

H.529

Introduced by Committee on Transportation

Date:

Subject: Transportation

Statement of purpose of bill as introduced: This bill proposes to adopt the State's annual Transportation Program and make miscellaneous changes to laws related to transportation.

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

It is hereby enacted by the General Assembly of the State of Vermont:

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;

DEFINITIONS

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

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

(1) "Agency" means the Agency of Transportation.

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

2 (3) 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 (4) “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 * * *

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

Development—Roadway authorized spending for Burlington MEGC M 5001

(1) is amended as follows:

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

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

Transportation Program (Revised February 21, 2019) for Program

Development—Roadway authorized spending for Waterbury FEGC F 013-

4(13) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	10,000,000	10,000,000	0
Total	10,000,000	10,000,000	0
<u>Sources of funds</u>			
TIB	0	150,000	150,000
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. SPENDING IN THE TOWN HIGHWAY AID PROGRAM

5 Spending authority in the Town Highway Aid Program in the Agency of
6 Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised
7 February 21, 2019) is increased by \$1,090,326.00 in transportation funds.

8 * * * Voluntary Cancellation of Municipal Projects * * *

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

10 (h) Should capital projects in the Transportation Program be delayed
11 because of unanticipated problems with permitting, right-of-way acquisition,
12 construction, local concern, or availability of federal or State funds, the
13 Secretary is authorized to advance projects in the approved Transportation
14 Program. The Secretary is further authorized to undertake projects to resolve
15 emergency or safety issues. Upon authorizing a project to resolve an
16 emergency or safety issue, the Secretary shall give prompt notice of the
17 decision and action taken to the Joint Fiscal Office and to the House and
18 Senate Committees on Transportation when the General Assembly is in
19 session, and when the General Assembly is not in session, to the Joint
20 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint
21 Fiscal Committee. Should an approved project in the current Transportation

1 Program require additional funding to maintain the approved schedule, the
2 Agency is authorized to allocate the necessary resources. However, the
3 Secretary shall not delay or suspend work on approved projects to reallocate
4 funding for other projects except when other funding options are not available.
5 In such case, the Secretary shall notify ~~the members of~~ the Joint Transportation
6 Oversight Committee, ~~and~~ the Joint Fiscal Office, and the Joint Fiscal
7 Committee when the General Assembly is not in session and the House and
8 Senate Committees on Transportation and the Joint Fiscal Office when the
9 General Assembly is in session. With respect to projects in the approved
10 Transportation Program, the Secretary shall notify, in the district affected, the
11 regional planning commission, the municipality, Legislators, ~~members of~~ the
12 Senate and House Committees on Transportation, and the Joint Fiscal Office of
13 any change ~~which~~ that likely will affect the fiscal year in which the project is
14 planned to go to construction. No project shall be canceled without the
15 approval of the General Assembly.

16 * * * Project Cancellations * * *

17 Sec. 6. PROJECT CANCELLATIONS

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

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

5 * * * Project Additions * * *

6 Sec. 7. PROJECT ADDITIONS

7 (a) The following project is added to the candidate list of Program
8 Development—Traffic & Safety Program within the fiscal year 2020
9 Transportation Program: Colchester – Bayside Intersection Roundabout and
10 Stormwater Improvements.

11 (b) The following project is added to the candidate list of the Program
12 Development—Traffic & Safety Program within the fiscal year 2020
13 Transportation Program: Shelburne – South Burlington – Automated Traffic
14 Signal Performance Measures.

15 * * * BUILD Grant Acceptance * * *

16 Sec. 8. BETTER UTILIZING INVESTMENTS TO LEVERAGE

17 DEVELOPMENT (BUILD) GRANT (RAIL)

18 Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k)
19 (Secretary; powers and duties), the Agency of Transportation is authorized to
20 accept the Better Utilizing Investments to Leverage Development (BUILD)

grant awarded in federal fiscal year 2019 for the Vermont Regional Freight
Rail Corridor Upgrade Project in the amount of \$20,000,000.00.

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

Sec. 9. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

IMPROVEMENTS (CRISI) GRANT (RAIL)

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

(b) Spending authority for the Windsor – St. Albans CRISI (17) Vermonter
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

* * * Central Garage * * *

Sec. 10. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of \$355,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

Sec. 11. CENTRAL GARAGE EQUIPMENT

Authorized spending in fiscal year 2020 for operating expenses in the Central Garage is reduced by \$39,904 in internal service funds.

Sec. 12. 19 V.S.A. § 13(c)(1) is amended to read:

(c)(1) For the purpose specified in subsection (b) of this section, the following amount shall be transferred from the Transportation Fund to the Central Garage Fund:

(A) in fiscal year ~~2019~~ 2021, ~~\$1,318,442.00~~ \$1,355,358.00; and

(B) in subsequent fiscal years, at a minimum, the amount specified in subdivision (A) of this subdivision (1) as adjusted annually by increasing the previous fiscal year's amount by the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous~~ two most recently closed State fiscal ~~year~~ years.

* * * Town Highway Aid * * *

Sec. 13. 19 V.S.A. § 306(a) is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

(1) An annual appropriation to class 1, 2, and 3 town highways shall be made. This appropriation shall increase over the previous fiscal year's appropriation by the same percentage as the following, whichever is less:

(A) the year-over-year increase in the two most recently closed fiscal years in the Agency's total appropriations ~~in the previous fiscal year~~ funded by Transportation Fund revenues, excluding ~~the appropriation~~ appropriations for town highways under this subsection (a) ~~for that year~~; or

(B) the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous State fiscal year~~ same period in subdivision (1)(A) of this subsection.

(2) If the year-over-year change in appropriations specified in either subdivision (1)(A) or (B) of this subsection is negative, then the appropriation to town highways under this subsection shall be equal to the previous fiscal year's appropriation.

(3) The funds appropriated shall be distributed to towns as follows:

(A) Six percent of the State's annual town highway appropriation shall be apportioned to class 1 town highways. The apportionment for each

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.

* * * Public Transit Funding * * *

Sec. 14. 24 V.S.A. § 5083 is amended to read:

§ 5083. DECLARATION OF POLICY

(a) It shall be the State's policy to make maximum use of available federal funds for the support of public transportation. State operating support funds shall be included in Agency operating budgets to the extent that funds are available. State policy shall support the maintenance of existing public transit services and creation of new services including, ~~in order of precedence,~~ the following goals:

(1) Provision for basic mobility for transit-dependent persons, as defined in the current public transit policy plan ~~of January 15, 2000~~, including meeting the performance standards for urban, suburban, and rural areas. The density of a service area's population is an important factor in determining whether the service offered is fixed route, demand-response, or volunteer drivers.

(2) Expanding public transit service in rural areas and increasing ridership statewide.

(3) Access to employment, including creation of demand-response service.

~~(3)~~(4) Congestion mitigation to preserve air quality, decrease greenhouse gas emissions, and ~~the sustainability of~~ sustain the highway network.

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. 15. 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 and achieves, where possible, geographic balance in funding.

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

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

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

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

1 ~~(E) 10 percent based on the percentage of the State's households~~
2 ~~lacking access to an automobile in each of the designated transit service areas.~~

3 (2) 20 percent of operating funds shall be based on need for employment
4 transportation, as measured by the percentage of the State's employed persons
5 residing in each of the designated transit service areas, using data developed by
6 the Vermont Department of Labor. [Repealed.]

7 (3) 15 percent of operating funds shall be based on the need for
8 congestion mitigation and air quality, as measured by the percentage of the
9 State's overall population living in high density areas in each of the designated
10 transit service areas, using data from the U.S. Bureau of the Census.
11 [Repealed.]

12 (4) 15 percent of the operating funds shall be based on need for
13 economic development transportation, as measured by the percentage of the
14 State's jobs in each of the designated transit service areas, using data
15 developed annually by the Vermont Department of Labor. [Repealed.]

16 * * * Public Transit Study * * *

17 Sec. 16. STUDY OF METHODS TO INCREASE PUBLIC TRANSIT
18 RIDERSHIP IN VERMONT

19 (a) As Vermont plans for a future with reduced greenhouse gas emissions
20 as determined in the State Energy Plan, improvements to transit service to

1 enhance the use of mobility options and accessibility will be critical to
2 achieving the State's environmental goals.

3 (b) The Agency of Transportation shall, in consultation with stakeholders
4 such as the Vermont Public Transportation Association, the Public Transit
5 Advisory Council, human services agencies, hospitals, nonprofit agencies that
6 provide transportation to their clients, as well as any other stakeholders that are
7 identified, study methods to increase use of public transit in Vermont for both
8 residents and visitors that:

9 (1) determines what factors limit the use of public transit, as defined in
10 State statute, in Vermont including proximity to routes, availability of park and
11 rides, quality of service delivered, first and last mile(s) hinderances, use and
12 availability of ride-hailing services, availability and ease of use of volunteer
13 resources, joint procurement of services among State agencies, and other
14 factors as identified by the Agency;

15 (2) reviews the current research on what methods best serve to increase
16 ridership, particularly in small cities and rural areas, including research
17 published by the Transportation Research Board and other national groups,
18 data collected during the outreach for the Public Transit Policy Plan (PTPP),
19 recent plans published by the Agency of Human Services, and other State
20 agencies;

1 (3) assesses the status of current initiatives the Agency and others are
2 undertaking to deliver increased service, the PTPP, opioid transportation,
3 micro-transit project in Montpelier, automated vehicle location applications,
4 trip planners, mobility management, and other initiatives;

5 (4) assesses how best to use the gap analysis results from the PTPP to
6 take advantage of available seats on current transit routes and to determine the
7 most effective new service investments; and

8 (5) identifies what infrastructure and delivery improvements might
9 contribute to increased transit ridership, including use of micro-transit, rural
10 route development and feeder route development by transit providers,
11 transitioning to cleaner and more efficient vehicles, improved or new
12 sidewalks and bike paths, improved bicycle storage facilities, road crossing
13 enhancements, and reservations and ride availability applications.

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

19 (d) The Agency shall evaluate recommendations for potential inclusion in
20 its fiscal year 2021 budget proposal as a request for the funding necessary to
21 achieve the recommendations determined by the working group pursuant to

1 subsection (b) of this section. The request for funding shall be separate and
2 distinct from the Agency's funding request for public transit.

3 * * * State Highway Condemnation and Acquisition * * *

4 Sec. 17. 19 V.S.A. § 503(d) is amended to read:

5 (d) Notice and other documents. The Agency shall hand-deliver or send by
6 mail to ~~interested persons~~ owners of property to be condemned a notice of
7 procedures and rights and the offer of just compensation. The notice of
8 procedures and rights shall include an explanation of the proposed State
9 highway project and its purpose, and statements that:

10 * * *

11 Sec. 18. 19 V.S.A. § 504(a) is amended to read:

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

19 (1) ~~statements~~ Statements that the Agency has complied with subsection
20 503(d) of this chapter;

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

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

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

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

8 (a) Authority. The Agency, when in its judgment the ~~interest~~ interests of
9 the State ~~requires~~ require, may take any property necessary to lay out, relocate,
10 alter, construct, reconstruct, maintain, repair, widen, grade, or improve any
11 State highway, including affected portions of town highways. In furtherance
12 of these purposes, the Agency may enter upon lands to conduct necessary
13 examinations and surveys; however, the Agency shall do this work with
14 minimum damage to the land and disturbance to the owners and shall be
15 subject to liability for actual damages. All property taken permanently shall be
16 taken in fee simple whenever practicable. The Agency's acquisition of
17 property pursuant to this chapter, whether by condemnation or conveyance in
18 lieu of condemnation, shall not require subdivision approval under any law,
19 regulation, or municipal ordinance. For all State highway projects involving
20 property acquisitions, the Agency shall follow the provisions of the Uniform

1 Relocation Assistance and Real Property Acquisitions Policies Act (~~“Act”~~)
2 (Act) and its implementing regulations, as may be amended.

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

4 Sec. 20. 19 V.S.A. § 2612(4) is amended to read:

5 (4) “Public-private partnership” or “P3” means an alternative project
6 delivery mechanism that may be used by the Agency to permit private sector
7 participation in a project, including in its financing, development, operation,
8 management, ownership, leasing, or maintenance. As used in this subchapter,
9 “partnership” shall refer solely to a “public-private partnership” and “partner”
10 shall refer to the State or to the private entity participant or participants in a
11 public-private partnership.

12 * * * Highway Work; Minimum Wages * * *

13 Sec. 21. 19 V.S.A. § 18 is amended to read:

14 § 18. WAGES

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

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

Sec. 22. 23 V.S.A. § 1095a(d) is added to read:

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

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

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

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

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

* * *

* * * Evidentiary Blood Sample * * *

Sec. 24. 23 V.S.A. § 1203(b) is amended to read:

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or advanced emergency medical technician, or paramedic acting at the request of

1 a law enforcement officer may withdraw blood for the purpose of determining
2 the presence of alcohol or ~~other~~ another drug. This limitation does not apply to
3 the taking of a breath sample. A medical facility or business may not charge
4 more than \$75.00 for services rendered when an individual is brought to a
5 facility for the sole purpose of an evidentiary blood sample or when an
6 emergency medical technician or paramedic draws an evidentiary blood
7 sample.

8 * * * Electric Vehicle Definitions * * *

9 Sec. 25. 23 V.S.A. § 4(85)–(86) is added to read:

10 (85) “Electric vehicle” means a pleasure car that is powered by an
11 electric motor drawing current from rechargeable storage batteries or other
12 portable electrical energy storage devices where the recharge energy must be
13 drawn from a source off the vehicle, such as residential electric service.

14 (86) “Plug-in hybrid electric vehicle” means an electric vehicle that also
15 includes an on-board method of charging, such as an on-board engine and
16 generator.

17 * * * Electric Vehicle Purchase and Lease Incentive Program * * *

18 Sec. 26. LEGISLATIVE FINDINGS

19 The General Assembly finds that:

1 (a) In its final report, the Vermont Climate Action Commission
2 recommended building an electric vehicle (EV) point-of-sale customer
3 incentive for new and used EVs.

4 (b) Transportation energy burdens are particularly high for rural
5 Vermonters with low income. A vigorous incentive for both new and used
6 EVs, combined with the lower fueling and maintenance costs of EVs, could
7 significantly lessen transportation cost burdens for Vermonters.

8 (c) State policy, including Vermont's Comprehensive Energy Plan (CEP),
9 recognizes vehicle electrification as an essential strategy for meeting the
10 State's climate and energy goals. The CEP calls for 10 percent of the fleet in
11 Vermont by 2025 advancing to EVs composing 25 percent of the fleet by
12 2030. Vermont has approximately 2,600 EVs on the road today, and EVs in
13 Vermont are just 3.5 percent of new passenger vehicle registrations.
14 Projections show Vermont is not yet on track to meet its transportation-
15 electrification targets.

16 (d) Meeting Vermont's transportation-electrification targets will help make
17 Vermont attractive to employers, workers, and tourists and help grow
18 Vermont's economy by keeping transportation energy expenditures in State.

19 (e) In 2015, approximately \$830 million was spent on gasoline sales in
20 Vermont. If this travel had all been powered by electricity, the cost would
21 have been significantly less, saving drivers more than \$500 million.

1 (f) Vehicle electrification faces several barriers, including EV model
2 availability, publicly available charging stations, and lack of public awareness
3 about the benefits of EVs. While State government is working hard to address
4 these issues, surveys consistently confirm that the up-front cost of EVs is
5 among the top barriers and that consumer incentives are effective in increasing
6 EV sales.

7 (g) A robust consumer purchase and lease incentive would accelerate EV
8 sales and help bring EV technology up to scale. Moreover, a consumer
9 purchase and lease incentive would help consumers overcome the fear of
10 change that can come with entering the EV market and the fear of
11 obsolescence that can accompany the rapid growth of EV technology.

12 Sec. 27. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE
13 PROGRAM

14 (a) As used in this section: “electric vehicle” and “plug-in hybrid electric
15 vehicle” have the same meanings as in 23 V.S.A. § 4 and are collectively
16 referred to as “EVs.”

17 (b) The Public Service Department (PSD), with the cooperation and
18 support of the Agency of Natural Resources (ANR) and the Agency of
19 Transportation (VTrans), shall establish and administer a new and used EV
20 purchase and lease incentive program (program) for Vermont residents to be
21 known as the Electric Vehicle Incentive Program.

1 (c) The program shall structure EV purchase and lease incentive payments
2 by income to help all Vermonters benefit from electric driving, including
3 Vermont's most vulnerable. Specifically, the program shall:

4 (1) better match the incentive to consumer behavior and shall apply to
5 both purchases and leases and to both new and used EVs;

6 (2) provide incentives of \$2,500.00 to households with income levels
7 between 100 percent and 140 percent of the State's most recent Median
8 Household Income (MHI) level and incentives of \$5,000.00 to households
9 below Vermont's MHI;

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

12 (4) run until available funds are fully obligated; and

13 (5) be funded on a first-come, first-served basis.

14 (d) To the extent public electric distribution utilities are willing to
15 participate, each sale or lease incentive may come with a Level 2 home charger
16 provided by the electric distribution utility and funded under Tier 3 of
17 Vermont's Renewable Energy Standard or other available means. The home
18 charger shall be capable of allowing the electric distribution utility to manage
19 grid load. Electric distribution utilities shall encourage the adoption of EVs
20 while ensuring fairness to all customers when developing rates for customers
21 with EVs. Participating utilities shall help market the program.

1 (e) Subject to State procurement requirements, the PSD may retain a
2 consultant to assist with marketing, program development, and administration.
3 Up to \$75,000.00 of program funding may be set aside for this purpose.

4 (f) The PSD shall evaluate the program annually to gauge its effectiveness.

5 * * * Study on Extension of Electric Vehicle Incentive Program * * *

6 Sec. 28. STUDY OF EXTENSION OF ELECTRIC VEHICLE INCENTIVE
7 PROGRAM

8 The Department of Public Service, in consultation with the Agency of
9 Transportation and the Joint Fiscal Office, shall complete a study and submit a
10 written report to the House and Senate Committees on Transportation on or
11 before December 15, 2019 concerning the steps necessary to implement fees
12 on electric and plug-in hybrid electric vehicle charging, as well as facilitating
13 the extension of the Electric Vehicle Incentive Program established in Sec. 27
14 of this act in order to achieve the levels of electric vehicle adoption in
15 Vermont's Comprehensive Energy Plan (CEP). The CEP suggests that annual
16 sales of electric and plug-in hybrid electric vehicles will need to reach 4,600 by
17 2025. This study and report shall consider the following factors:

18 (a) the cost and feasibility of utility equipment needed to separately meter
19 electric and plug-in hybrid electric vehicle charging;

1 (b) other costs incurred by the electric utilities related to electric and plug-
2 in hybrid electric vehicle deployment, associated infrastructure, and
3 implementation of the State's renewable energy standard;

4 (c) the amount of incremental revenue to the electric utilities generated by
5 additional electric and plug-in hybrid electric vehicles;

6 (d) the feasibility of using other funding mechanisms to support the
7 Electric Vehicle Incentive Program;

8 (e) the level of investment and incentives needed to reach the number of
9 electric and plug-in hybrid electric vehicles in the CEP; and

10 (f) such other factors as the Department of Public Service and Agency of
11 Transportation may identify.

12 * * * Fees for Use of Electric Vehicle (EV) Charging Stations * * *

13 Sec. 29. 32 V.S.A. § 603 is amended to read:

14 § 603. FEE CREATION, AMOUNT, AND ADJUSTMENT OF AMOUNT

15 * * *

16 (3) Fees for the following, unless otherwise specified by law, may be set
17 by the agency or department providing the service or product, and shall be
18 reasonably and directly related to their costs, as provided in subdivision (2) of
19 this section:

20 * * *

~~(4) Notwithstanding any other provision of this subchapter, any agency or department may establish, set, and adjust fees for the use of electric vehicle (EV) charging stations owned or controlled by the State. The agency or department may establish fees for EV charging at less than its costs, to cover~~

1 ~~its costs, or at the existing regional market rate. EV charging stations owned~~
2 ~~or controlled by the State shall be subject to the same laws specifically~~
3 ~~governing EV charging stations owned or controlled by private parties.~~

4 [Repealed.]

5 (5) Fees collected under ~~subdivisions~~ subdivision (3) ~~and (4)~~ of this
6 section shall be credited to special funds established and managed pursuant to
7 subchapter 5 of chapter 7 of this title, and shall be available to the charging
8 departments to offset the costs of providing these services or products.

9 However, for purposes of fees established under this subdivision for copies of
10 public records, the fees shall be calculated as provided in 1 V.S.A. § 316.

11 These fees shall be reported in accordance with section 605 of this title.

12 Sec. 31. 19 V.S.A. § 11 is amended to read:

13 § 11. TRANSPORTATION FUND

14 The Transportation Fund shall comprise the following:

15 * * *

16 (7) both statewide and departmental indirect cost recoveries from federal
17 sources by the Agency of Transportation; and

18 (8) other miscellaneous sources including the sale of maps, plans, ~~and~~
19 reports, fees collected by the Travel Information Council, leases for property at
20 State-owned airports and railroads, proceeds from the sale of State surplus
21 property under the provisions of 29 V.S.A. §§ 1556 and 1557, ~~and~~ proceeds

1 from the sale of recycled materials, and fees collected for use of electric
2 vehicle charging stations at facilities owned or controlled by the Agency.

3 * * * Jurisdiction Over Electric Vehicle Charging Stations * * *

4 Sec. 32. 30 V.S.A. § 203 is amended to read:

5 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

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

17 (1) A company engaged in the manufacture, transmission, distribution,
18 or sale of gas or electricity directly to the public or to be used ultimately by the
19 public for lighting, heating, or power and so far as relates to their use or
20 occupancy of the public highways.

* * *

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* * * Transportation Alternatives Grant Committee * * *

Sec. 33. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

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

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

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

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

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

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

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

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

(b) ~~Municipal and legislative members of the Transportation Alternatives
Grant Committee shall serve concurrently for two year terms and the initial~~

1 ~~appointments of these members shall be made in a manner which allows for~~
2 ~~them to serve a full legislative biennium. In the event a municipal or legislative~~
3 ~~member ceases to serve on the Committee prior to the full term, the appointing~~
4 ~~authority shall fill the position for the remainder of the term. The Committee~~
5 ~~shall, to the greatest extent practicable, encompass a broad geographic~~
6 ~~representation of Vermont. [Repealed.]~~

7 (c) The Transportation Alternatives Grant Program is created. The Grant
8 Program shall be administered by the Agency, and shall be funded in the
9 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
10 Recreational Trails Program. Awards shall be made to eligible entities as
11 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
12 be limited to the activities authorized under federal law and no more than
13 \$300,000.00 per grant.

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

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

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

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

7 (3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program
8 funds, or such lesser sum if all eligible applications amount to less than
9 \$1,100,000.00, shall be reserved for municipalities for environmental
10 mitigation projects relating to stormwater and highways, including eligible salt
11 and sand shed projects.

12 (4) Regarding Grant Program funds awarded in fiscal years 2020 and
13 2021, and the balance of Grant Program funds not reserved for environmental
14 mitigation projects in fiscal year 2022 and thereafter, in evaluating applications
15 for Transportation Alternatives grants, the ~~Transportation Alternatives Grant~~
16 ~~Committee~~ Agency shall give preferential weighting to projects involving as a
17 primary feature a bicycle or pedestrian facility. The degree of preferential
18 weighting and the circumstantial factors sufficient to overcome the weighting
19 shall be in the complete discretion of the ~~Transportation Alternatives Grant~~
20 ~~Committee~~ Agency.

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

7 * * * Technical Analysis of Commuter Rail Service * * *

8 Sec. 34. TECHNICAL ANALYSIS OF COMMUTER RAIL SERVICE
9 UTILIZING SELF-PROPELLED DIESEL MULTIPLE UNIT
10 (DMU) RAIL CARS

11 The Agency of Transportation, in consultation with the Joint Fiscal Office,
12 shall conduct a technical analysis of commuter rail service utilizing self-
13 propelled diesel multiple unit (DMU) rail cars between St. Albans, Essex
14 Junction, Burlington, and Montpelier and shall report its findings and any
15 recommendations to the House and Senate Committees on Transportation on
16 or before January 15, 2020. Such a study shall build upon the Montpelier—St.
17 Albans Commuter Rail Service Feasibility Study, Section 11 (a), Act 40
18 (2015), Jan. 13, 2017 as updated by the Memorandum from Vermont Agency
19 of Transportation to House and Senate Committees on Transportation, Mar. 28,
20 2017.

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES

(a) This section and Secs. 8 (BUILD grant), 9 (CRISI grant), 16 (public transit study), 25 (electric vehicle definitions), 26 (legislative findings), 27 (incentive program), 28 (electric vehicle incentive program study), 32 (PUC jurisdiction), and 34 (commuter rail technical analysis) shall take effect on passage.

(b) Sec. 30 (fees for electric vehicle charging stations) shall take effect on July 1, 2022.

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