

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

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

3 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

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

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

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

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

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

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

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

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

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

3 * * * Federal Funding * * *

4 Sec. 1a. FEDERAL INFRASTRUCTURE FUNDING

5 (a)(1) If a federal infrastructure bill or other federal legislation is enacted
6 that provides the State with additional federal funding for transportation-
7 related projects and requires that the monies be obligated or under contract by
8 the State within a specified period, the Secretary is authorized to exceed
9 federal spending authority in the fiscal year 2021 Transportation Program and
10 to obligate and expend the federal monies on:

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

12 and

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

15 (2) The Agency shall promptly report the obligation or expenditure of
16 monies under the authority of this subsection in writing to the House and
17 Senate Committees on Transportation and to the Joint Fiscal Office while the
18 General Assembly is in session, and to the Joint Fiscal Office, the Joint Fiscal
19 Committee, and the Joint Transportation Oversight Committee when the
20 General Assembly is not in session.

1 (3) Nothing in this subsection shall be construed to authorize the
2 Secretary to obligate or expend State Transportation Funds, General Funds, or
3 TIB funds above amounts authorized in the fiscal year 2021 Transportation
4 Program.

5 (b) Subsection (a) of this section shall continue in effect until February 1,
6 2021.

7 * * * Additional Agency Spending; Redirection * * *

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

9 (a) Notwithstanding Sec. 1 of this act, 2019 Acts and Resolves No. 59, Sec.
10 1, 19 V.S.A. §§ 10g(n) and 11f(d), and 32 V.S.A. § 706, the Secretary is
11 authorized to utilize appropriated TIB funds, after the transfer required
12 pursuant to 19 V.S.A. § 11f(c) for fiscal years 2020 and 2021; State monies;
13 and federal monies for any of the following purposes in fiscal years 2020 and
14 2021 provided that the Agency expects to accept and obligate federal monies
15 pursuant to subsection 1a(a) of this act in an amount sufficient to cover the
16 additional expenditures:

17 (1) bridge maintenance;

18 (2) paving and surface maintenance;

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

20 (4) ledge and slope remediation;

21 (5) culvert repair and replacement; and

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

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

11 (c) If the expenditure of monies on a specific project pursuant to subsection
12 (a) of this section will significantly delay the planned work schedule of a
13 project, the Secretary may enter into a contract for the activity but shall give
14 advance notice of at least 10 business days prior to executing the contract to
15 the House and Senate Committees on Transportation when the General
16 Assembly is in session and to the Joint Fiscal Office, Joint Fiscal Committee,
17 and Joint Transportation Oversight Committee when the General Assembly is
18 not in session.

19 (d) The Secretary of Administration shall, on or before July 31, 2020, file a
20 written report listing all expenditures made during fiscal year 2020 under the
21 authority of subsection (a) of this section to the House and Senate Committees

1 on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint
2 Transportation Oversight Committee.

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

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

10 * * * Amtrak; Burlington Rail Yard Realignment * * *

11 Sec. 1c. ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
12 FOR AMTRAK PROJECT

13 The following project is added to the candidate list of Rail within the
14 Agency's Fiscal Year 2020 Transportation Program, as adopted pursuant to
15 2019 Acts and Resolves No. 59, Sec. 1, and the candidate of Rail within the
16 Agency's Proposed Fiscal Year 2021 Transportation Program: Burlington –
17 Railyard Realignment for Amtrak.

18 Sec. 2. [Deleted.]

19 Sec. 3. [Deleted.]

20 Sec. 4. [Deleted.]

21 Sec. 5. [Deleted.]

1 Sec. 6. [Deleted.]

2 * * * Central Garage * * *

3 Sec. 7. [Deleted.]

4 Sec. 8. TRANSFER TO CENTRAL GARAGE FUND

5 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of
6 \$1,605,358.00 is transferred from the Transportation Fund to the Central
7 Garage Fund created in 19 V.S.A. § 13.

8 Sec. 9. CENTRAL GARAGE EQUIPMENT

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

13 Sec. 10. [Deleted.]

14 * * * Plug-In Electric Vehicle Definitions * * *

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

16 (85) “Plug-in electric vehicle” means a motor vehicle that can be
17 powered by an electric motor drawing current from a rechargeable energy
18 storage system, such as from storage batteries or other portable electrical
19 energy storage devices provided that the vehicle can draw recharge energy
20 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. 12. 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 on the two programs described in subsections (b) and
2 (c) of this section. Notwithstanding any other provision of law and subject to
3 the approval of the Secretary of Administration, appropriations for the two
4 programs described in subsections (b) and (c) of this section remaining
5 unexpended on June 30, 2021 shall be carried forward and designated for
6 expenditure on these programs in the subsequent fiscal year.

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

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

4 (5) The Agency shall annually evaluate the two programs to gauge
5 effectiveness and submit a written report on the effectiveness of the programs
6 to the House and Senate Committees on Transportation, the House Committee
7 on Energy and Technology, and the Senate Committee on Finance on or before
8 the 31st day of ~~December~~ January in each year following a year that an
9 incentive or repair voucher ~~is~~ was provided through one of the programs.

10 Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section
11 shall continue to be required if an incentive or repair voucher is provided
12 through one of the programs unless the General Assembly takes specific action
13 to repeal the report requirement.

14 (b) Electric vehicle incentive program. A new PEV purchase and lease
15 incentive program for Vermont residents shall structure PEV purchase and
16 lease incentive payments by income to help ~~all~~ Vermonters benefit from
17 electric driving, including Vermont’s most vulnerable. The program shall be
18 known as the New PEV Incentive Program. Specifically, the ~~program~~ New
19 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 Sec. 13. [Deleted.]

2 Sec. 14. [Deleted.]

3 Sec. 15. [Deleted.]

4 Sec. 16. [Deleted.]

5 Sec. 17. [Deleted.]

6 Sec. 18. [Deleted.]

7 * * * Effective Dates * * *

8 Sec. 19. EFFECTIVE DATES

9 (a) This section and Secs. 1a (federal funding), 1b (spending redirection),
10 and 1c (Amtrak) shall take effect on passage.

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

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19 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE

DRAFT