Introduced by [Agency of Transportation proposals, as modified following discussions with Legislative Council]

Date:

Subject: Transportation

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

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

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

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

Sec. 1.  TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation’s proposed fiscal year 2020 Transportation Program appended to the Agency of Transportation’s proposed fiscal year 2020 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

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

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

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

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

* * * Federal Infrastructure Funding * * *

Sec. 2. FEDERAL INFRASTRUCTURE FUNDING

(a) Subsection (b) of this section shall expire on February 1, 2020.

(b)(1) If a federal infrastructure bill or other federal legislation that provides for infrastructure funding is enacted that provides Vermont with additional federal funding for transportation-related projects, to the extent that federal monies allocated to the State of Vermont are subject to a requirement that the monies be obligated or under contract by the State within a specified time period, the Secretary is authorized to exceed spending authority in the fiscal year 2019 and 2020 Transportation Programs and to obligate and expend the federal monies:
(A) on eligible projects in the fiscal year 2019 or 2020 Transportation Program; and

(B) on additional town highway projects or activities that meet federal eligibility and readiness criteria.

(2) Nothing in this subsection shall be construed to authorize the Secretary to obligate or expend State Transportation or TIB funds above amounts authorized in the fiscal year 2019 or 2020 Transportation Program.

(c) The Agency shall promptly report the obligation or expenditure of monies under the authority of this section to the House and Senate Committees on Transportation and to the Joint Fiscal Office while the General Assembly is in session, and to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee when the General Assembly is not in session.

* * * Transportation Maintenance Districts Reorganization * * *

Sec. 3. 19 V.S.A. § 7(f) is amended to read:

(f) The Secretary may, within the authority of relevant State and federal statutes and regulations:

* * *

(7) Organize, reorganize, transfer, or abolish sections and staff function sections within the Agency; except however, the Secretary may not alter the number of highway districts without legislative approval.
(8) Alter the number or boundaries of transportation maintenance districts to reflect changes in workloads and demographics.

*** Voluntary Cancelation of Municipal Projects ***

Sec. 4. 19 V.S.A. § 10g(h) is amended to read:

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision and action taken to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee, the Joint Fiscal Office, and the Joint Fiscal Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify the members of the Joint Transportation
Oversight Committee, and the Joint Fiscal Office, and the Joint Fiscal
Committee when the General Assembly is not in session and the House and
Senate Committees on Transportation and the Joint Fiscal Office when the
General Assembly is in session. With respect to projects in the approved
Transportation Program, the Secretary shall notify, in the district affected, the
regional planning commission, the municipality, Legislators, members of the
Senate and House Committees on Transportation, and the Joint Fiscal Office of
any change which likely will affect the fiscal year in which the project is
planned to go to construction. No project shall be canceled without the
approval of the General Assembly, except that the Agency may cancel a
municipal project when requested by the municipality or when the Agency and
the municipality concur that the project no longer is necessary.

* * * Project Cancellations * * *

Sec. 5. PROJECT CANCELLATIONS

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

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

*** Project Additions ***

Sec. 6. PROJECT ADDITIONS

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

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

*** Formula for Public Transit Funding ***

Sec. 7. 24 V.S.A. § 5091(i) is amended to read:

(i) To implement the public transportation policy goals set forth in section 5083 of this title and 19 V.S.A. § 10f, the Agency of Transportation shall use the following formula for distribution of operating funds to public transit systems:

(1) [Repealed]
(A) 10 percent based on the percentage of the State’s population of elders (persons age 60 and above) in each of the designated transit service areas;

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

(C) 10 percent based on the percentage of the State’s population of people who have limited physical mobility in each of the designated transit service areas;

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

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

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

(3) 15 percent of operating funds shall be based on the need for congestion mitigation and air quality, as measured by the percentage of the State’s overall population living in high-density areas in each of the designated transit service areas, using data from the U.S. Bureau of the Census.
(4) 15 percent of the operating funds shall be based on need for economic development transportation, as measured by the percentage of the State’s jobs in each of the designated transit service areas, using data developed annually by the Vermont Department of Labor. [Repealed.]

* * * State Highway Condemnation and Acquisition * * *

Sec. 8. 19 V.S.A. § 503(d) is amended to read:

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

* * *

Sec. 9. 19 V.S.A. § 504(a) is amended to read:

(a) Verified complaint. If a property owner has not entered into an agreement stipulating to the necessity of a taking and the public purpose of a highway project, and the Agency wishes to proceed with the taking, the Agency shall file a verified complaint in the Civil Division of the Superior Court in a county where the project is located seeking a judgment of condemnation. The complaint shall name as defendants each interested person property owner who has not stipulated to a proposed taking, and shall include:
(1) statements that the Agency has complied with subsection 503(d) of this chapter.

(2) the Agency’s written determination of necessity.

(3) a general description of the negotiations undertaken, and

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

Sec. 10. 19 V.S.A. § 502(a) is amended to read:

(a) Authority. The Agency, when in its judgment the interest of the State requires, may take any property necessary to lay out, relocate, alter, construct, reconstruct, maintain, repair, widen, grade, or improve any State highway, including affected portions of town highways. In furtherance of these purposes, the Agency may enter upon lands to conduct necessary examinations and surveys; however, the Agency shall do this work with minimum damage to the land and disturbance to the owners and shall be subject to liability for actual damages. All property taken permanently shall be taken in fee simple whenever practicable. The Agency’s acquisition of property pursuant to this chapter, whether by condemnation or conveyance in lieu of condemnation, shall not require subdivision approval under any law.
regulation, or municipal ordinance. For all State highway projects involving
property acquisitions, the Agency shall follow the provisions of the Uniform
Relocation Assistance and Real Property Acquisitions Policies Act ("Act") and
its implementing regulations, as may be amended.

* * * Public Private Partnership (P3) Definition * * *

Sec. 11. 19 V.S.A. § 2612(4) is amended to read:

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

* * * Highway Work; Minimum Wages * * *

Sec. 12. 19 V.S.A. § 18 is amended to read:

§ 18. WAGES

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

* * * Junior Operator Use of Portable Electronic Devices * * *
Sec. 13. 23 V.S.A. § 1095a(d) is added to read:

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

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

Sec. 14. 23 V.S.A. § 1201(a) is amended to read:

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

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

* * *

* * * Evidentiary Blood Sample * * *

Sec. 15. 23 V.S.A. § 1203(b) is amended to read:

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

* * * Increased Fines and Terms of Imprisonment for
Vehicle Related Child Endangerment * * *

Sec. 16. 23 V.S.A. § 1100 is added to read:

§ 1100. CHILD ENDANGERMENT

(a) A person 18 years of age or older is guilty of child endangerment when
he or she violates one of the following with at least one passenger less than 16
years of age in the motor vehicle:

(1) subsection 1091(b) of this title;
(2) section 1133 of this title; or
(3) section 1201 of this title.

(b) A person who violates subsection (a) of this section without causing
the serious injury or death of a child less than 16 years of age shall be subject
to a fine of not more than $750.00 or imprisoned for not more than two years,
or both, for a first conviction. Any fine imposed under this subdivision shall
be in addition to any fine imposed for a related conviction pursuant to sections
1091, 1133, and 1201 of this title and any term of imprisonment imposed 
under this subdivision shall run consecutive to any term of imprisonment 
imposed for a related conviction pursuant to sections 1091, 1133, and 1201 of 
this title.

(2) A person who violates subsection (a) of this section without causing 
the serious injury or death of a child less than 16 years of age shall be subject 
to a fine of not more than $1,500.00 or imprisoned not more than two years, or 
both, for a second conviction. At a minimum, the person must perform at least 
200 hours of community service or serve at least 60 consecutive hours of the 
sentence of imprisonment, which may not be suspended, deferred, or served as 
a supervised sentence, except that credit for a sentence of imprisonment may 
be received for time served in a residential alcohol facility pursuant to 
sentencing if the program is successfully completed. Any fine imposed under 
this subdivision shall be in addition to any fine imposed for a related 
conviction pursuant to sections 1091, 1133, and 1201 of this title and any term 
of imprisonment imposed under this subdivision shall run consecutive to any 
term of imprisonment imposed for a related conviction pursuant to sections 
1091, 1133, and 1201 of this title.

(3) A person who violates subsection (a) of this section without causing 
the serious injury or death of a child less than 16 years of age shall be subject 
to a fine of not more than $2,500.00 or imprisoned not more than five years, or
both, for a third conviction. At a minimum, the person must serve at least 96
consecutive hours of the sentence of imprisonment, which may not be
suspended, deferred, or served as a supervised sentence, except that credit for a
sentence of imprisonment may be received for time served in a residential
alcohol facility pursuant to sentencing if the program is successfully
completed. Any fine imposed under this subdivision shall be in addition to any
fine imposed for the related conviction pursuant to section 1201 of this title
and any term of imprisonment imposed under this subdivision shall run
consecutive to any term of imprisonment imposed for a related conviction
pursuant to section 1201 of this title.

(4) A person who violates subsection (a) of this section without causing
the serious injury or death of a child less than 16 years of age shall be subject
to a fine of not more than $5,000.00 or imprisoned not more than ten years, or
both, for a fourth or subsequent conviction. At a minimum, the person must
serve at least 192 consecutive hours of the sentence of imprisonment, which
may not be suspended, deferred, or served as a supervised sentence, except that
credit for a sentence of imprisonment may be received for time served in a
residential alcohol facility pursuant to sentencing if the program is successfully
completed. Any fine imposed under this subdivision shall be in addition to any
fine imposed for the related conviction pursuant to section 1201 of this title
and any term of imprisonment imposed under this subdivision shall run
consecutive to any term of imprisonment imposed for a related conviction
pursuant to section 1201 of this title.

* * * Drugged Driving Under 21 Years of Age * * *

Sec. 17. 23 V.S.A. § 1217 is amended to read:

§ 1217. PERSONS UNDER 21; UNDER THE INFLUENCE OF A DRUG

(a) A person under 21 years of age who operates, attempts to operate, or is
in actual physical control of a motor vehicle on a highway when the person
possesses, is under the influence of, or using any drug commits a civil traffic
violation subject to the jurisdiction of the Judicial Bureau and subject to the
following sanctions:

(1) For a first violation, the person’s license or privilege to operate shall
be suspended for six months.

(2) For a second or subsequent violation, the person’s license or
privilege to operate shall be suspended until the person reaches 21 years of age
or for one year, whichever is longer.

(b) No civil penalty or points shall be assessed for a violation of this
section.

(c) A charge of violating this section shall not bar prosecution for any
crime, including a prosecution under section 1201 of this title.

(d) Suspensions imposed under this section or any comparable statute of
any other jurisdiction shall run concurrently with suspensions imposed under
sections 1205, 1206, 1208, and 1216 of this title, any comparable statutes of
any other jurisdiction, or with any suspension resulting from a conviction for a
violation of section 1091 of this title from the same incident and a person shall
receive credit for any elapsed period of a suspension served in Vermont against
a later suspension imposed in this State.

(e) As used in subsection (a) of this section, “under the influence of a drug”
shall have the same meaning as in subsection 1201(h) of this title.

** ** BUILD Grant Acceptance ** **

Sec. 18. BETTER UTILIZING INVESTMENTS TO LEVERAGE

DEVELOPMENT (BUILD) GRANT (RAIL)

Notwithstanding 32 V.S.A.§ 5 (Acceptance of grants) and 19 V.S.A.§ 7(k)
(Secretary; powers and duties), the following project is added to the
Development and Evaluation list of the Rail Program within the fiscal year
2020 Transportation Program: Statewide – BUILD.

** ** Central Garage Transfer ** **

Sec. 19. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of
$357,309.00 is transferred from the Transportation Fund to the Central Garage
Fund created in 19 V.S.A. § 13.

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

Sec. 20. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE
PROGRAM

(a) Legislative findings. The General Assembly finds that:

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

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

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

(4) Meeting Vermont’s transportation-electrification targets will help make Vermont attractive to employers, workers, and tourists and help grow Vermont’s economy by keeping transportation energy expenditures in State.
In 2015, approximately $830 million was spent on gasoline sales in Vermont. If this travel had all been powered by electricity, the cost would have been significantly less, saving drivers more than $500 million.

Vehicle electrification faces several barriers, including EV model availability, publicly available charging stations, and lack of public awareness about the benefits of EVs. While State government is working hard to address these issues, surveys consistently confirm that the upfront cost of EVs is among the top barriers and that consumer incentives are effective in increasing EV sales.

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

(b) Electric vehicle purchase and lease incentive program.

(1) The Public Service Department (PSD), with the cooperation and support of the Agency of Natural Resources (ANR) and the Agency of Transportation (VTrans), shall establish and administer a new and used electric vehicle purchase and lease incentive program (program) for Vermont residents.
(2) The program shall structure EV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont’s most vulnerable. Specifically, the program shall:

(A) better match the incentive to consumer behavior, the program shall apply to both purchases and leases and to both new and used EVs;

(B) provide incentives of $2,500.00 to households with income levels between 100 percent and 140 percent of the State’s most recent Median Household Income (MHI) level. Additional incentives of up to twice that amount shall be available to households below Vermont’s MHI;

(C) apply to vehicles with a Base Manufacturer’s Suggested Retail Price (MSRP) of $35,000.00 or less;

(D) run for two years from the date the PSD makes the first incentive payment available or until the available funds are fully obligated, with available incentives spread evenly across each year to the extent reasonably practicable.

(E) be funded on a first-come, first-serve basis in each year of the program.

(3) To the extent public electric distribution utilities are willing to participate, each sale or lease incentive would come with a Level 2 home charger to be funded under Tier 3 of Vermont’s Renewable Energy Standard. The home charger shall be subject to utility rate design to help the utilities
manage grid load and provide optimal charging rates to the consumer.

Participating utilities shall help market the program.

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

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

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

Sec. 21. 32 V.S.A. § 603 is amended to read:

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

* * *

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

* * *

(4) Notwithstanding any other provision of this subchapter, any State 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 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. 2 19 V.S.A. § 11 is amended to read:

§ 11.  TRANSPORTATION FUND

The Transportation Fund shall comprise the following:

* * *

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

(8) other miscellaneous sources including the sale of maps, plans, and
reports, fees collected by the Travel Information Council, leases for property at
State-owned airports and railroads, proceeds from the sale of State surplus
property under the provisions of 29 V.S.A. §§ 1556 and 1557, and proceeds
from the sale of recycled materials, and fees collected for use of electric
vehicle charging stations at facilities owned or controlled by the Agency.
Sec. 23. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

1. the Secretary of Transportation or his or her designee;
2. a representative from the Division of Historic Preservation appointed by the Secretary of Commerce and Community Development;
3. one member appointed by the Secretary of Commerce and Community Development to represent the tourism and marketing industry;
4. a representative of the Agency of Natural Resources appointed by the Secretary of Natural Resources;
5. three municipal representatives appointed by the governing body of the Vermont League of Cities and Towns;
6. one member representing and appointed by the governing board of the Vermont Association of Planning and Development Agencies;
7. two members from the House designated by the Speaker; and
8. two members from the Senate designated by the Committee on Committees. [Repealed.]

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

(c) The Transportation Alternatives Grant Program is created. The Grant
Program shall be administered by the Agency, and shall be funded in the
amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
Recreational Trails Program. Awards shall be made to eligible entities as
defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
be limited to the activities authorized under federal law.

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

(e) Transportation Alternatives grant awards shall be announced annually
by the Transportation Alternatives Grant Committee Agency not earlier than
December and not later than the following March.
(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

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

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

(4) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in evaluating applications for Transportation Alternatives grants, the Transportation Alternatives Grant Committee Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Transportation Alternatives Grant Committee Agency.
(g) The Agency shall develop an outreach and marketing effort designed to provide information to communities with respect to the benefits of participating in the Transportation Alternatives Grant Program. The outreach and marketing activities shall include apprising municipalities of the availability of grants for salt and sand sheds. The outreach effort should be directed to areas of the State historically underserved by this Program.

* * * Jurisdiction Over Electric Vehicle Charging Stations * * *

Sec. 24. 30 V.S.A. § 203 is amended to read:

§ 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

The Public Utility Commission and the Department of Public Service shall have jurisdiction over the following described companies within the State, their directors, receivers, trustees, lessees, or other persons or companies owning or operating such companies and of all plants, lines, exchanges, and equipment of such companies used in or about the business carried on by them in this State as covered and included herein. Such jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department may, when they deem the public good requires, examine the plants, equipment, lines, exchanges, stations, and property of the companies subject to their jurisdiction under this chapter.
(1) A company engaged in the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

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

* * *

(7) Notwithstanding subsections (1) and (2) of this section, the Commission and Department shall not have jurisdiction over a company otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging plug-in electric vehicles or plug-in hybrid electric vehicles. Retail electric distribution companies that are regulated by the Commission may provide electric vehicle charging services to the public on an unregulated basis through a separate unregulated affiliate. By rule, order, or procedure, the Commission may set standards under which regulated retail electric distribution utilities can offer such charging services to the public on a regulated basis and recover in part the costs thereof from ratepayers. However, the meter used to measure the amount of electricity sold
or to calculate charges at the point of charging, whether on a regulated or
unregulated basis, shall not be considered a meter operated in a public utility
system for the purposes of 9 V.S.A. § 2651(14).

** Effective Dates **

Sec. 25. EFFECTIVE DATES

(a) This section and Secs. 2 (federal infrastructure funding), 3
(transportation maintenance districts reorganization), 4 (voluntary cancellation
of municipal projects), 5 (project cancellations), 7 (formula for public transit
funding), 11 (public private partnership (P3) definition), 12 (highway work;
minimum wages), 20 (electric vehicle incentive program), 21 (fees for electric
vehicle charging stations), and 22 (transportation fund) shall take effect on
passage.

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