

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

3 Date:

4 Subject: Transportation

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

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

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

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

12 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

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

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

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

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

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

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

10                           \* \* \* Federal Infrastructure Funding \* \* \*

11           Sec. 2. FEDERAL INFRASTRUCTURE FUNDING

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

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

1           (A) on eligible projects in the fiscal year 2019 or 2020 Transportation  
2           Program; and

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

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

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

14                   \* \* \* Transportation Maintenance Districts Reorganization \* \* \*

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

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

18   \* \* \*

19           (7) Organize, reorganize, transfer, or abolish sections and staff function  
20           sections within the Agency; ~~except however, the Secretary may not alter the~~  
21           ~~number of highway districts without legislative approval.~~

1           (8) Alter the number or boundaries of transportation maintenance  
2           districts to reflect changes in workloads and demographics.

3                           \* \* \* Voluntary Cancellation of Municipal Projects \* \* \*

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

5           (h) Should capital projects in the Transportation Program be delayed  
6           because of unanticipated problems with permitting, right-of-way acquisition,  
7           construction, local concern, or availability of federal or State funds, the  
8           Secretary is authorized to advance projects in the approved Transportation  
9           Program. The Secretary is further authorized to undertake projects to resolve  
10          emergency or safety issues. Upon authorizing a project to resolve an  
11          emergency or safety issue, the Secretary shall give prompt notice of the  
12          decision and action taken to the Joint Fiscal Office and to the House and  
13          Senate Committees on Transportation when the General Assembly is in  
14          session, and when the General Assembly is not in session, to the Joint  
15          Transportation Oversight Committee, the Joint Fiscal Office, and the Joint  
16          Fiscal Committee. Should an approved project in the current Transportation  
17          Program require additional funding to maintain the approved schedule, the  
18          Agency is authorized to allocate the necessary resources. However, the  
19          Secretary shall not delay or suspend work on approved projects to reallocate  
20          funding for other projects except when other funding options are not available.  
21          In such case, the Secretary shall notify ~~the members of~~ the Joint Transportation

1 Oversight Committee, and the Joint Fiscal Office, and the Joint Fiscal  
2 Committee when the General Assembly is not in session and the House and  
3 Senate Committees on Transportation and the Joint Fiscal Office when the  
4 General Assembly is in session. With respect to projects in the approved  
5 Transportation Program, the Secretary shall notify, in the district affected, the  
6 regional planning commission, the municipality, Legislators, ~~members of the~~  
7 Senate and House Committees on Transportation, and the Joint Fiscal Office of  
8 any change ~~which~~ that likely will affect the fiscal year in which the project is  
9 planned to go to construction. No project shall be canceled without the  
10 approval of the General Assembly, except that the Agency may cancel a  
11 municipal project when requested by the municipality or when the Agency and  
12 the municipality concur that the project no longer is necessary.

13 \* \* \* Project Cancellations \* \* \*

14 Sec. 5. PROJECT CANCELLATIONS

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

19 (b) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of  
20 projects), the General Assembly approves cancellation of the following

1 projects within the Town Highway Bridge Program: Belvidere BO 1448( ),  
2 Springfield BO 1442 (40), Woodstock BO 1444 ( ).

3 \* \* \* Project Additions \* \* \*

4 Sec. 6. PROJECT ADDITIONS

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

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

13 \* \* \* Formula for Public Transit Funding \* \* \*

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

15 ~~(i) To implement the public transportation policy goals set forth in section~~  
16 ~~5083 of this title and 19 V.S.A. § 10f, the Agency of Transportation shall use~~  
17 ~~the following formula for distribution of operating funds to public transit~~  
18 ~~systems:~~

19 ~~(1) [Repealed]~~

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

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

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

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

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

14           ~~(2) 20 percent of operating funds shall be based on need for employment~~  
15           ~~transportation, as measured by the percentage of the State's employed persons~~  
16           ~~residing in each of the designated transit service areas, using data developed by~~  
17           ~~the Vermont Department of Labor.~~

18           ~~(3) 15 percent of operating funds shall be based on the need for~~  
19           ~~congestion mitigation and air quality, as measured by the percentage of the~~  
20           ~~State's overall population living in high density areas in each of the designated~~  
21           ~~transit service areas, using data from the U.S. Bureau of the Census.~~

1           ~~(4) 15 percent of the operating funds shall be based on need for~~  
2           ~~economic development transportation, as measured by the percentage of the~~  
3           ~~State’s jobs in each of the designated transit service areas, using data~~  
4           ~~developed annually by the Vermont Department of Labor. [Repealed.]~~

5                   \* \* \* State Highway Condemnation and Acquisition \* \* \*

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

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

12   \* \* \*

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

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



1           (1) ~~statements~~ Statements that the Agency has complied with subsection  
2           503(d) of this chapter;

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

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

5           (4) ~~a~~ A survey of the proposed project, and legal descriptions of the

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

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

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

1 regulation, or municipal ordinance. For all State highway projects involving  
2 property acquisitions, the Agency shall follow the provisions of the Uniform  
3 Relocation Assistance and Real Property Acquisitions Policies Act (“Act<sup>2</sup>) and  
4 its implementing regulations, as may be amended.

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

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

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

14 \* \* \* Highway Work; Minimum Wages \* \* \*

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

16 § 18. WAGES

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

21 \* \* \* Junior Operator Use of Portable Electronic Devices \* \* \*

1 Sec. 13. 23 V.S.A. § 1095a(d) is added to read:

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

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

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

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

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

15 \* \* \*

16 \* \* \* Evidentiary Blood Sample \* \* \*

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

18 (b) Only a physician, licensed nurse, medical technician, physician  
19 assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or  
20 advanced emergency medical technician, or paramedic acting at the request of  
21 a law enforcement officer may withdraw blood for the purpose of determining

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

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

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

10 § 1100. CHILD ENDANGERMENT

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

14 (1) subsection 1091(b) of this title;

15 (2) section 1133 of this title; or

16 (3) section 1201 of this title.

17 (b)(1) A person who violates subsection (a) of this section without causing  
18 the serious injury or death of a child less than 16 years of age shall be subject  
19 to a fine of not more than \$750.00 or imprisoned for not more than two years,  
20 or both, for a first conviction. Any fine imposed under this subdivision shall  
21 be in addition to any fine imposed for a related conviction pursuant to sections

1 1091, 1133, and 1201 of this title and any term of imprisonment imposed  
2 under this subdivision shall run consecutive to any term of imprisonment  
3 imposed for a related conviction pursuant to sections 1091, 1133, and 1201 of  
4 this title.

5 (2) A person who violates subsection (a) of this section without causing  
6 the serious injury or death of a child less than 16 years of age shall be subject  
7 to a fine of not more than \$1,500.00 or imprisoned not more than two years, or  
8 both, for a second conviction. At a minimum, the person must perform at least  
9 200 hours of community service or serve at least 60 consecutive hours of the  
10 sentence of imprisonment, which may not be suspended, deferred, or served as  
11 a supervised sentence, except that credit for a sentence of imprisonment may  
12 be received for time served in a residential alcohol facility pursuant to  
13 sentencing if the program is successfully completed. Any fine imposed under  
14 this subdivision shall be in addition to any fine imposed for a related  
15 conviction pursuant to sections 1091, 1133, and 1201 of this title and any term  
16 of imprisonment imposed under this subdivision shall run consecutive to any  
17 term of imprisonment imposed for a related conviction pursuant to sections  
18 1091, 1133, and 1201 of this title.

19 (3) A person who violates subsection (a) of this section without causing  
20 the serious injury or death of a child less than 16 years of age shall be subject  
21 to a fine of not more than \$2,500.00 or imprisoned not more than five years, or

1 both, for a third conviction. At a minimum, the person must serve at least 96  
2 consecutive hours of the sentence of imprisonment, which may not be  
3 suspended, deferred, or served as a supervised sentence, except that credit for a  
4 sentence of imprisonment may be received for time served in a residential  
5 alcohol facility pursuant to sentencing if the program is successfully  
6 completed. Any fine imposed under this subdivision shall be in addition to any  
7 fine imposed for the related conviction pursuant to section 1201 of this title  
8 and any term of imprisonment imposed under this subdivision shall run  
9 consecutive to any term of imprisonment imposed for a related conviction  
10 pursuant to section 1201 of this title.

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

1 consecutive to any term of imprisonment imposed for a related conviction  
2 pursuant to section 1201 of this title.

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

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

5 § 1217. PERSONS UNDER 21; UNDER THE INFLUENCE OF A DRUG

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

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

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

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

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

20 (d) Suspensions imposed under this section or any comparable statute of  
21 any other jurisdiction shall run concurrently with suspensions imposed under

1 sections 1205, 1206, 1208, and 1216 of this title, any comparable statutes of  
2 any other jurisdiction, or with any suspension resulting from a conviction for a  
3 violation of section 1091 of this title from the same incident and a person shall  
4 receive credit for any elapsed period of a suspension served in Vermont against  
5 a later suspension imposed in this State.

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

8 \* \* \* BUILD Grant Acceptance \* \* \*

9 Sec. 18. BETTER UTILIZING INVESTMENTS TO LEVERAGE

10 DEVELOPMENT (BUILD) GRANT (RAIL)

11 Notwithstanding 32 V.S.A. § 5 (Acceptance of grants) and 19 V.S.A. § 7(k)  
12 (Secretary; powers and duties), the following project is added to the  
13 Development and Evaluation list of the Rail Program within the fiscal year  
14 2020 Transportation Program: Statewide – BUILD.

15 \* \* \* Central Garage Transfer \* \* \*

16 Sec. 19. TRANSFER TO CENTRAL GARAGE FUND

17 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of  
18 \$357,309.00 is transferred from the Transportation Fund to the Central Garage  
19 Fund created in 19 V.S.A. § 13.

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

21 Sec. 20. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE



1                   PROGRAM

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

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

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

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

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

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

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

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

15           (b) Electric vehicle purchase and lease incentive program.

16           (1) The Public Service Department (PSD), with the cooperation and  
17           support of the Agency of Natural Resources (ANR) and the Agency of  
18           Transportation (VTrans), shall establish and administer a new and used electric  
19           vehicle purchase and lease incentive program (program) for Vermont residents.

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

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

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

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

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

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

18           (3) To the extent public electric distribution utilities are willing to  
19           participate, each sale or lease incentive would come with a Level 2 home  
20           charger to be funded under Tier 3 of Vermont’s Renewable Energy Standard.  
21           The home charger shall be subject to utility rate design to help the utilities

1 manage grid load and provide optimal charging rates to the consumer.

2 Participating utilities shall help market the program.

3 (7) Subject to State procurement requirements, the PSD may retain a  
4 consultant to assist with marketing, program development and administration.

5 Up to \$75,000.00 of program funding may be set aside for this purpose.

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

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

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

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

11 \* \* \*

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

16 \* \* \*

17 (4) Notwithstanding any other provision of this subchapter, any State  
18 agency or department may establish, set, and adjust fees for the use of electric  
19 vehicle (EV) charging stations owned or controlled by the State. The agency  
20 or department may establish fees for EV charging at less than its costs, to cover  
21 its costs, or at the existing regional market rate. EV charging stations owned

1 or controlled by the State shall be subject to the same laws specifically  
2 governing EV charging stations owned or controlled by private parties.

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

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

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

10 Sec. 22. 19 V.S.A. § 11 is amended to read:

11 § 11. TRANSPORTATION FUND

12 The Transportation Fund shall comprise the following:

13 \* \* \*

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

16 (8) other miscellaneous sources including the sale of maps, plans, ~~and~~  
17 reports, fees collected by the Travel Information Council, leases for property at  
18 State-owned airports and railroads, proceeds from the sale of State surplus  
19 property under the provisions of 29 V.S.A. §§ 1556 and 1557, ~~and~~ proceeds  
20 from the sale of recycled materials, and fees collected for use of electric  
21 vehicle charging stations at facilities owned or controlled by the Agency.

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

2           Sec. 23. 19 V.S.A. § 38 is amended to read:

3           § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

9 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

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

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

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

9                                   \* \* \*

10           (7) Notwithstanding subsections (1) and (2) of this section, the  
11 Commission and Department shall not have jurisdiction over a company  
12 otherwise not regulated by the Commission that is engaged in the siting,  
13 construction, ownership, operation, or control of a facility that sells or supplies  
14 electricity to the public exclusively for charging plug-in electric vehicles or  
15 plug-in hybrid electric vehicles. Retail electric distribution companies that are  
16 regulated by the Commission may provide electric vehicle charging services to  
17 the public on an unregulated basis through a separate unregulated affiliate. By  
18 rule, order, or procedure, the Commission may set standards under which  
19 regulated retail electric distribution utilities can offer such charging services to  
20 the public on a regulated basis and recover in part the costs thereof from  
21 ratepayers. However, the meter used to measure the amount of electricity sold

1 or to calculate charges at the point of charging, whether on a regulated or  
2 unregulated basis, shall not be considered a meter operated in a public utility  
3 system for the purposes of 9 V.S.A. § 2651(14).

4 \* \* \* Effective Dates \* \* \*

5 Sec. 25. EFFECTIVE DATES

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

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