CARES Act) as practicable.

1 Sec. 9. PUBLIC TRANSIT; ADDITION OF INCREASED PUBLIC
2 TRANSIT FOR FISCAL YEAR 2021

3 (a) The following project is added to the Agency of Transportation’s
4 Proposed Fiscal Year 2021 Transportation Program for Public Transit:
5 Increased Public Transit for Fiscal Year 2021.

6 (b) Spending authority for Increased Public Transit for Fiscal Year 2021 is
7 authorized as follows:

8	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
9	Other	0	500,000	500,000
10	Total	0	500,000	500,000
11	<u>Sources of funds</u>			
12	State	0	500,000	500,000
13	Total	0	500,000	500,000

14 (c) To the extent that the Agency is able to secure additional unobligated
15 federal funds for Increased Public Transit for Fiscal Year 2021, the spending
16 authority for Increased Public Transit for Fiscal Year 2021 is increased by that
17 same amount in federal funds.

18 (d) The Agency shall increase public transit initiatives in fiscal year 2021
19 in conformance with the implementation plan in the Agency of
20 Transportation’s 2019 Public Transit Policy Plan (PTPP) and findings of the
21 Report on Methods to Increase the Use of Public Transit in Vermont prepared

1 pursuant to 2019 Acts and Resolves No. 59, Sec. 20. Additional initiatives

2 may include:

3 (1) adding new local and regional service connections to improve rural
4 ridership;

5 (2) providing support for technology improvements for transit;

6 (3) expanding access to available seats in transit vehicles; and

7 (4) marketing and engaging with the public to increase awareness of
8 public transit options.

9 * * * Lamoille Valley Rail Trail * * *

10 Sec. 10. 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>	
15				
16	<u>FY21</u>			
17	Other	2,500,000	7,000,000	4,500,000
18	Total	2,500,000	7,000,000	4,500,000
19	<u>FY22</u>			
20	Other	3,500,000	7,000,000	3,500,000
21	Total	3,500,000	7,000,000	3,500,000

1	<u>FY23</u>			
2	Other	4,500,000	0	-4,500,000
3	Total	4,500,000	0	-4,500,000
4	<u>FY24</u>			
5	Other	3,500,000	0	-3,500,000
6	Total	3,500,000	0	-3,500,000
7	<u>Sources of funds FY21</u>			
8	State	0	700,000	700,000
9	Other	500,000	700,000	200,000
10	Federal	2,000,000	5,600,000	3,600,000
11	Total	2,500,000	7,000,000	4,500,000
12	<u>Sources of funds FY22</u>			
13	State	0	0	0
14	Other	0	1,400,000	1,400,000
15	Federal	0	5,600,000	5,600,000
16	Total	0	7,000,000	7,000,000

17 (b) In the Agency of Transportation’s Proposed Fiscal Year 2021
18 Transportation Program for Program Development—Bike & Pedestrian
19 Facilities, “Other funds of \$500,000 are General Obligation Bond proceeds
20 appropriated in the capital bill for the Lamoille Valley Rail Trail” is struck,
21 and “Other funds of \$2,100,000 are General Obligation Bond proceeds

1 appropriated in the capital construction act for the Lamoille Valley Rail Trail,
2 but if matching federal funds are not available or if federal funds do not require
3 a state match, the funds shall be used for projects in a future capital
4 construction act” is inserted in lieu thereof.

5 * * * Central Garage * * *

6 Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

7 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of
8 \$1,605,358.00 is transferred from the Transportation Fund to the Central
9 Garage Fund created in 19 V.S.A. § 13.

10 Sec. 12. CENTRAL GARAGE EQUIPMENT

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

15 * * * Plug-In Electric Vehicle Definitions * * *

16 Sec. 13. 23 V.S.A. § 4(85) is amended to read:

17 (85) “Plug-in electric vehicle” means a motor vehicle that can be
18 powered by an electric motor drawing current from a rechargeable energy
19 storage system, such as from storage batteries or other portable electrical
20 energy storage devices provided that the vehicle can draw recharge energy
21 from a source off the vehicle such as electric vehicle supply equipment. A

1 “plug-in electric vehicle” includes both a “battery electric vehicle” and a
2 “plug-in hybrid electric vehicle” where:

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

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

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

10 Sec. 14. 2019 Acts and Resolves No. 59, Sec. 34 is amended to read:

11 Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR

12 PROGRAMS

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

14 (1) The Agency of Transportation (Agency), in consultation with the
15 ~~Agency of Natural Resources, the Agency of Human Services, the Department~~
16 Departments of Environmental Conservation and of Public Service, Vermont
17 electric distribution utilities ~~that are offering incentives for PEVs~~, and
18 the State’s network of community action agencies, shall establish and
19 administer the programs described in subsections (b) and (c) of this section.

20 (2) The Agency is authorized to spend \$2,000,000.00 as appropriated in
21 the fiscal year 2020 budget and any additional monies as appropriated in the

1 fiscal year 2021 budget or Transportation Fund monies authorized to be
2 expended by the Secretary of Transportation pursuant to Sec. 3 of this act, or
3 both, on the two programs described in subsections (b) and (c) of this section.
4 Notwithstanding any other provision of law and subject to the approval of the
5 Secretary of Administration, appropriations for the two programs described in
6 subsections (b) and (c) of this section remaining unexpended on June 30, 2021
7 shall be carried forward and designated for expenditure on these programs in
8 the subsequent fiscal year.

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

1 Public Service, a scope of work for funding the Agency's grants to Drive
2 Electric Vermont pursuant to this section.

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

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

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

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

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

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

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

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

19 (D) a married couple with at least one spouse domiciled in the State
20 and at least one spouse whose federal income tax filing status is married filing

1 separately with an adjusted gross income under the laws of the United States
2 greater than \$50,000.00 and at or below \$100,000.00;

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

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

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

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

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

17 ~~(4)~~(5) provide ~~no~~ not less than \$1,100,000.00, of the initial
18 \$2,000,000.00 authorization, and up to an additional \$2,050,000.00 in fiscal
19 year 2021 in PEV purchase and lease incentives.

20 * * *

1 * * * Class 2 Town Highway Roadway Program * * *

2 Sec. 15. 19 V.S.A. § 306(h) is amended to read:

3 (h) Class 2 Town Highway Roadway Program. There shall be an annual
4 appropriation for grants to municipalities for resurfacing, rehabilitation, or
5 reconstruction of paved or unpaved class 2 town highways. However,
6 municipalities that have no State highways or class 1 town highways within
7 their borders may use the grants for such activities with respect to both class 2
8 and class 3 town highways. Each fiscal year, the Agency shall approve
9 qualifying projects with a total estimated State share cost of \$7,648,750.00 at a
10 minimum as new grants. The Agency's proposed appropriation for the
11 Program shall take into account the estimated amount of qualifying invoices
12 submitted to the Agency with respect to project grants approved in prior years
13 but not yet completed as well as with respect to new project grants to be
14 approved in the fiscal year. In a given fiscal year, should expenditures in the
15 Class 2 Town Highway Roadway Program exceed the amount appropriated,
16 the Agency shall advise the Governor of the need to request a supplemental
17 appropriation from the General Assembly to fund the additional project cost,
18 provided that the Agency has previously committed to completing those
19 projects. Funds received as grants for State aid under the Class 2 Town
20 Highway Roadway Program may be used by a municipality to satisfy a portion

1 of the matching requirements for federal earmarks, subject to subsection
2 309b(c) of this title.

3 * * * Telecommuting Report * * *

4 Sec. 16. TELECOMMUTING REPORT

5 The Agency of Transportation shall, in consultation with the Agency of
6 Commerce and Community Development, submit a written report on or before
7 September 30, 2021 to the House Committees on Commerce and Economic
8 Development and on Transportation and the Senate Committees on Economic
9 Development, Housing and General Affairs and on Transportation that
10 addresses, at a minimum, the following:

11 (1) how telecommuting practices changed in the State in response to
12 COVID-19;

13 (2) how telecommuting practices changed in the State during fiscal year
14 2021;

15 (3) best practices for telecommuting;

16 (4) an estimate of the expenses and savings to Vermont employers and
17 their employees generated by telecommuting during fiscal year 2021;

18 (5) an estimate of the annual expenses and savings to Vermont
19 employers in an industry conducive to telecommuting with more than 50
20 employees that could be generated by greater utilization of telecommuting;

1 ~~(3) “Operate” includes an attempt to operate and shall be construed to~~
2 ~~cover all matters and things connected with the presence and use of all terrain~~
3 ~~vehicles whether they be at motion or rest.~~

4 ~~(4) “Secretary” means the Secretary of Natural Resources.~~

5 (5) “All-terrain vehicle” or “ATV” means any nonhighway recreational
6 vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires
7 (10 pounds per square inch, or less), not wider than 64 inches with two-wheel
8 ATVs having permanent, full-time power to both wheels, and having a dry
9 weight of less than 1,700 pounds, when used for cross-country travel on trails
10 or on any one of the following or a combination thereof: land, water, snow,
11 ice, marsh, swampland, and natural terrain. An ATV on a public highway shall
12 be considered a motor vehicle, as defined in section 4 of this title, only for the
13 purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),
14 (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);
15 (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title.
16 An ATV shall not include an electric personal assistive mobility device.

17 (2) “Department” means the Department of Motor Vehicles unless
18 otherwise stated.

19 (3) “Direct supervision” means that the supervisor shall be sufficiently
20 close and able to control, by communicating visually or orally, the operation of

1 an ATV by an operator under 16 years of age, taking into account the noise
2 created by an ATV and protective headgear worn by the operator.

3 (4) “Farm” means a parcel or parcels of land owned, leased, or managed
4 by a person and devoted primarily to farming.

5 (5) “Secretary” means the Secretary of Natural Resources.

6 (6) “State lands” means land owned, leased, or otherwise controlled by
7 the State.

8 ~~(6)(7) “Club or association” means an all terrain vehicle club or~~
9 “VASA” means the Vermont ATV Sportsman’s Association, a statewide
10 association of ATV clubs.

11 § 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

12 REQUIRED; EXCEPTIONS

13 ~~(a)(1) An all terrain vehicle may not be operated~~ Except as otherwise
14 provided in this section, an individual shall not operate an ATV on the VASA
15 Trail System, on State land designated by the Secretary pursuant to subdivision
16 3506(b)(4) of this title, or along any highway that is not adjacent to the
17 property of the operator unless the ATV:

18 (A) is registered pursuant to this chapter or any other section of this
19 title by the State of Vermont and unless the all terrain vehicle or in accordance
20 with subsection (e) of this section; and

1 ~~(B)~~ displays a valid ~~Vermont ATV Sportsman's Association (VASA)~~
2 VASA Trail Access Decal (TAD) ~~when operating on a VASA trail, except~~
3 ~~when operated.;~~

4 ~~(1)(2)~~ Notwithstanding subdivision (1) of this subsection, neither
5 registration nor display of a TAD is required to operate an ATV:

6 ~~(A)~~ On ~~on~~ the property of the owner of the ~~all-terrain vehicle.~~ ATV;

7 ~~(B)(2)~~ Off the highway, In in a ski area ~~while being used, off the~~
8 highway, for the purpose of grooming snow, maintenance, or in rescue
9 operations.;

10 ~~(3)(C)~~ For ~~for~~ official use by a federal, State, or municipal agency ~~and~~
11 ~~only~~ if the ~~all-terrain vehicle~~ ATV is identified with the name or seal of the
12 agency in a manner approved by the Commissioner. or

13 ~~(D)(4)~~ Solely on privately owned land when the operator is
14 specifically invited to do so by the owner of ~~that~~ the property and ~~has on his or~~
15 ~~her person~~ carries the written consent of the owner.

16 ~~(3)(5)~~ By a person who Notwithstanding subdivision (1) of this
17 subsection, an operator may operate an ATV without a TAD displayed if the
18 operator possesses a completed TAD form processed electronically ~~and~~ within
19 the prior 10 days that is either printed out or displayed on a portable electronic
20 device. ~~The printed or electronic TAD form shall be valid for 10 days after the~~
21 ~~electronic transaction.~~ Use of a portable electronic device to display a

1 completed TAD form does not in itself constitute consent for an enforcement
2 officer to access other contents of the device.

3 * * *

4 (c) The possession of a valid TAD or registration of an ~~all-terrain vehicle~~
5 ATV does not constitute a license to ~~cross or~~ operate an ~~all-terrain vehicle~~
6 ATV on public or private lands, even if temporarily while crossing the public
7 or private lands.

8 (d) An ~~all-terrain vehicle which~~ ATV that does not comply with the
9 provisions of this chapter ~~may~~ shall not be registered by the Commissioner.

10 (e) An ~~all-terrain vehicle~~ ATV owned by a person who is a resident of any
11 other state or province shall be deemed to be properly registered for the
12 purposes of this chapter if it is registered in accordance with the laws of the
13 state or province in which its owner resides. An operator who is a resident of
14 any other state or province shall be subject to the provisions of this chapter
15 while operating an ATV within this State, including possessing a valid TAD in
16 the same circumstances that a resident of this State is required to possess a
17 valid TAD.

1 Sec. 18. 23 V.S.A. § 3506 is amended to read:

2 § 3506. OPERATION; PROHIBITED ACTS; FINANCIAL
3 RESPONSIBILITY; HEADGEAR

4 (a) A person shall only operate an ATV, or permit an ~~all-terrain vehicle~~
5 ATV owned by him or her or under his or her control to be operated, in
6 accordance with this chapter.

7 (b) An ~~all-terrain vehicle~~ ATV shall not be operated:

8 (1) Along a public highway except if one or more of the following
9 applies:

10 (A) ~~the highway is not being maintained during the snow season;~~

11 ~~(B) the highway has been opened to all-terrain vehicle~~ ATV travel by
12 ~~the selectboard or trustees or local governing body~~ legislative body of the
13 municipality where the town highway is located or, for State highways, the
14 Secretary of Transportation and is so posted ~~by the municipality;~~

15 ~~(C)~~ (B) the ~~all-terrain vehicle~~ ATV is being used for agricultural
16 purposes and is operated not closer than three feet from the traveled portion of
17 any highway for the purpose of traveling within the confines of the farm; or

18 ~~(D)~~ (C) the ~~all-terrain vehicle~~ ATV is being used by an employee or
19 agent of an electric transmission or distribution company subject to the
20 jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility
21 purposes, including safely accessing utility corridors, provided that the ~~all-~~

1 ~~terrain vehicle~~ ATV shall be operated along the edge of the roadway and shall
2 yield to other vehicles.

3 (2) Across a public highway ~~unless~~ except if all of the following
4 conditions are met:

5 (A) the crossing is made at an angle of approximately 90 degrees to
6 the direction of the highway and at a place where no obstruction prevents a
7 quick and safe crossing; ~~and~~

8 (B) the operator brings the ~~all-terrain vehicle~~ ATV to a complete stop
9 before entering the ~~travelled~~ traveled portion of the highway; ~~and~~

10 (C) the operator yields the ~~right-of-way~~ right of way to motor
11 vehicles and pedestrians using the highway; ~~and~~

12 (D) the operator is 12 years of age or older; ~~and that~~

13 (E) in the case of an operator under 16 years of age, must be the
14 operator is under the direct supervision of a person an individual 18 years of
15 age or older who does not have a suspended operator's license or privilege to
16 operate.

17 (3) On any privately owned land or privately owned body of ~~private~~
18 water unless either:

19 (A) the operator is the owner, or member of the immediate family of
20 the owner of the land; ~~or~~

1 (B) the operator ~~has, on his or her person,~~ carries the written consent
2 of the owner or lessee of the land or the land surrounding the privately owned
3 body of water to operate an ~~all-terrain vehicle~~ ATV in the specific area and
4 during specific hours ~~and/or~~ or days, or both in which the operator is operating;
5 ~~or;~~

6 (C) the ~~all-terrain vehicle~~ ATV displays a valid ~~TAD decal~~ VASA
7 Trail Access Decal (TAD) as required by subsection 3502(a) of this title that
8 serves as proof that the ~~all-terrain vehicle~~ ATV and its operator, by virtue of
9 the TAD, are members of a ~~VASA-affiliated club to which such~~ VASA and
10 consent has been given orally or in writing to operate an ~~all-terrain vehicle~~
11 ATV in the area ~~in which~~ where the operator is operating; or

12 ~~(C)~~(D) the owner of the land ~~has~~ or the land surrounding the privately
13 owned body of water designated the area for use by ~~all-terrain vehicles~~ ATVs
14 by posting the area in a manner approved by the Secretary to give reasonable
15 notice that use is permitted.

16 (4) On any ~~public land~~ municipal lands unless opened to ATV travel by
17 the legislative body of the municipality where the land is located or on any
18 State lands, body of public water, or natural area established under the
19 provisions of 10 V.S.A. § 2607 unless ~~the Secretary has~~ designated ~~the area by~~
20 the Secretary for use by ~~all-terrain vehicles pursuant to~~ ATVs in rules
21 ~~promulgated~~ adopted under ~~provisions of~~ 3 V.S.A. chapter 25.

1 (5) By ~~a person~~ an individual under 12 years of age unless he or she is
2 wearing on his or her head protective headgear of a type approved by the
3 Commissioner while operating the ATV or riding as a passenger on the ATV
4 and either:

5 (A) he or she is on land owned by his or her parents, family, or
6 guardian;

7 (B) he or she has written permission of the landowner or lessee; or

8 (C) he or she is under the direct supervision of ~~a person at least an~~
9 individual 18 years of age or older who does not have a suspended operator's
10 license or privilege to operate.

11 (6) In any manner ~~intended or~~ that could reasonably ~~to~~ be expected to
12 harm, harass, drive, or pursue any wildlife.

13 (7) If the registration certificate or consent form ~~is~~ and proof of
14 insurance are not available for inspection, and the registration number, or plate
15 of a size and type approved by the Commissioner, is not displayed on the ~~all-~~
16 ~~terrain vehicle~~ ATV in a manner approved by the Commissioner.

17 (8) While the operator is under the influence of drugs or alcohol as
18 defined by this title.

19 (9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent
20 with the duty of ordinary care, so as to endanger ~~a person~~ an individual or
21 property.

1 (10) Within a cemetery, public or private, as defined in 18 V.S.A.
2 § 5302.

3 (11) On limited access highways, ~~rights-of-way~~ rights-of-way, or
4 approaches unless permitted by the Traffic Committee under section 1004 of
5 this title. In no cases shall the use of ~~all-terrain vehicles~~ ATVs be permitted on
6 any portion of the Dwight D. Eisenhower National System of Interstate and
7 Defense Highways unless the Traffic Committee permits operation on these
8 highways.

9 (12) On a sidewalk unless permitted by the ~~selectboard or trustees of the~~
10 ~~local governing~~ legislative body of the municipality where the sidewalk is
11 located.

12 (13) Without liability insurance as described in this subdivision. The
13 owner or operator of an ATV shall not operate or permit the operation of an
14 ATV at locations where the ATV must be registered in order to be lawfully
15 operated under section 3502 of this title without having in effect a bond or a
16 liability policy in the amounts of at least \$25,000.00 for one individual and
17 \$50,000.00 for two or more individuals killed or injured and \$10,000.00 for
18 damages to property in any one accident. In lieu of a bond or liability policy,
19 evidence of self-insurance in the amount of \$115,000.00 must be filed with the
20 Commissioner. Financial responsibility shall be maintained and evidenced in a

1 form prescribed by the Commissioner, and persons who self-insure shall be
2 subject to the provisions of subsection 801(c) of this title.

3 (14) While the operator’s license or privilege to operate a motor vehicle
4 is suspended, unless operated at a location described in subdivision
5 3502(a)(2)(A) or (D) of this title.

6 (15) Outside the boundaries of trails established by the VASA Trail
7 System unless such operation is specifically authorized pursuant to another
8 provision of this chapter.

9 (16) Unless the operator and all passengers wear properly secured
10 protective headgear, of a type approved by the Commissioner and as intended
11 by the manufacturer, if the ATV is operated at locations where the ATV must
12 be registered in order to be lawfully operated under section 3502 of this title.

13 (c) No public or private landowner shall be liable for any property damage
14 or personal injury sustained by any ~~person~~ individual operating or riding as a
15 passenger on an ~~all-terrain vehicle~~ ATV or upon a vehicle or other device
16 drawn by an ~~all-terrain vehicle~~ ATV upon the public or private landowner’s
17 property, whether or not the public or private landowner has given permission
18 to use the land, unless the public or private landowner charges a cash fee to the
19 operator or owner of the ~~all-terrain vehicle~~ ATV for the use of the property or
20 unless damage or injury is intentionally inflicted by the landowner.

1 (d) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may
2 not be operated:

3 (1) if equipped with an exhaust system with a cut out, bypass, or similar
4 device; or

5 (2) with the spark arrester removed or modified, except for use in closed
6 course competition events.

7 (e) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may
8 not be operated by an operator who is less than 18 years of age unless one of
9 the following criteria is met:

10 (1) the operator is operating on property owned or leased by the operator
11 or his or her parents or guardian; ~~or~~

12 (2) the operator is taking a prescribed safety education training course
13 and operating under the direct supervision of a certified ~~all-terrain vehicle~~
14 ATV safety instructor; or

15 (3) the operator holds an appropriate safety education certificate issued
16 by this State or issued under the authority of another state or province of
17 Canada.

18 (f) ~~A person~~ An individual who is required to hold an appropriate safety
19 education certificate under the provisions of subsection (e) of this section shall
20 exhibit the safety education certificate upon demand of a law enforcement
21 officer having authority to enforce the provisions of this section.

1 (g) ~~Notwithstanding any other provision of law or rule to the contrary, the~~
2 ~~Commissioner may authorize the temporary operation of all terrain vehicles~~
3 ~~not registered in this State on Route 253 in Beecher Falls for an annual special~~
4 ~~event, provided the all-terrain vehicle is registered in another state or province.~~

5 [Repealed.]

6 * * * U.S. Postal Service; Vehicle Inspection; Sunset Repeal * * *

7 Sec. 19. 2017 Acts and Resolves No. 71, Sec. 31(a)(4) is amended to read:

8 (4) ~~23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier~~
9 ~~vehicles), shall be repealed on July 1, 2020. [Repealed.]~~

10 * * * Permit Fees; Waiver * * *

11 Sec. 20. AUTHORITY TO WAIVE RIGHT-OF-WAY PERMIT FEES

12 (a) Notwithstanding 19 V.S.A. § 1112(b), the Secretary is authorized to
13 waive fees associated with permits or permit amendments issued pursuant to
14 19 V.S.A. § 1111 for any reason associated with the response and recovery to
15 the COVID-19 pandemic.

16 (b) Subsection (a) of this section shall continue in effect until six months
17 after the conclusion of a state of emergency declared under 20 V.S.A. chapter
18 1 due to COVID-19.

19 * * * Use of Pozzolans as an Alternative to Portland Cement * * *

20 Sec. 21. USE OF POZZOLANS AS AN ALTERNATIVE TO PORTLAND
21 CEMENT

1 (a) Findings. The General Assembly finds that:

2 (1) Pozzolans, such as pulverized fuel ash (commonly known as “fly
3 ash”), ground granulated blast-furnace slag, and silica fume, can be used to
4 partially replace a portion of the Portland Cement used in the production of
5 concrete.

6 (2) Using pozzolans in the production of concrete for transportation
7 infrastructure projects can typically reduce the use of Portland Cement by 40 to
8 50 percent.

9 (3) Using pozzolans in a concrete mix design can:

10 (A) reduce the carbon dioxide emissions associated with
11 transportation infrastructure projects, such as bridges and sidewalks;

12 (B) increase the compressive strength and durability of concrete; and

13 (C) decrease construction costs.

14 (4) Pozzolans cannot be used as a complete substitute for Portland
15 Cement in a concrete mix design because they enhance and do not replace the
16 cementitious properties of Portland Cement as it hydrates as part of the overall
17 chemical reaction that binds and strengthens the concrete.

18 (b) Use of Portland Cement. The Agency is encouraged to continue
19 researching, testing, and wherever practicable, using pozzolans and alternatives
20 to Portland Cement as part of the concrete mix designs for all transportation
21 infrastructure projects.

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* * * Effective Dates * * *

Sec. 22. EFFECTIVE DATES

(a) This section and Secs. 2 (federal funding), 3 (spending redirection), 4 (Amtrak), 19 (U.S. Postal Service vehicle inspection exemption sunset repeal; 23 V.S.A. § 1222(e)), and 20 (section 1111 permit fee waiver) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2020.