

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill No.
3 529 entitled “An act relating to the Transportation Program and miscellaneous
4 changes to laws related to transportation” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

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

9 Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;

10 DEFINITIONS

11 (a) The Agency of Transportation’s proposed fiscal year 2020
12 Transportation Program appended to the Agency of Transportation’s Proposed
13 Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as
14 amended by this act, is adopted to the extent federal, State, and local funds are
15 available.

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

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

18 (2) “Electric vehicle supply equipment” has the same meaning as in 30
19 V.S.A. § 201 as amended by Sec. 26 of this act.

20 (3) “Plug-in electric vehicle” has the same meaning as in 23 V.S.A.
21 § 4(85) as added by Sec. 25 of this act and is abbreviated “PEV.”

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

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

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

11 * * * Amendments to Transportation Program – Program Development * * *

12 **Sec. 2.** FISCAL YEAR SPENDING AUTHORITY; PROGRAM
13 DEVELOPMENT

14 Spending authority in Program Development in the Agency of
15 Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised
16 February 21, 2019) is hereby amended as follows:

17 (a) transportation funds is reduced by \$845,416.00; and

18 (b) federal funds is increased by \$845,416.00.

19 **Sec. 3.** PROGRAM DEVELOPMENT; ROADWAY

20 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2020
21 Transportation Program (Revised February 21, 2019) for Program

1 Development—Roadway authorized spending for Burlington MEGC M 5001

2 (1) is amended as follows:

3	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
4	PE	500,000	500,000	0
5	Construction	10,500,000	5,500,000	-5,000,000
6	Total	11,000,000	6,000,000	-5,000,000
7	<u>Sources of funds</u>			
8	TIB	330,000	180,000	-150,000
9	Federal	10,450,000	5,700,000	-4,750,000
10	Local	220,000	120,000	-100,000
11	Total	11,000,000	6,000,000	-5,000,000

12 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2020

13 Transportation Program (Revised February 21, 2019) for Program

14 Development—Roadway authorized spending for Waterbury FEGC F 013-

15 4(13) is amended as follows:

16	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
17	Construction	10,000,000	10,000,000	0
18	Total	10,000,000	10,000,000	0
19	<u>Sources of funds</u>			
20	TIB	0	150,000	150,000
21	State	300,000	150,000	-150,000

1	Federal	9,500,000	9,500,000	0
2	Local	200,000	200,000	0
3	Total	10,000,000	10,000,000	0

4 Sec. 4. PROGRAM DEVELOPMENT; TRAFFIC & SAFETY

5 Within the Agency of Transportation's Proposed Fiscal Year 2020

6 Transportation Program (Revised February 21, 2019) for Program

7 Development—Traffic & Safety authorized spending for Shelburne – South

8 Burlington – NHG SGNL(51) is amended as follows:

9	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10	PE	10,000	75,000	65,000
11	Construction	0	50,000	50,000
12	Total	10,000	125,000	115,000

13 Sources of funds

14	Federal	10,000	125,000	115,000
15	Total	10,000	125,000	115,000

16 * * * Spending Authority for State Aid for Town Highways * * *

17 **Sec. 5.** SPENDING AUTHORITY FOR STATE AID FOR TOWN

18 HIGHWAYS

19 Spending authority for State aid for town highways in the Town Highway

20 Aid Program in the Agency of Transportation's Proposed Fiscal Year 2020

1 Transportation Program (Revised February 21, 2019) is increased by
2 \$995,416.00 in transportation funds.

3 Sec. 6. [Deleted.]

4 * * * Voluntary Cancellation of Municipal Projects * * *

5 Sec. 7. 19 V.S.A. § 10g(h) is amended to read:

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

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

14 Sec. 8. [Deleted.]

15 * * * Project Additions * * *

16 Sec. 9. ADDITION OF COLCHESTER – BAYSIDE INTERSECTION
17 PROJECT

18 The following project is added to the candidate list of Program
19 Development—Traffic & Safety Program within the Proposed Fiscal Year
20 2020 Transportation Program (Revised February 21, 2019): Colchester –
21 Bayside Intersection Roundabout and Stormwater Improvements.

1 Sec. 10. ADDITION OF SHELBURNE – SOUTH BURLINGTON

2 PROJECT AND SPENDING AUTHORITY

3 (a) The following project is added to the candidate list of the Program

4 Development—Traffic & Safety Program within the fiscal year 2020

5 Transportation Program (Revised February 21, 2019): Shelburne – South

6 Burlington – Automated Traffic Signal Performance Measures.

7 (b) Spending authority for the Shelburne – South Burlington – Automated

8 Traffic Signal Performance Measures project is authorized as follows:

9	<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10	PE	0	15,000	15,000
11	Construction	0	50,000	50,000
12	Total	0	65,000	65,000
13	<u>Sources of funds</u>			
14	State	0	13,000	13,000
15	Federal	0	52,000	52,000
16	Total	0	65,000	65,000

17 * * * BUILD Grant Acceptance * * *

18 Sec. 11. BETTER UTILIZING INVESTMENTS TO LEVERAGE

19 DEVELOPMENT (BUILD) GRANT (RAIL)

20 Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k)

21 (Secretary; powers and duties), the Agency of Transportation is authorized to

1 accept the Better Utilizing Investments to Leverage Development (BUILD)
2 grant awarded in federal fiscal year 2019 for the Vermont Regional Freight
3 Rail Corridor Upgrade Project in the amount of \$20,000,000.00.

4 * * * CRISI Grant Acceptance and Project Addition * * *

5 Sec. 12. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
6 IMPROVEMENTS (CRISI) GRANT (RAIL)

7 (a) Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A.
8 § 7(k) (Secretary; powers and duties), the Agency of Transportation is
9 authorized to accept the Consolidated Rail Infrastructure and Safety
10 Improvements (CRISI) grant in the amount of \$2,082,519.00 for the following
11 project, which is added to the fiscal year 2020 Transportation Program:
12 Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project.

13 (b) Spending authority for the Windsor – St. Albans CRISI (17) Vermonter
14 Amtrak Safety Project is authorized as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519
<u>Sources of funds</u>			
Federal	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519

1 town shall be that town's percentage of class 1 town highways of the total class
2 1 town highway mileage in the State.

3 (B) Forty-four percent of the State's annual town highway
4 appropriation shall be apportioned to class 2 town highways. The
5 apportionment for each town shall be that town's percentage of class 2 town
6 highways of the total class 2 town highway mileage in the State.

7 (C) Fifty percent of the State's annual town highway appropriation
8 shall be apportioned to class 3 town highways. The apportionment for each
9 town shall be that town's percentage of class 3 town highways of the total class
10 3 town highway mileage in the State.

11 (D) Monies apportioned under subdivisions (1), (2), and (3) of this
12 subsection shall be distributed to each town in quarterly payments beginning
13 July 15 in each year.

14 (E) Each town shall use the monies apportioned to it solely for town
15 highway construction, improvement, and maintenance purposes or as the
16 nonfederal share for public transit assistance. These funds may also be used
17 for the establishment and maintenance of bicycle routes and sidewalks. The
18 members of the selectboard shall be personally liable to the State, in a civil
19 action brought by the Attorney General, for making any unauthorized
20 expenditures from money apportioned to the town under this section.

1 ~~(4)~~(5) Advancement of economic development objectives, including
2 services for workers and visitors that support the travel and tourism industry.
3 Applicants for “new starts” in this service sector shall demonstrate a high level
4 of locally derived income for operating costs from fare-box recovery, contract
5 income, or other income.

6 (b) The Agency of Transportation shall evaluate proposals for new public
7 transit service submitted by providers in response to a notice of funding
8 availability, by examining feasibility studies submitted by providers. The
9 feasibility studies shall address criteria set forth in the most recent public
10 transit policy plan.

11 (c) The Agency, in cooperation with the Public Transit Advisory Council,
12 shall adopt appropriate performance and service standards for transit systems
13 receiving federal or State assistance. The Agency of Transportation shall
14 provide guidance, training, funding, and technical assistance to transit systems
15 in order to meet the performance and service standards established.

16 (d) The Agency of Transportation shall provide written guidance, funding,
17 and technical assistance in the preparation of financial and management plans
18 for public transit systems for each fiscal year. To provide a foundation for
19 financial stability and reliability in the provision of transportation services to
20 the public, the Agency of Transportation shall, in cooperation with the Public
21 Transit Advisory Council, establish both short and long-range fiscal, operating,

1 and capital investment plans to support the goals outlined in this section and
2 regional transportation development plan proposals and regional plans as
3 required by section 5089 of this title.

4 Sec. 18. 24 V.S.A. § 5091(i) is amended to read:

5 (i) ~~To implement~~ The Agency of Transportation shall distribute State and
6 federal funds to public transit systems through an annual competitive program
7 that implements the public transportation policy goals set forth in section 5083
8 of this title and 19 V.S.A. § 10f, ~~the Agency of Transportation shall use the~~
9 ~~following formula for distribution of operating funds to public transit systems:~~

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

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

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

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

1 both residents and visitors. This study shall review the Agency's current
2 initiatives and those in other territories, states, and countries; review literature,
3 marketing, and activities regarding methods to increase ridership with special
4 emphasis on rural areas; determine unmet needs from current studies; examine
5 the benefit of providing local connectivity to transit; and evaluate what factors
6 affect public transit ridership in Vermont.

7 (c) The Agency shall deliver a written report of its findings and any
8 recommendations, including where and how to make the most effective
9 improvements in service and criteria to use to determine the priorities of
10 investments, to the House and Senate Committees on Transportation on or
11 before January 15, 2020.

12 (d) The Agency shall evaluate recommendations for potential inclusion in
13 its fiscal year 2021 budget proposal and estimated funding necessary to
14 achieve the recommendations for any new initiatives identified in the study.

15 * * * State Highway Condemnation and Acquisition * * *

16 Sec. 20. 19 V.S.A. § 503(d) is amended to read:

17 (d) Notice and other documents. The Agency shall hand-deliver or send by
18 mail to ~~interested persons~~ owners of property to be acquired a notice of
19 procedures and rights and the offer of just compensation. The notice of
20 procedures and rights shall include an explanation of the proposed State
21 highway project and its purpose, and statements that:

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Sec. 21. 19 V.S.A. § 504(a) is amended to read:

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

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

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

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

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

Sec. 22. 19 V.S.A. § 502(a) is amended to read:

(a) Authority. The Agency, when in its judgment the ~~interest~~ interests of the State ~~requires~~ require, may take any property necessary to lay out, relocate,

1 alter, construct, reconstruct, maintain, repair, widen, grade, or improve any
2 State highway, including affected portions of town highways. In furtherance
3 of these purposes, the Agency may enter upon lands to conduct necessary
4 examinations and surveys; however, the Agency shall do this work with
5 minimum damage to the land and disturbance to the owners and shall be
6 subject to liability for actual damages. All property taken permanently shall be
7 taken in fee simple whenever practicable. The Agency's acquisition of
8 property pursuant to this chapter, whether by condemnation or conveyance in
9 lieu of condemnation, shall not require subdivision approval under any law,
10 regulation, or municipal ordinance. For all State highway projects involving
11 property acquisitions, the Agency shall follow the provisions of the Uniform
12 Relocation Assistance and Real Property Acquisitions Policies Act (~~“Act”~~)
13 (Act) and its implementing regulations, as may be amended.

14 * * * Public-Private Partnership (P3) Definition * * *

15 Sec. 23. 19 V.S.A. § 2612(4) is amended to read:

16 (4) “Public-private partnership” or “P3” means an alternative project
17 delivery mechanism that may be used by the Agency to permit private sector
18 participation in a project, including in its financing, development, operation,
19 management, ownership, leasing, or maintenance. As used in this subchapter,
20 “partnership” shall refer solely to a “public-private partnership” and “partner”

1 shall refer to the State or to the private entity participant or participants in a
2 public-private partnership.

3 * * * Highway Work; Minimum Wages * * *

4 Sec. 24. 19 V.S.A. § 18 is amended to read:

5 § 18. WAGES

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

10 * * * Junior Operator Use of Portable Electronic Devices * * *

11 Sec. 25. 23 V.S.A. § 1095a(d) is added to read:

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

17 * * * School Bus Driver Blood Alcohol Content Limitation * * *

18 Sec. 26. 23 V.S.A. § 1201(a) is amended to read:

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

1 (1) when the person’s alcohol concentration is 0.08 or more, or 0.02 or
2 more if the person is operating a ~~school bus as defined in subdivision 4(34) of~~
3 ~~this title~~ vehicle when the operation requires an operator’s license with a
4 school bus endorsement; or

5 * * *

6 * * * Evidentiary Blood Sample * * *

7 Sec. 27. 23 V.S.A. § 1203(b) is amended to read:

8 (b) Only a physician, licensed nurse, medical technician, physician
9 assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or
10 advanced emergency medical technician, or paramedic acting at the request of
11 a law enforcement officer may withdraw blood for the purpose of determining
12 the presence of alcohol or ~~other~~ another drug. This limitation does not apply to
13 the taking of a breath sample. A medical facility or business may not charge
14 more than \$75.00 for services rendered when an individual is brought to a
15 facility for the sole purpose of an evidentiary blood sample or when an
16 emergency medical technician or paramedic draws an evidentiary blood
17 sample.

18 * * * Electric Vehicle Definitions * * *

19 Sec. 28. 23 V.S.A. § 4(85) is added to read:

20 (85) “Plug-in electric vehicle” means a motor vehicle that can be
21 powered by an electric motor drawing current from a rechargeable energy

1 storage system, such as from storage batteries or other portable electrical
2 energy storage devices provided that the vehicle can draw recharge energy
3 from a source off the vehicle such as electric vehicle supply equipment. A
4 “plug-in electric vehicle” includes both a motor vehicle that can only be
5 powered by an electric motor drawing current from a rechargeable energy
6 storage system and a motor vehicle that can be powered by an electric motor
7 drawing current from a rechargeable energy storage system but also has an
8 onboard combustion engine.

9 Sec. 29. 30 V.S.A. § 201 is amended to read:

10 § 201. DEFINITIONS

11 (a) As used in this chapter, ~~the word “company”;~~

12 (1) “Company” or “companies” means and includes individuals,
13 partnerships, associations, corporations, and municipalities owning or
14 conducting any public service business or property used in connection
15 therewith and covered by the provisions of this chapter. The term “company”
16 or “companies” also includes electric cooperatives organized and operating
17 under chapter 81 of this title, the Vermont Public Power Supply Authority to
18 the extent not inconsistent with chapter 84 of this title, and the Vermont
19 Hydroelectric Power Authority to the extent not inconsistent with chapter 90 of
20 this title. In the context of actions requiring prior approval under section 107
21 of this title, the term “company” shall also mean any individual, partnership,

1 association, corporation, group, syndicate, operating division, joint stock
2 company, trust, other entity, or municipality which would be defined as a
3 company pursuant to this section if such approval were to be granted.

4 (2) “Electric vehicle supply equipment” means a device or system
5 designed and used specifically to transfer electrical energy to a plug-in electric
6 vehicle as defined in 23 V.S.A. § 4(85), either as charge transferred via a
7 physical or wireless connection, by loading a fully charged battery, or by other
8 means. “Electric vehicle supply equipment available to the public” shall:

9 (A) be located at a publicly available parking space, which does not
10 include a parking space that is part of or associated with a private residence or
11 a parking space that is reserved for the exclusive use of an individual driver,
12 vehicle, or group of drivers or vehicles including employees, tenants, visitors,
13 residents of a common interest development, residents of an adjacent building,
14 or customers of a business whose primary business is not electric vehicle
15 charging;

16 (B) disclose all charges for the use of the electric vehicle supply
17 equipment at the point of sale; and

18 (C) provide multiple payment options that allow access by the public,
19 if a fee is required, and shall not require persons desiring to use such public
20 electric vehicle supply equipment to pay a subscription fee or otherwise obtain
21 a membership in any club, association, or organization as a condition of using

1 such electric vehicle supply equipment, but may have different price schedules
2 that are conditioned on a subscription or membership in a club, association, or
3 organization.

4 ~~(b) As used in this chapter, “energy”~~

5 (3) “Energy” means not only the traditional scientific characteristic of
6 “ability to do work” but also the substances or processes used to produce heat,
7 light, or motion, including petroleum or other liquid fuels, natural or synthetic
8 fuel gas, solid carbonaceous fuels, solar radiation, geothermal sources, nuclear
9 sources, biomass, organic waste products, wind, or flowing water.

10 Sec. 30. 9 V.S.A. § 2651(14) is amended to read:

11 (14) “Weights and measures” means all weights and measures of every
12 kind, instruments and devices for weighing and measuring, and any appliances
13 and accessories associated with any or all such instruments and devices
14 including electric vehicle supply equipment available to the public, as defined
15 in subdivision 2730(a)(14) of this title, but not including meters for the
16 measurement of electricity, gas (natural or manufactured), or water when they
17 are operated in a public utility system. Such electricity, gas, and water meters
18 are specifically excluded from the purview of this chapter, and this chapter
19 shall not apply to such meters or to any appliances or accessories associated
20 therewith.

1 Sec. 31. 9 V.S.A. § 2730(a)(14) is added to read:

2 (14) “Electric vehicle supply equipment” and “electric vehicle supply
3 equipment available to the public” have the same meanings as in 30 V.S.A.
4 § 201.

5 * * * Net Metering at Electric Vehicle Supply Equipment * * *

6 Sec. 32. 30 V.S.A. § 8002(16) is amended to read:

7 (16) “Net metering system” means a plant for generation of electricity
8 that:

9 (A) is of no more than 500 kW capacity;

10 (B) operates in parallel with facilities of the electric distribution
11 system;

12 (C) is intended primarily to offset the customer’s own electricity
13 requirements and does not supply electricity to electric vehicle supply
14 equipment, as defined in section 201 of this title, for the for profit resale of
15 electricity to the public by the kWh or for other retail sales to the public,
16 including those based in whole or in part on a flat fee per charging session or a
17 time-based fee for occupying a parking space while using electric vehicle
18 supply equipment; and

19 (D)(i) employs a renewable energy source; or

20 (ii) is a qualified micro-combined heat and power system of 20
21 kW or fewer that meets the definition of combined heat and power in

1 subsection 8015(b) of this title and uses any fuel source that meets air quality
2 standards.

3 * * * Vehicle Incentive Programs * * *

4 **Sec. 33. VEHICLE INCENTIVE PROGRAMS**

5 (a) The Agency of Transportation (Agency), in consultation with the
6 Agency of Natural Resources, the Agency of Human Services, the Department
7 of Public Service, Vermont electric distribution utilities that are offering
8 incentives for PEVs, and the State's network of community action agencies,
9 shall establish and administer the vehicle incentive programs described in
10 subsections (a) and (b) of this section. Subject to State procurement
11 requirements, the Agency may retain a contractor or contractors to assist with
12 marketing, Program development, and administration of the two vehicle
13 incentive programs. Up to \$75,000.00 of vehicle incentive program funding
14 may be set aside for this purpose in fiscal year 2020. The Agency shall
15 annually evaluate the two vehicle incentive programs to gauge effectiveness
16 and submit a written report on the effectiveness of the programs to the House
17 and Senate Committees on Transportation, the House Committee on Energy
18 and Technology, and the Senate Committee on Finance on or before the 31st
19 day of December in each year that an incentive is provided through one of the
20 programs.

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. Specifically, the
5 Program shall:

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

9 (2) provide incentives to Vermont households with low and moderate
10 income where a Vermont household with moderate income is a household at or
11 below 140 percent of the State’s prior five-year average Median Household
12 Income (MHI) level; and

13 (3) apply to manufactured PEVs with a Base Manufacturer’s Suggested
14 Retail Price (MSRP) of \$40,000.00 or less.

15 (c) High fuel efficiency vehicle incentive program. A used high fuel
16 efficiency vehicle purchase incentive program for Vermont residents shall
17 structure high fuel efficiency purchase incentive payments by income to help
18 all Vermonters benefit from more efficient driving, including Vermont’s most
19 vulnerable. Specifically, the program:

20 (1) shall apply to purchases of used high fuel efficient motor vehicles,
21 which for purposes of this program shall be pleasure cars with a combined

1 city/highway fuel efficiency of at least 45 miles per gallon or miles per gallon
2 equivalent as rated by the Environmental Protection Agency when the vehicle
3 was new;

4 (2) shall provide point-of-sale vouchers of up to \$5,000.00 to assist in
5 the purchase of a used high fuel efficient motor vehicle to individuals, through
6 the State’s network of community action agencies, who shall qualify for a
7 voucher pursuant to the same criteria used for income qualification for
8 weatherization services through the Weatherization Program; and

9 (3) may require that a condition of the voucher be that if the individual
10 is the owner of a motor vehicle that is more than 15 years old and has a
11 combined city/highway fuel efficiency of less than 25 miles per gallon the
12 vehicle will be removed from operation and, if possible, donated to an
13 organization to be used for parts.

14 Sec. 34. [Deleted.]

15 * * * Public Utility Commission Report * * *

16 **Sec. 35.** PUBLIC UTILITY COMMISSION TARIFF SETTING AND
17 ELECTRIC VEHICLE INCENTIVE PROGRAM REPORT

18 As a follow up to the report due on or before July 1, 2019, the Public Utility
19 Commission, in consultation with those Vermont electric distribution utilities
20 that wish to participate, the Agency of Transportation, the Department of
21 Public Service, and Efficiency Vermont, shall report back to the Senate

1 Committees on Transportation and on Natural Resources and Energy and the
2 House Committees on Transportation and on Energy and Technology on or
3 before December 15, 2019 concerning the steps necessary to implement fees
4 on PEV charging, as well as facilitating the extension of the Electric Vehicle
5 Incentive Program established in Sec. 27 of this act in order to achieve the
6 levels of electric vehicle adoption in Vermont’s Comprehensive Energy Plan,
7 which calls for 10 percent of the fleet in Vermont to be PEVs by 2025
8 advancing to 25 percent of the fleet by 2030. This report shall consider the
9 following factors:

10 (1) Fees and assessments. Whether or not electric distribution utilities
11 should collect both a transportation efficiency fee, as defined in subdivision (1)
12 of this subsection, and a transportation infrastructure assessment, as defined in
13 subdivision (2) of this subsection, or just a transportation infrastructure
14 assessment and how best to implement:

15 (A) A transportation efficiency fee. A per-kWh transportation
16 efficiency fee on electricity provided by an electric distribution utility for
17 electric vehicle supply equipment equal to the energy efficiency charge rate set
18 by the Commission, and to be charged instead of an energy efficiency charge;
19 and

1 (B) A transportation infrastructure assessment. A per-kWh
2 transportation infrastructure assessment on electricity provided by an electric
3 distribution utility for electric vehicle supply equipment.

4 (2) An electric vehicle charging tariff setting. The setting of an electric
5 vehicle charging tariff for electric utilities with more than 17,000 customers,
6 and other electric utilities at their discretion, that allows a customer, including
7 a company that owns and operates electric vehicle supply equipment, to
8 purchase electricity solely to charge a plug-in electric vehicle. The report
9 should consider whether the tariff should:

10 (A) contain either a time-of-day or off-peak rate, as elected by the
11 electric utility that takes advantage of lower-cost electricity and minimizes
12 adverse grid effects and investment costs, maximizes the grid benefits of PEV
13 charging, including electric distribution utility control of charging, and reduces
14 the negative environmental effects of burning fossil fuels for transportation and
15 electrical generation;

16 (B) include the per-kWh transportation efficiency fee;

17 (C) include the per-kWh transportation infrastructure assessment;

18 (D) offer a customer the option to purchase electricity from the
19 utility's current mix of energy supply sources or entirely from renewable
20 energy sources;

1 (E) include a mechanism to allow the recovery of costs reasonably
2 necessary to comply with electric vehicle charging tariff setting, such as costs
3 to inform and educate customers about the financial, energy conservation, and
4 environmental benefits of electric vehicles and to publicly advertise and
5 promote participation in a customer-optional tariff;

6 (F) provide for clear and transparent customer billing statements
7 including the amount of energy consumed under the tariff;

8 (G) incorporate any necessary costs of metering or submetering
9 within the rate charged to the customer; and

10 (H) factor in other considerations as the Commission deems
11 appropriate.

12 (3) Reporting by electric distribution utilities. A mandatory periodic
13 report to the Commission, as established by the Commission and on a form
14 prescribed by the Commission, on the following aspects of a separate electric
15 vehicle charging tariff:

16 (A) participation and impact highlights including participants that
17 switch to tariff, frequency of daily charging, length of daily charging, timing of
18 daily charging, and new electric vehicle supply equipment installed by county;

19 (B) the overall success of the tariff, including any changes or issues
20 encountered during the reporting period;

1 (C) a total implementation cost breakdown by capital costs, operation
2 costs, maintenance costs, and total costs; and

3 (D) other data required by the Commission.

4 (4) Incremental revenue and costs. The amount of incremental revenue
5 to electric distribution utilities expected to be generated by PEVs and all other
6 financial benefits that PEVs may bring to electric distribution utilities over the
7 next ten years, whether there are necessary costs and technical feasibility
8 problems to meter PEV charging separate from other electrical demand on the
9 same account, and if there are other costs expected to be incurred by the
10 electric distribution utilities related to PEV deployment and associated
11 infrastructure.

12 (5) Net metering. How to address the use of net metering energy and
13 net metering energy credits for electric vehicle supply equipment.

14 * * * Reporting by the Agency of Agriculture, Food and Markets * * *

15 Sec. 36. REPORTING BY THE AGENCY OF AGRICULTURE, FOOD

16 AND MARKETS

17 (a) The Agency of Agriculture, Food and Markets shall file a written report
18 with the Senate Committees on Transportation and on Finance and the House
19 Committees on Transportation and on Ways and Means on or before December
20 1, 2019 that provides an update on the National Institute of Standards and
21 Technology's progress towards adopting a code on electric vehicle fueling

1 systems and makes a recommendation for an annual licensing fee for electric
2 vehicle supply equipment available to the public for inclusion in 9 V.S.A.
3 § 2730(f)(1).

4 (b) If the National Institute of Standards and Technology has not adopted a
5 code on electric vehicle fueling systems by December 1, 2020 then the Agency
6 of Agriculture, Food and Markets shall file a written report with the House and
7 Senate Committees on Transportation on or before December 1, 2020 that
8 provides an update on the National Institute of Standards and Technology's
9 progress towards adopting a code on electric vehicle fueling systems.

10 * * * Fees for Use of Electric Vehicle Supply Equipment * * *

11 Sec. 37. 32 V.S.A. § 604 is added to read:

12 § 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

13 Notwithstanding any other provision of this subchapter, any agency or
14 department that owns or controls electric vehicle supply equipment, as defined
15 in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that
16 electric vehicle supply equipment. The agency or department may establish
17 fees for electric vehicle charging at less than its costs, to cover its costs, or
18 equal to the retail rate charged for the use of electric vehicle supply equipment
19 available to the public. Fees collected under this section shall be deposited in
20 the same fund or account within a fund from which the electric operating
21 expense for the electric vehicle supply equipment originated.

1 Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

2 32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on
3 July 1, 2022.

4 Sec. 39. [Deleted.]

5 * * * Jurisdiction Over Electric Vehicle Supply Equipment * * *

6 Sec. 40. 30 V.S.A. § 203 is amended to read:

7 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

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

19 (1) A company engaged in the manufacture, transmission, distribution,
20 or sale of gas or electricity directly to the public or to be used ultimately by the

1 public for lighting, heating, or power and so far as relates to their use or
2 occupancy of the public highways.

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

7 * * *

8 (7) Notwithstanding subdivisions (1) and (2) of this section, the
9 Commission and Department shall not have jurisdiction over persons otherwise
10 not regulated by the Commission that is engaged in the siting, construction,
11 ownership, operation, or control of a facility that sells or supplies electricity to
12 the public exclusively for charging a plug-in electric vehicle, as defined in 23
13 V.S.A. § 4(85). These persons may charge by the kWh for owned or operated
14 electric vehicle supply equipment, as defined in 30 V.S.A. § 201, but shall not
15 be treated as an electric distribution utility just because electric vehicle supply
16 equipment charges by the kWh.

17 * * * State Vehicle Fleet * * *

18 **Sec. 41.** 29 V.S.A. § 903(g) is amended to read:

19 (g) The Commissioner of Buildings and General Services, when purchasing
20 ~~or leasing vehicles for State use shall consider vehicles using alternative fuels~~
21 ~~when the alternative fuel is suitable for the vehicle's operation, is available in~~

1 ~~the region where the vehicle will be used, and is competitively priced with~~
2 ~~traditional fuels, to the maximum extent practicable, purchase or lease hybrid,~~
3 ~~plug-in hybrid, or electric vehicles, but in no instance shall less than 75 percent~~
4 ~~of the vehicles annually purchased or leased be hybrid, plug-in hybrid, or~~
5 ~~electric vehicles. The Commissioner shall, whenever possible, purchase or~~
6 ~~lease the lowest cost year of the selected make and model, and only the latest~~
7 ~~year model when it is the least expensive.~~

8 Sec. 42. 3 V.S.A. § 217(c) is amended to read:

9 (c) ~~At least 50 percent of the vehicles purchased annually by the~~
10 ~~Commissioner shall be low emission passenger vehicles~~ The Commissioner of
11 Buildings and General Services shall purchase and lease vehicles for the State
12 Fleet subject to the requirements of 29 V.S.A. § 903(g).

13 * * * Transportation Alternatives Grant Committee * * *

14 Sec. 43. 19 V.S.A. § 38 is amended to read:

15 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

16 (a) ~~The Transportation Alternatives Grant Committee is created and shall~~
17 ~~comprise:~~

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

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

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

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

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

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

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

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

12 ~~(b) Municipal and legislative members of the Transportation Alternatives~~
13 ~~Grant Committee shall serve concurrently for two year terms and the initial~~
14 ~~appointments of these members shall be made in a manner which allows for~~
15 ~~them to serve a full legislative biennium. In the event a municipal or legislative~~
16 ~~member ceases to serve on the Committee prior to the full term, the appointing~~
17 ~~authority shall fill the position for the remainder of the term. The Committee~~
18 ~~shall, to the greatest extent practicable, encompass a broad geographic~~
19 ~~representation of Vermont. [Repealed.]~~

20 ~~(c) The Transportation Alternatives Grant Program is created. The Grant~~
21 ~~Program shall be administered by the Agency, and shall be funded in the~~

1 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
2 Recreational Trails Program. Awards shall be made to eligible entities as
3 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
4 be limited to the activities authorized under federal law and no more than
5 \$300,000.00 per grant.

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

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

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

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

19 (3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program
20 funds, or such lesser sum if all eligible applications amount to less than
21 \$1,100,000.00, shall be reserved for municipalities for environmental

1 mitigation projects relating to stormwater and highways, including eligible salt
2 and sand shed projects.

3 (4) Regarding Grant Program funds awarded in fiscal years 2020 and
4 2021, and the balance of Grant Program funds not reserved for environmental
5 mitigation projects in fiscal year 2022 and thereafter, in evaluating applications
6 for Transportation Alternatives grants, the ~~Transportation Alternatives Grant~~
7 ~~Committee~~ Agency shall give preferential weighting to projects involving as a
8 primary feature a bicycle or pedestrian facility. The degree of preferential
9 weighting and the circumstantial factors sufficient to overcome the weighting
10 shall be in the complete discretion of the ~~Transportation Alternatives Grant~~
11 ~~Committee~~ Agency.

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

18 * * * Emissions Inspections * * *

19 Sec. 44. 23 V.S.A. § 1222(a) is amended to read:

20 (a) Except for school buses, which shall be inspected as prescribed in
21 section 1282 of this title, and motor buses as defined in subdivision 4(17) of

1 this title, which shall be inspected twice during the calendar year at six-month
2 intervals, all motor vehicles registered in this State shall ~~be inspected~~ undergo
3 a safety and visual emissions inspection once each year and all motor vehicles
4 that are registered in this State and are 10 model years old or less shall undergo
5 an emissions or on board diagnostic (OBD) systems inspection once each year
6 as applicable. Any motor vehicle, trailer, or semi-trailer not currently
7 inspected in this State shall be inspected within 15 days following the date of
8 its registration in the State of Vermont.

9 Sec. 45. RULEMAKING; IMMEDIATE IMPLEMENTATION

10 (a) Within 14 days after the effective date of this section, the
11 Commissioner of Motor Vehicles shall file with the Secretary of State a
12 proposed amended rule governing vehicle inspections in this State (Periodic
13 Inspection Manual) that is consistent with amendments to 23 V.S.A. § 1222 in
14 Sec. 44 of this act, with the effect that no motor vehicle that is more than
15 10 model years old will be required to undergo an emissions or on board
16 diagnostic (OBD) systems inspection.

17 (b) As soon as practicable after the effective date of this section, the
18 Commissioner shall update the content of inspections conducted through the
19 Automated Vehicle Inspection Program to exclude any requirements of the
20 current Periodic Inspection Manual that are inconsistent with the amendments
21 to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle

1 that is more than 10 model years old will be required to undergo an emissions
2 or OBD systems inspection.

3 (c) In the event that the Commissioner cannot update the content of
4 inspections conducted through the Automated Vehicle Inspection Program in
5 accordance with subsection (b) of this section within 30 days after the effective
6 date of this section, the Commissioner shall, within 30 days after the effective
7 date of this section, develop and implement a temporary work-around to ensure
8 that no motor vehicle that is more than 10 model years old will be required to
9 undergo an emissions or OBD systems inspection.

10 * * * Vehicle Feebate Report * * *

11 **Sec. 46. VEHICLE FEEBATE REPORT** *[AT THE REQUEST OF T. ASHE]*

12 The Agency of Transportation, in consultation with the Joint Fiscal
13 Office, shall complete a study and submit a written report to the House and
14 Senate Committees on Transportation on or before October 15, 2019
15 concerning whether Vermont should establish a time-of-acquisition vehicle
16 feebate program to act as a self-funding incentive program. For purposes of
17 this section a “vehicle feebate” provides rebates to individuals who purchase
18 or, if applicable, lease efficient vehicles that are funded by fees levied on
19 individuals who purchase or, if applicable, lease inefficient vehicles. The
20 report shall, at a minimum, consider whether vehicle feebates should be
21 structured in steps—one or multiple—or as a continuum; whether there should

1 be separate vehicle feebates for different classes of vehicles and, if so, whether
2 there should be different pivot points for where a fee crosses over to a rebate;
3 and if vehicle feebates should apply to both new and used vehicles and
4 purchased and leased vehicles. The report shall also consider how time-of-
5 acquisition vehicle feebate program could function with the vehicle incentive
6 programs established in Sec. 33 of this act and the level of investment,
7 incentives, feebates, and other monetary incentives and disincentives needed to
8 reach the number of plug-in electric vehicles in Vermont's Comprehensive
9 Energy Plan.

10 * * * Weight-Based Annual Registration Report * * *

11 **Sec. 47. WEIGHT-BASED ANNUAL REGISTRATION REPORT [AT THE**
12 **REQUEST OF A. PERCHLIK, DMV REVIEWING]**

13 The Department of Motor Vehicles, in consultation with the Joint Fiscal
14 Office, shall complete a study and submit a written report to the House and
15 Senate Committees on Transportation on or before December 15, 2019
16 concerning the feasibility of implementing an annual motor vehicle registration
17 fee system that addresses road maintenance cost allocations for road traveling
18 motor vehicles based on vehicle weight. Such a registration fee system could
19 be in addition to or in lieu of existing motor vehicle registration fees. The
20 study and report shall, at a minimum, identify, analyze, and make
21 recommendations on: the current motor vehicle registration fee structure, any

1 benefits to establishing a new system that better allocates costs based on
2 vehicle weight; any anticipated implementation difficulties; ways to measure
3 vehicle weight; what types of road traveling motor vehicles could and should
4 be subject to such a registration fee; how to calculate registration fees to best
5 account for weight based wear on Vermont roads; and how other States have
6 implemented weight based registration fees.

7 * * * Vermont Youth Employment Program Transportation Pilot * * *

8 **Sec. 48. VERMONT YOUTH EMPLOYMENT PROGRAM**

9 **TRANSPORTATION PILOT *[AT THE REQUEST OF T. ASHE]***

10 Spending authority in Public Transit in the Agency of Transportation's
11 Proposed Fiscal Year 2020 Transportation Program (Revised February 21,
12 2019) is hereby amended by reducing transportation funds for [TO BE
13 FILLED IN BY VTRANS] by \$50,000.00 and increasing transportation funds
14 for a pilot program to provide transportation for participants in the State's
15 youth employment activities by \$50,000.00.

16 * * * Effective Dates * * *

17 **Sec. 49. EFFECTIVE DATES**

18 (a) This section and Secs. 1(b) (act definitions), 11 (BUILD grant), 12
19 (CRISI grant), 19 (public transit study), 28 (plug-in electric vehicle definition),
20 29 (electric vehicle supply equipment definition), 32 (net metering), 33
21 (vehicle incentive programs), 35 (Public Utility Commission report), 36

1 (Agency of Agriculture, Food and Markets reporting), 40 (PUC jurisdiction),
2 44 (emissions inspections), 45 (emissions inspections implementation), 46
3 (vehicle feebate report), and 47 (weight based annual registration report) shall
4 take effect on passage.

5 (b) Secs. 30 (weights and measures definition), and 31 (electric vehicle
6 supply equipment definition) shall take effect on the earlier of January 1, 2021
7 or six months after the National Institute of Standards and Technology adopts
8 code on electric vehicle fueling systems.

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

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16 (Committee vote: _____)

17

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Senator _____

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FOR THE COMMITTEE