

1 **[ALTERNATIVE TO SECS. 1, 1a, 1b, 2, 2a, 2b, 4, 5, 6, & 12**

2 **CHANGES HIGHLIGHTED; MAY 2020 ADDITIONS IN GREEN AND;**

3 **GRAY]**

4 * * * Transportation Program Adopted as Amended;

5 **Intent; Reports;** Definitions * * *

6 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; **INTENT; REPORTS;**

7 DEFINITIONS

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

12 **(b) Intent.**

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

16 **(2) In response to the unprecedented challenges posed by the COVID-19**
17 **pandemic, the General Assembly acknowledges that continued funding of**
18 **infrastructure will help boost our local economy and support the health and**
19 **welfare of Vermonters. Accordingly, it is the intent of the General Assembly**
20 **that the projects funded in this act, including under Secs. 1a and 1b of this act,**

1 will serve to support and help drive growth in Vermont’s economy during this
2 uncertain time.

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

7 (c) Reports.

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

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

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

17 (C) an update on projects not in the transportation program adopted
18 under subsection (a) of this section that will proceed in fiscal year 2021 and the
19 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 (2) The Agency shall, on or before February 15, 2021, file a written
8 report with the House and Senate Committees on Appropriations and on
9 Transportation with the following information:

10 (A) an update on enacted and anticipated federal COVID-19
11 legislation;

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

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

18 (D) the status of and funding remaining for the electric vehicle
19 incentive programs established pursuant to 2019 Acts and Resolves No. 59.

20 Sec. 34:

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

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

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

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

6 (2) “Electric vehicle supply equipment” has the same meaning as in
7 30 V.S.A. § 201 and is abbreviated “EVSE.”

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

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

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

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

18 (7) The table heading “As Proposed” means the proposed Transportation
19 Program referenced in subsection (a) of this section; the table heading “As
20 Amended” means the amendments as made by this act; the table heading
21 “Change” means the difference obtained by subtracting the “As Proposed”

1 figure from the “As Amended” figure; and the terms “change” or “changes” in
2 the text refer to the project- and program-specific amendments, the aggregate
3 sum of which equals the net “Change” in the applicable table heading.

4 * * * Federal Funding * * *

5 Sec. 1a. FEDERAL INFRASTRUCTURE AND CAPITAL FUNDING

6 (a) If federal COVID-19 legislation is enacted, the Secretary is authorized
7 to:

8 (1) exceed federal spending authority in the fiscal year 2020
9 Transportation Program and fiscal year 2021 Transportation Program and to
10 obligate and expend the federal monies, as practicable, on the following
11 federally eligible projects, with a priority placed on projects, such as the
12 purchase of PEV buses for public transit and the construction of bicycle and
13 pedestrian facilities and EVSE, that will directly contribute to the reduction of
14 greenhouse gas emissions consistent with the State’s 2016 Comprehensive
15 Energy Plan and projects that will keep Vermonters employed, promote
16 economic activity, and allow the State and municipalities to catch up on
17 deferred maintenance:

18 (A) projects in the fiscal year 2020 Transportation Program and fiscal
19 year 2021 Transportation Program;

20 (B) additional town highway projects; and

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

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

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

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

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

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

19 * * * Additional Agency Spending; Redirection * * *

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

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

9 (1) bridge maintenance;

10 (2) paving and surface maintenance;

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

12 (4) ledge and slope remediation;

13 (5) culvert repair and replacement; and

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

16 (b) Notwithstanding Sec. 1 of this act, 2019 Acts and Resolves No. 59,
17 Sec. 1, 19 V.S.A. § 10g(n), and 32 V.S.A. § 706, the Secretary is authorized to
18 utilize State and federal monies for any of the following greenhouse gas
19 emissions reduction efforts in fiscal years 2020 and 2021, provided that the
20 Agency expects to accept and obligate federal monies pursuant to subsection
21 1a(a) of this act in an amount sufficient to cover the additional expenditures:

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

5 (2) PEV buses for public transit;

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

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

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

19 (d) If the expenditure of monies pursuant to subsection (a) or (b) of this
20 section will significantly delay the planned work schedule of a project, the
21 Secretary may enter into a contract for the activity or proceed with the

1 expenditure but shall give advance notice of at least 10 business days prior to
2 executing the contract or making the expenditure to the House and Senate
3 Committees on Transportation when the General Assembly is in session and to
4 the Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation
5 Oversight Committee when the General Assembly is not in session.

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

11 (f) The Secretary of Administration shall, on or before July 31, 2021, file a
12 written report listing all expenditures made during fiscal year 2021 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 (g) The reports required pursuant to subsections (e) and (f) of this section
17 shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

18 * * * Highway Maintenance * * *

19 **Sec. 2. HIGHWAY MAINTENANCE**

20 **Within the Agency of Transportation’s Proposed Fiscal Year 2021**

21 **Transportation Program for Maintenance, spending is amended as follows:**

	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Personal	45,757,089	45,757,089	0
3	Services			
4	Operating	52,896,134	51,596,134	-1,300,000
5	Expenses			
6	Grants	240,200	240,200	0
7	Total	98,893,423	97,593,423	-1,300,000
8	<u>Sources of funds</u>			
9	State	96,415,636	95,115,636	-1,300,000
10	Federal	2,377,787	2,377,787	0
11	Interdepart.			
12	Transfer	100,000	100,000	0
13	Total	98,893,423	97,593,423	-1,300,000
14		* * * Program Development * * *		
15		* * * Roadway * * *		
16	<u>Sec. 2a. PROGRAM DEVELOPMENT; ROADWAY</u>			
17	<u>Within the Agency of Transportation’s Proposed Fiscal Year 2021</u>			
18	<u>Transportation Program for Program Development—Roadway, authorized</u>			
19	<u>spending for Burlington MEGC M 5000(1) is amended as follows:</u>			
20	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
21	Construction	8,000,000	6,420,000	-1,580,000

1 **Total** 8,000,000 6,420,000 -1,580,000

2 **Sources of funds**

3 **TIB** 240,000 192,600 -47,400

4 **Federal** 7,600,000 6,099,000 -1,501,000

5 **Local** 160,000 128,400 -31,600

6 **Total** 8,000,000 6,420,000 -1,580,000

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

8 **Sec. 2b. PROGRAM DEVELOPMENT; SAFETY AND TRAFFIC**

9 **OPERATIONS**

10 **Within the Agency of Transportation’s Proposed Fiscal Year 2021**

11 **Transportation Program for Program Development—Safety and Traffic**

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

13 **as follows:**

14 **FY21** **As Proposed** **As Amended** **Change**

15 **Construction** 7,000,000 4,900,000 -2,100,000

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

17 **Source of funds**

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

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

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*** Public Transit ***

Sec. 4. PUBLIC TRANSIT; FARE-FREE

It is the intent of the General Assembly that public transit operated by transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall be operated on a fare-free basis until monies for public transit from the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act) are fully depleted.

Sec. 5. PUBLIC TRANSIT; ADDITION OF INCREASED PUBLIC TRANSIT FOR FISCAL YEAR 2021

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

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

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	500,000	500,000
Total	0	500,000	500,000
Sources of funds			
State	0	500,000	500,000
Total	0	500,000	500,000

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

5 (d) The Agency shall increase public transit initiatives in fiscal year 2021
6 in conformance with the implementation plan in the Agency of
7 Transportation’s 2019 Public Transit Policy Plan (PTPP) and findings of the
8 Report on Methods to Increase the Use of Public Transit in Vermont prepared
9 pursuant to 2019 Acts and Resolves No. 59, Sec. 20. Additional initiatives
10 may include:

11 (1) adding new local and regional service connections to improve rural
12 ridership;

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

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

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

17 * * * Lamoille Valley Rail Trail * * *

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

19 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021
20 Transportation Program for Program Development—Bike & Pedestrian

1 Facilities, authorized spending for Swanton-St. Johnsbury LVRT () is

2 amended as follows:

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	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
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4 FY21

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Other	2,500,000	7,000,000	4,500,000
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Total	2,500,000	7,000,000	4,500,000
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7 FY22

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Other	3,500,000	7,000,000	3,500,000
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Total	3,500,000	7,000,000	3,500,000
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10 FY23

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Other	4,500,000	0	-4,500,000
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Total	4,500,000	0	-4,500,000
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13 FY24

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Other	3,500,000	0	-3,500,000
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Total	3,500,000	0	-3,500,000
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16 Sources of funds FY21

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State	0	700,000	700,000
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Other	500,000	700,000	200,000
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Federal	2,000,000	5,600,000	3,600,000
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Total	2,500,000	7,000,000	4,500,000
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21 Sources of funds FY22

1	State	0	0	0
2	Other	0	1,400,000	1,400,000
3	Federal	0	5,600,000	5,600,000
4	Total	0	7,000,000	7,000,000

5 (b) In the Agency of Transportation’s Proposed Fiscal Year 2021
6 Transportation Program for Program Development—Bike & Pedestrian
7 Facilities, “Other funds of \$500,000 are General Obligation Bond proceeds
8 appropriated in the capital bill for the Lamoille Valley Rail Trail” is struck,
9 and “Other funds of \$2,100,000 are General Obligation Bond proceeds
10 appropriated in the capital construction act for the Lamoille Valley Rail Trail,
11 but if matching federal funds are not available or if federal funds do not require
12 a state match, the funds shall be used for projects in a future capital
13 construction act” is inserted in lieu thereof.

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

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

16 Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR
17 PROGRAMS

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

19 (1) The Agency of Transportation (Agency), in consultation with the
20 ~~Agency of Natural Resources, the Agency of Human Services, the Department~~
21 Departments of Environmental Conservation and of Public Service, Vermont

1 electric distribution utilities ~~that are offering incentives for PEVs~~, and
2 the State’s network of community action agencies, shall establish and
3 administer the programs described in subsections (b) and (c) of this section.

4 (2) The Agency is authorized to spend \$2,000,000.00 as appropriated in
5 the fiscal year 2020 budget and any additional monies as appropriated in the
6 fiscal year 2021 budget or Transportation Fund monies authorized to be
7 expended by the Secretary of Transportation pursuant to Sec. 1b of this act, or
8 both, on the two programs described in subsections (b) and (c) of this section.
9 Notwithstanding any other provision of law and subject to the approval of the
10 Secretary of Administration, appropriations for the two programs described in
11 subsections (b) and (c) of this section remaining unexpended on June 30, 2021
12 shall be carried forward and designated for expenditure on these programs in
13 the subsequent fiscal year.

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

1 outreach and incentive program management, including marketing, consumer
2 support, record keeping and reporting, program development and modification,
3 and general program administration for the program described in subsection
4 (b) of this section; and PEV promotional efforts. The Agency shall develop, in
5 consultation with the Departments of Environmental Conservation and of
6 Public Service, a scope of work for funding the Agency’s grants to Drive
7 Electric Vermont pursuant to this section.

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

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

1 (b) Electric vehicle incentive program. A new PEV purchase and lease
2 incentive program for Vermont residents shall structure PEV purchase and
3 lease incentive payments by income to help ~~all~~ Vermonters benefit from
4 electric driving, including Vermont’s most vulnerable. The program shall be
5 known as the New PEV Incentive Program. Specifically, the ~~program~~ New
6 PEV Incentive Program shall:

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

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

14 (A) an individual domiciled in the State whose federal income tax
15 filing status is single or head of household with an adjusted gross income
16 under the laws of the United States greater than \$50,000.00 and at or below
17 \$100,000.00;

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

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

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

9 (3) provide not more than one incentive of \$3,000.00 for a PHEV or
10 \$4,000.00 for a BEV to:

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

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

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

