

Report of Committee of Conference

H.529

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon House Bill, entitled:

H.529. An act relating to the transportation program and miscellaneous changes to laws related to transportation.

Respectfully reports that it has met and considered the same and recommends that House accede to the Senate's proposal of amendment and that the Senate proposal of amendment be further amended as follows:

First: By striking out Sec. 6, Municipal Mitigation Assistance Program, in its entirety and inserting in lieu thereof the following:

Sec. 6. SPENDING AUTHORITY IN THE MUNICIPAL MITIGATION
ASSISTANCE PROGRAM

(a) Spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is decreased by \$800,000.00 in special funds from the Clean Water Fund.

(b) If the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority for grants in the Municipal

Mitigation Assistance Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by \$200,000.00 in transportation funds.

* * * Amendment to Transportation Program – Aid for Town Highways * * *

Sec. 6a. SPENDING AUTHORITY IN STATE AID FOR TOWN

HIGHWAYS

If the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority in the Town Highway Aid Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by \$680,416.64 in transportation funds.

* * * Amendment to Transportation Program – Maintenance * * *

Sec. 6b. SPENDING AUTHORITY IN THE MAINTENANCE PROGRAM

Spending authority in the Maintenance Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by \$100,000.00 in transportation funds.

Second: In Sec. 9, 19 V.S.A. § 10g(h), in the last sentence, by striking out the words "when requested by the municipality or when the Agency and the municipality concur that the project no longer is necessary" and inserting in lieu thereof the words upon the request or concurrence of the municipality

provided that notice of the cancellation is included in the Agency’s annual proposed Transportation Program

Third: By adding a new section to be Sec. 9a and reader assistance heading before the reader assistance heading for Sec. 10 to read:

* * * Project Cancellations * * *

Sec. 9a. PROJECT CANCELLATIONS

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

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

Fourth: In Sec. 11, addition of Shelburne – South Burlington project and spending authority, in subsection (a), by striking out the words “candidate list of the” and inserting in lieu thereof Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 2, 2019)

Fifth: In Sec. 17, 19 V.S.A. § 306(a), by striking out “§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS”

Sixth: In Sec. 20, study of methods to increase public transit ridership, by striking out “(c)” and inserting in lieu thereof (b) and by striking out “(d)” and inserting in lieu thereof (c)

Seventh: By adding a new section to be Sec. 20a and reader assistance heading before the reader assistance heading for Sec. 21 to read:

* * * Report on State-Owned Railroad Line

Between Montpelier and Barre * * *

Sec. 20a. REPORT ON STATE-OWNED RAILROAD LINE BETWEEN
MONTPELIER AND BARRE

(a) The Agency of Transportation shall deliver a written report on the following to the House and Senate Committees on Transportation on or before December 1, 2019:

(1) an itemized estimate of costs to upgrade the State-owned railroad line between Montpelier and Barre to meet commuter rail standards; and

(2) an estimate of the construction schedule should the General Assembly include the upgrades necessary to meet commuter rail standards in a future Transportation Program.

(b) The report shall be neutral regarding the type of passenger rail car to be operated on the State-owned railroad line between Montpelier and Barre.

Eighth: In Sec. 33, 30 V.S.A. § 8002(16), by striking the words “for profit” and inserting the word exclusively after the words “supply electricity to”

Ninth: By striking out Sec. 34, vehicle incentive and emissions repair programs, in its entirety and inserting in lieu thereof the following:

Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR PROGRAMS

(a) Vehicle incentive and emissions repair programs administration.

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

(2) The Agency is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget on the two programs described in subsections (b) and (c) of this section.

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the two programs and up to \$150,000.00 of program funding may be set aside for this purpose.

(4) The Agency shall annually evaluate the two programs to gauge effectiveness and submit a written report on the effectiveness of the programs to the House and Senate Committees on Transportation, the House Committee on Energy and Technology, and the Senate Committee on Finance on or before

the 31st day of December in each year that an incentive or repair voucher is provided through one of the programs.

(b) Electric vehicle incentive program. A new PEV purchase and lease incentive program for Vermont residents shall structure PEV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont's most vulnerable. Specifically, the program shall:

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

(2) provide incentives to Vermont households with low and moderate income at or below 160 percent of the State's prior five-year average Median Household Income (MHI) level;

(3) apply to manufactured PEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less; and

(4) provide no less than \$1,100,000.00, of the initial \$2,000,000.00 authorization, in PEV purchase and lease incentives.

(c) High fuel efficiency vehicle incentive and emissions repair program. A used high fuel efficiency vehicle purchase incentive and emissions repair program for Vermont residents shall structure high fuel efficiency purchase incentive payments and emissions repair vouchers by income to help all

Vermonters benefit from more efficient driving, including Vermont's most vulnerable. Specifically, the program shall:

(1) apply to purchases of used high fuel-efficient motor vehicles, which for purposes of this program shall be pleasure cars with a combined city/highway fuel efficiency of at least 40 miles per gallon or miles per gallon equivalent as rated by the Environmental Protection Agency when the vehicle was new, and repairs of certain vehicles that failed the on board diagnostic (OBD) systems inspection;

(2) provide vouchers through the State's network of community action agencies and base eligibility for the point-of-sale voucher on the same criteria used for income qualification for weatherization services through the Weatherization Program and eligibility for the point-of-repair vouchers on the same criteria used for income qualification for Low Income Home Energy Assistance Program (LIHEAP) through the State's Economic Services Division within the Department for Children and Families; and

(3) provide one of the following to qualifying individuals:

(A) a point-of-sale voucher of up to \$5,000.00 to assist in the purchase of a used high fuel-efficient motor vehicle that may require that a condition of the voucher be that if the individual is the owner of either a motor vehicle that failed the OBD systems inspection or a motor vehicle that is more than 15 years old and has a combined city/highway fuel efficiency of less than

25 miles per gallon as rated by the Environmental Protection Agency when the vehicle was new that the vehicle will be removed from operation and either donated to a nonprofit organization to be used for parts or destroyed; or

(B) a point-of-repair voucher to repair a motor vehicle that was ready for testing, failed the OBD systems inspection, requires repairs that are not under warranty, and will be able to pass the State’s vehicle inspection once the repairs are made provided that the point-of-repair voucher is commensurate with the fair market value of the vehicle to be repaired and does not exceed \$2,500.00, with \$2,500.00 vouchers only being available to repair vehicles with a fair market value of at least \$5,000.00.

(d) Emissions repair training report. The Department of Labor, in consultation with the Department for Children and Families, the Agency, SerVermont, ReSOURCE, and the Vermont Adult Career & Technical Education Association, shall evaluate whether to establish a program to provide vehicle repair services for income-eligible Vermonters whose primary vehicle was ready for testing, failed the OBD systems inspection, requires repairs that are not under warranty, and will be able to pass the State’s vehicle inspection once the repairs are made and report back to the House and Senate Committees on Transportation, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs with recommendations on

implementation and how to fund such a program on or before February 1, 2020.

Tenth: In Sec. 40, 29 V.S.A. § 903(g), in the second sentence, by inserting the words and provided that the vehicles are comparable and meet the State’s needs after the words “whenever possible”

Eleventh: In Sec. 41, 29 V.S.A. § 903(g), in the second sentence, by inserting after the words “whenever possible” the following:
and provided that the vehicles are comparable and meet the State’s needs

Twelfth: In Sec. 43, 19 V.S.A. § 38, in subsection (c), by striking out “no more than \$300,000.00 per grant” and inserting in lieu thereof shall not exceed \$300,000.00 per grant allocation

Thirteenth: In Sec. 44, 22 V.S.A. § 1222(a), by striking out the number “15” and inserting in lieu thereof the number 16

Fourteenth: By striking out Sec. 45, rulemaking; immediate implementation, in its entirety and inserting in lieu thereof the following:

Sec. 45. RULEMAKING; IMMEDIATE IMPLEMENTATION

(a) Within 14 days after the effective date of this section, the Commissioner of Motor Vehicles shall file with the Secretary of State a proposed amended rule governing vehicle inspections in this State (Periodic Inspection Manual) that is consistent with amendments to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle that is more than

16 model years old will be required to undergo an on board diagnostic (OBD) systems inspection.

(b) On or before July 1, 2019, the Commissioner shall update the content of inspections conducted through the Automated Vehicle Inspection Program to exclude any requirements of the current Periodic Inspection Manual that are inconsistent with the amendments to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle that is more than 16 model years old will be required to undergo an OBD systems inspection.

(c) In the event that the Commissioner cannot update the content of inspections conducted through the Automated Vehicle Inspection Program in accordance with subsection (b) of this section on or before July 1, 2019, the Commissioner shall develop and implement a temporary work-around to go into effect no later than July 1, 2019 that ensures that no motor vehicle that is more than 16 model years old will be required to undergo an OBD systems inspection.

Fifteenth: In Sec. 46, vehicle feebate report, by striking out “Sec. 46. VEHICLE FEEBATE REPORT” and inserting in lieu thereof Sec. 46. VEHICLE FEEBATE AND VEHICLE INCENTIVE PROGRAMS FUNDING REPORT and by striking out the reader assistance heading and inserting in lieu thereof * * * Vehicle Feebate and Vehicle Incentive Programs Funding Report * * *

Sixteenth: By striking out Sec. 48, 10 V.S.A. § 503, in its entirety and inserting in lieu thereof the following:

Sec. 48. 10 V.S.A. § 503 is amended to read:

§ 503. PENALTY

A person who violates this chapter shall be ~~fin~~ed assessed a civil penalty of not more than ~~\$100.00 or imprisoned not more than 30 days, or both~~ \$50.00.

Each day the violation continues shall be a separate offense.

Seventeenth: By striking out all after Sec. 49 and inserting in lieu thereof the following:

* * * Motor-Assisted Scooter Pilot Program * * *

Sec. 50. MOTOR-ASSISTED SCOOTER PILOT PROGRAM

(a) The cities of Burlington and Montpelier may conduct a motor-assisted scooter pilot program that shall run not longer than October 31, 2019.

(b) During the pilot program motor-assisted scooters, as defined in subsection (c) of this section, shall be regulated in the same way as a motor-assisted bicycle, as defined in 23 V.S.A. § 4(45)(B), and in accordance with 23 V.S.A. § 1136 except that, and notwithstanding 23 V.S.A. § 1137(a), a motor-assisted scooter shall not have a seat and must always be operated in stand-up mode.

(c) As used in this section, “motor-assisted scooter” means any device with not more than two small diameter wheels and a handlebar, that lacks a seat, is designed to operate in stand-up mode only, and has a motor that:

(1) has a power output of not more than 500 watts or .65 horsepower;

and

(2) in itself or with human propulsion is capable of producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds.

* * * Effective Dates * * *

Sec. 51. EFFECTIVE DATES

(a) This section and Secs. 1(b) (act definitions), 12 (BUILD grant), 13 (CRISI grant), 20 (public transit study), 20a (report on State-owned railroad line), 29 (plug-in electric vehicle definition), 30 (electric vehicle supply equipment definition), 33 (net metering), 34 (vehicle incentive and emissions repair programs), 35 (Public Utility Commission report), 36 (Agency of Agriculture, Food and Markets reporting), 39 (PUC jurisdiction), 44 (emissions inspections), 45 (emissions inspections implementation), 46 (vehicle feebate report), 47 (weight-based annual registration report), and 50 (motor-assisted scooter pilot program) shall take effect on passage.

(b) Secs. 31 (weights and measures definition) and 32 (electric vehicle supply equipment definition) shall take effect on the earlier of January 1, 2021

or six months after the National Institute of Standards and Technology adopts code on electric vehicle fueling systems.

(c) Sec. 41 (State vehicle fleet) shall take effect on July 1, 2021.

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

COMMITTEE ON THE PART OF
THE SENATE

SEN. RICHARD T. MAZZA

SEN. TIMOTHY R. ASHE

SEN. ANDREW PERCHLIK

COMMITTEE ON THE PART OF
THE HOUSE

REP. CURTIS A. McCORMACK

REP. TIMOTHY R. CORCORAN

REP. MOLLIE SULLIVAN BURKE