

1 **[ALTERNATIVE TO SECS. 1, 1a, 1b, & 12**

2 **CHANGES HIGHLIGHTED]**

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

4 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

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

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

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

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

11 (2) “Electric vehicle supply equipment” has the same meaning as in
12 30 V.S.A. § 201 and is abbreviated “EVSE.”

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

16 (4) “Secretary” means the Secretary of Transportation.

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

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

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

5 * * * Federal Funding * * *

6 Sec. 1a. FEDERAL INFRASTRUCTURE FUNDING

7 (a) If a federal infrastructure bill or other federal legislation is enacted as a
8 result of COVID-19 (federal COVID-19 legislation), the Secretary is
9 authorized to:

10 (1) exceed federal spending authority in the fiscal year 2020
11 Transportation Program and fiscal year 2021 Transportation Program and to
12 obligate and expend the federal monies on the following, with a priority placed
13 on projects, such as the purchase of PEV buses for public transit and the
14 construction of bicycle and pedestrian facilities and EVSE, that will directly
15 contribute to the reduction of greenhouse gas emissions consistent with the
16 State’s 2016 Comprehensive Energy Plan:

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

19 (B) additional town highway projects; and

20 (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 11f(d), and 32 V.S.A. § 706, the Secretary is
3 authorized to utilize appropriated TIB funds, after the transfer required
4 pursuant to 19 V.S.A. § 11f(c) for fiscal years 2020 and 2021; State monies;
5 and federal monies for any of the following maintenance activities in fiscal
6 years 2020 and 2021, provided that the Agency expects to accept and obligate
7 federal monies pursuant to subsection 1a(a) of this act in an amount sufficient
8 to cover 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 11f(d), and 32 V.S.A. § 706, the Secretary is
18 authorized to utilize appropriated TIB funds, after the transfer required
19 pursuant to 19 V.S.A. § 11f(c) for fiscal years 2020 and 2021; State monies;
20 and federal monies for any of the following greenhouse gas emissions
21 reduction efforts in fiscal years 2020 and 2021, provided that the Agency

1 expects to accept and obligate federal monies pursuant to subsection 1a(a) of
2 this act in an amount sufficient to cover the additional expenditures:

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

7 (2) PEV buses for public transit;

8 (3) PEVs for the State motor vehicle fleet;

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

12 (5) funding, not to exceed \$500,000.00, to administer a fare free pilot
13 program that conforms with the specifications in the Report on Methods to
14 Increase the Use of Public Transit in Vermont prepared pursuant to 2019 Acts
15 and Resolves No. 59, Sec. 20 where spending can include: replacement of lost
16 revenue to transit providers; route performance, including ridership, analysis;
17 marketing; and administration.

18 (c) If the expenditure of monies pursuant to subsection (a) or (b) of this
19 section will not significantly delay the planned work schedule of a project in
20 the fiscal year 2020 and 2021 Transportation Programs, the Secretary may
21 enter into a contract for the activity or proceed with the expenditure and shall

1 give prompt notice of the contract or expenditure to the Joint Fiscal Office and
2 to the House and Senate Committees on Transportation when the General
3 Assembly is in session and to the Joint Fiscal Office and the Joint
4 Transportation Oversight Committee when the General Assembly is not in
5 session.

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

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

19 (f) The Secretary of Administration shall, on or before July 31, 2021, file a
20 written report listing all expenditures made during fiscal year 2021 under the
21 authority of subsections (a) and (b) of this section to the House and Senate

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

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

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

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

7 Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR
8 PROGRAMS

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

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

16 (2) The Agency is authorized to spend \$2,000,000.00 as appropriated in
17 the fiscal year 2020 budget and any additional monies as appropriated in the
18 fiscal year 2021 budget or Transportation Fund monies authorized to be
19 expended by the Secretary of Transportation on the two programs described in
20 subsections (b) and (c) of this section. Notwithstanding any other provision of
21 law and subject to the approval of the Secretary of Administration,

1 appropriations for the two programs described in subsections (b) and (c) of this
2 section remaining unexpended on June 30, 2021 shall be carried forward and
3 designated for expenditure on these programs in the subsequent fiscal year.

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

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

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

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

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

20 (2) provide ~~incentives~~ not more than one incentive of \$1,500.00 for a
21 PHEV or \$2,500.00 for a BEV to Vermont households with low and moderate

1 ~~income at or below 160 percent of the State’s prior five-year average Median~~
2 ~~Household Income (MHI) level:~~

3 (A) an individual domiciled in the State whose federal income tax
4 filing status is single or head of household with an adjusted gross income
5 under the laws of the United States greater than \$50,000.00 and at or below
6 \$100,000.00;

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

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

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

18 (3) provide not more than one incentive of \$3,000.00 for a PHEV or
19 \$4,000.00 for a BEV to:

