

1 H.942

2 Senator Ashe moves that the Senate propose to the House that the bill be  
3 amended by striking out all after the enacting clause and inserting in lieu  
4 thereof the following:

5 \* \* \* Transportation Program Adopted as Amended;  
6 Intent; Reports; Definitions \* \* \*

7 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; INTENT; REPORTS;  
8 DEFINITIONS

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

13 (b) Intent.

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

17 (2) In response to the unprecedented challenges posed by the COVID-19  
18 pandemic, the General Assembly acknowledges that continued funding of  
19 infrastructure will help boost our local economy and support the health and  
20 welfare of Vermonters. Accordingly, it is the intent of the General Assembly  
21 that the projects funded in this act, including under Secs. 2 and 3 of this act,

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

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

7 (c) Reports.

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

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

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

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

20 (D) the status of and funding remaining for the **programs** established  
21 pursuant to 2019 Acts and Resolves No. 59, Sec. 34;

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

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

4           (2) The Agency shall, on or before February 15, 2021, file a written  
5           report with the House and Senate Committees on Appropriations and on  
6           Transportation with the following information:

7           (A) an update on enacted and anticipated federal COVID-19  
8           legislation;

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

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

15          (D) the status of and funding remaining for the **programs** established  
16          pursuant to 2019 Acts and Resolves No. 59, Sec. 34;

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

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

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

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

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

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

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

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

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

13           (7) The table heading “As Proposed” means the proposed Transportation  
14           Program referenced in subsection (a) of this section; the table heading “As  
15           Amended” means the amendments as made by this act; the table heading  
16           “Change” means the difference obtained by subtracting the “As Proposed”  
17           figure from the “As Amended” figure; and the terms “change” or “changes” in  
18           the text refer to the project- and program-specific amendments, the aggregate  
19           sum of which equals the net “Change” in the applicable table heading.

1                   \* \* \* Summary of Transportation Investments \* \* \*

2           Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS

3                   INTENDED TO REDUCE TRANSPORTATION-RELATED

4                   GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL

5                   USE, AND SAVE VERMONT HOUSEHOLDS MONEY

6           This act includes the State’s fiscal year 2021 transportation investments

7           intended to reduce transportation-related greenhouse gas emissions, reduce

8           fossil fuel use, and save Vermont households money in furtherance of the

9           policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive

10           Energy Plan and to satisfy the Executive and Legislative Branches’

11           commitments to the Paris Agreement climate goals. In fiscal year 2021, these

12           efforts will include the following:

13                   (1) Park and Ride Program. This act provides for a fiscal year

14                   expenditure of \$5,580,568.00, which will fund five park and ride construction

15                   projects and the design of four additional facilities scheduled for construction

16                   in fiscal year 2022. This year’s park and ride program will create 330 new

17                   State-owned spaces and result in the installation of 43 level 1 EVSE charging

18                   ports. Specific additions and improvements include:

19                           (A) Williston—Construction of 142 new spaces;

20                           (B) Royalton—Construction of 91 new spaces;

21                           (C) Cambridge—Improvements to existing spaces;

1           (D) Thetford—Construction of 42 new spaces;

2           (E) Berlin (Exit 6)—Design for 65 spaces;

3           (F) Berlin (Exit 7)—Design for 75 spaces;

4           (G) Manchester—Design for 50 spaces; and

5           (H) Williamstown—Construction of 55 new spaces.

6           (2) Bike and Pedestrian Facilities Program. This act, in concert with the  
7           Capital Construction Act, provides for a fiscal year expenditure of  
8           \$18,230,970.00, which will fund 39 bike and pedestrian construction projects,  
9           and 12 bike and pedestrian design, right-of-way, or design and right-of-  
10           way projects for construction in fiscal year 2021. The construction projects  
11           include the creation, improvement, or rehabilitation of walkways, sidewalks,  
12           shared use paths, bike paths, and cycling lanes. Projects are funded in  
13           Arlington, Bennington, Burlington, Chester, Colchester-Essex, Dover, East  
14           Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford, Hinesburg, Jericho,  
15           Johnson, Lake Champlain causeway, Middlebury, Milton, Montpelier-Berlin,  
16           Moretown, Pittsford, Plainfield, Proctor, Richford, Rochester, Rutland City,  
17           Shelburne, South Burlington, Springfield, St. Albans City, St. George, St.  
18           Johnsbury, Swanton, Underhill, Waitsfield, Waterbury, West Rutland,  
19           Williston, and Wilmington.

20           (3) Transportation Alternatives Program. This act provides for a fiscal  
21           year expenditure of \$2,763,408.00, which will fund 16 transportation

1 alternatives construction projects and 22 design, right-of-way, or design and  
2 right-of-way projects. Of these 38 projects, 22 involve environmental  
3 mitigation related to clean water, stormwater, or both clean water and  
4 stormwater concerns, and the remaining 15 involve bicycle and pedestrian  
5 facilities. Projects are funded in Bennington, Bridgewater, Bridport, Castleton,  
6 Chester, Colchester, Derby, Duxbury, East Montpelier, Enosburg, Essex, Essex  
7 Junction, Fair Haven, Franklin, Granville, Hartford, Hyde Park, Jericho,  
8 Middletown Springs, Montgomery, Newfane, Norwich, Pittsford, Rutland  
9 City, Shelburne, South Burlington, St. Albans, St. Johnsbury, Thetford,  
10 Vergennes, Warren, Wilmington, and Winooski.

11 (4) Public Transit Program. This act authorizes \$37,852,845.00 in  
12 funding for public transit uses throughout the State, which is a 30.4 percent  
13 increase over fiscal year 2019 levels. An additional \$3,000,000.00 flows  
14 through the State directly to the Green Mountain Transportation Authority.

15 Included in the authorization are:

16 (A) Go! Vermont with an authorization of \$858,434.00.

17 This authorization supports the promotion and use of carpools and vanpools.

18 (B) Barre Transit Expansion with an authorization of \$275,000.00.

19 This authorization increases service available through Barre Transit.

1           (C) Capital Commuters with an authorization of \$100,000.00. This  
2 program provides discounted bus passes to those commuting to work in  
3 Montpelier.

4           (D) Vermont Kidney Association Grant with an authorization of  
5 \$50,000.00. This authorization supports the transit needs of Vermonters in  
6 need of dialysis services.

7           (E) Transportation Demand Management and Micro-Transit  
8 Innovations Grant Program with an authorization of \$500,000.00. Sec. 16 of  
9 this act creates the Transportation Demand Management and Micro-Transit  
10 Innovations Grant Program, to be administered by the Agency of  
11 Transportation, that will provide grant funding to incentivize and continue  
12 support for the advancement of transportation demand management programs  
13 and new transit initiatives that improve mobility and access for transit-  
14 dependent Vermonters, reduce greenhouse gas emissions, or both.

15           (5) Rail Program. This act authorizes \$30,815,640.00 for rail transit and  
16 infrastructure uses throughout the State, including modifications to the  
17 Burlington Vermont Rail Systems railyard to accommodate overnight  
18 servicing to facilitate New York City-Burlington rail service.

19           (6) Transformation of the State Vehicle Fleet. The Department of  
20 Buildings and General Services, which manages the State Vehicle Fleet, added  
21 44 additional hybrid vehicles to the fleet in fiscal year 2020. In fiscal year



1 2021, the Department of Buildings and General Services expects to add  
2 24 additional PHEVs and three additional BEVs to the fleet. The Capital  
3 Construction Act authorizes \$75,000.00 for the installation of EVSE in State-  
4 owned parking lots under the jurisdiction of the Department of Buildings and  
5 General Services. This will increase the number of charging stations by eight  
6 to 10 stations, with 16 to 20 charging ports in total and is in addition to the  
7 following EVSE that will be installed by the Department of Buildings and  
8 General Services during the first two months of fiscal year 2021:

9 (A) Rutland Parking Garage—four stations, with eight charging ports  
10 in total;

11 (B) 134–136 State Street, Montpelier—seven stations, with 12  
12 charging ports in total;

13 (C) Southern State Correctional Facility—one station, with two  
14 charging ports in total; and

15 (D) Newport Emory Hebard Office Building—one station, with two  
16 charging ports in total.

17 (7) Electric vehicle supply equipment. In furtherance of the State’s goal  
18 to have a direct current (DC) fast-charging station within 30 miles of every  
19 residence in Vermont, the Capital Construction Act authorizes \$750,000.00 to  
20 the VW EVSE Grant Program.

1           (8) Vehicle incentive programs. Sec. 14 of this act authorizes an  
2           additional \$50,000.00 to support administrative costs associated with  
3           MileageSmart, which is the State's used high fuel efficiency vehicle incentive  
4           program, and to ensure that the State's emissions repair program is operational  
5           not later than July 1, 2021. Secs. 3 and 5 of this act also authorize the  
6           Secretary of Transportation to expend additional monies on the New PEV  
7           Incentive Program and MileageSmart if such funding becomes available.

8   \* \* \* Federal Funding \* \* \*

9           Sec. 2. FEDERAL INFRASTRUCTURE AND CAPITAL FUNDING

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

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

1           (A) projects in the fiscal year 2020 Transportation Program and fiscal  
2           year 2021 Transportation Program;

3           (B) additional town highway projects; and

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

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

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

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

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

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

3                                \* \* \* Additional Agency Spending; Redirection \* \* \*

4        Sec. 3. AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

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

13                (1) bridge maintenance;

14                (2) paving and surface maintenance;

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

16                (4) ledge and slope remediation;

17                (5) culvert repair and replacement; and

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

20                (b) Notwithstanding Sec. 1 of this act; 2019 Acts and Resolves No. 59,

21        Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, the Secretary is authorized to

1 utilize State and federal monies for any of the following greenhouse gas  
2 emissions reduction efforts in fiscal years 2020 and 2021, provided that the  
3 Agency expects to accept and obligate federal monies pursuant to  
4 subsection 2(a) of this act in an amount sufficient to cover the additional  
5 expenditures:

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

10 (2) PEV buses for public transit;

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

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

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

1 Transportation Oversight Committee when the General Assembly is not in  
2 session.

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

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

16 (f) The Secretary of Administration shall, on or before July 31, 2021, file a  
17 written report listing all expenditures made during fiscal year 2021 under the  
18 authority of subsections (a) and (b) of this section to the House and Senate  
19 Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee,  
20 and Joint Transportation Oversight Committee.

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

4                           \* \* \* Amtrak; Burlington Rail Yard Realignment \* \* \*

5           Sec. 4. ADDITION OF BURLINGTON RAIL YARD REALIGNMENT  
6                           FOR AMTRAK PROJECT

7           The following project is added to the development and evaluation list of  
8           Rail within the Agency’s Fiscal Year 2020 Transportation Program, as adopted  
9           pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the development and  
10           evaluation list of Rail within the Agency’s Proposed Fiscal Year 2021  
11           Transportation Program: Burlington – Railyard Realignment for Amtrak.

12                           \* \* \* Highway Maintenance \* \* \*

13           Sec. 5. HIGHWAY MAINTENANCE

14           (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
15           Transportation Program for Maintenance, authorized spending is amended as  
16           follows:

17	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18	Personal	45,757,089	45,757,089	0
19	Services			
20	Operating	52,896,134	52,296,134	-600,000
21	Expenses			

1	Grants	240,200	240,200	0
2	Total	98,893,423	98,293,423	-600,000
3	<u>Sources of funds</u>			
4	State	96,415,636	95,815,636	-600,000
5	Federal	2,377,787	2,377,787	0
6	Interdepart.			
7	Transfer	100,000	100,000	0
8	Total	98,893,423	98,293,423	-600,000

9 (b) If, as of April 1, 2021, the Agency of Transportation has expended less  
10 on road salt in fiscal year 2021 than it did in fiscal year 2020 then:

11 (1) authorized spending in the Agency of Transportation's Proposed  
12 Fiscal Year 2021 Transportation Program for Maintenance is further amended  
13 by decreasing Operating Expenses by the difference between the amount  
14 expended on road salt in fiscal year 2020 and the amount expended on road  
15 salt in fiscal year 2021 through March 31, 2021, but not to exceed  
16 \$700,000.00, and

17 (2) the Secretary shall authorize the expenditure of the difference  
18 between the amount expended on road salt in fiscal year 2020 and the amount  
19 expended on road salt in fiscal year 2021 through March 31, 2021, but not to  
20 exceed \$700,000.00, in equal proportions, on the New PEV Incentive Program



1 and MileageSmart established pursuant to 2019 Acts and Resolves No. 59,

2 Sec. 34 as amended by this act.

3 \* \* \* Aviation \* \* \*

4 Sec. 5a. CLARENDON SRE BUILDING

5 Within the Agency of Transportation's Proposed Fiscal Year 2021

6 Transportation Program for Aviation, authorized spending for Clarendon AV-

7 FY20-001 is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	20,000	0	-20,000
Construction	575,000	0	-575,000
Total	595,000	0	-595,000

12 Sources of funds

State	595,000	0	-595,000
Total	595,000	0	-595,000

15 Sec. 5b. MORRISTOWN FUEL FARM

16 Within the Agency of Transportation's Proposed Fiscal Year 2021

17 Transportation Program for Aviation, authorized spending for Morristown AV-

18 FY21-015 is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	150,000	345,000	195,000
Total	150,000	345,000	195,000



	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Construction	8,000,000	6,420,000	-1,580,000
3	Total	8,000,000	6,420,000	-1,580,000
4	<u>Sources of funds</u>			
5	TIB	240,000	192,600	-47,400
6	Federal	7,600,000	6,099,000	-1,501,000
7	Local	160,000	128,400	-31,600
8	Total	8,000,000	6,420,000	-1,580,000

9 \*\*\* Safety and Traffic Operations \*\*\*

10 Sec. 7. PROGRAM DEVELOPMENT; SAFETY AND TRAFFIC

11 OPERATIONS

12 Within the Agency of Transportation's Proposed Fiscal Year 2021

13 Transportation Program for Program Development—Safety and Traffic

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

15 as follows:

	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
16				
17	Construction	7,000,000	4,900,000	-2,100,000
18	Total	7,000,000	4,900,000	-2,100,000
19	<u>Source of funds</u>			
20	Federal	7,000,000	4,900,000	-2,100,000
21	Total	7,000,000	4,900,000	-2,100,000

1                                   \* \* \* Bicycle and Pedestrian Facilities \* \* \*

2           **Sec. 7a. PROGRAM DEVELOPMENT; BICYCLE AND PEDESTRIAN**

3                                   **GRANT PROGRAM**

4                   Within the Agency of Transportation’s Proposed Fiscal Year 2021

5           Transportation Program for Program Development—Bicycle and Pedestrian

6           Facilities, authorized spending for Statewide State-Aid Construction Projects is

7           amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	468,500	868,500	400,000
Total	468,500	868,500	400,000

11           Sources of funds

State	234,250	434,250	200,000
Local	234,250	434,250	200,000
Total	468,500	868,500	400,000

15                                   \* \* \* Public Transit \* \* \*

16           **Sec. 8. PUBLIC TRANSIT; FARE-FREE**

17           It is the intent of the General Assembly that public transit operated by  
18           transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C.  
19           § 5307 or 5311, or both, in the State shall be operated on a fare-free basis with  
20           monies for public transit from the Coronavirus Aid, Relief, and Economic  
21           Security Act, Pub. L. No. 116-136 (CARES Act) as practicable.

1       Sec. 9. PUBLIC TRANSIT; ADDITION OF INCREASED PUBLIC  
2                   TRANSIT FOR FISCAL YEAR 2021

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

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

8	<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
9	Other	0	500,000	500,000
10	Total	0	500,000	500,000
11	<u>Sources of funds</u>			
12	State	0	500,000	500,000
13	Total	0	500,000	500,000

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

18           (d) The Agency shall increase public transit initiatives in fiscal year 2021  
19       in conformance with the implementation plan in the Agency of  
20       Transportation’s 2019 Public Transit Policy Plan (PTPP) and findings of the  
21       Report on Methods to Increase the Use of Public Transit in Vermont prepared

1 pursuant to 2019 Acts and Resolves No. 59, Sec. 20. Additional initiatives

2 may include:

3 (1) adding new local and regional service connections to improve rural  
4 ridership;

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

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

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

9 \* \* \* Lamoille Valley Rail Trail \* \* \*

10 Sec. 10. LAMOILLE VALLEY RAIL TRAIL

11 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021  
12 Transportation Program for Program Development—Bike & Pedestrian  
13 Facilities, authorized spending for Swanton-St. Johnsbury LVRT ( ) is  
14 amended as follows:

	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>	
15				
16	<u>FY21</u>			
17	Other	2,500,000	7,030,000	4,530,000
18	Total	2,500,000	7,030,000	4,530,000
19	<u>FY22</u>			
20	Other	3,500,000	7,000,000	3,500,000
21	Total	3,500,000	7,000,000	3,500,000

1	<u>FY23</u>			
2	Other	4,500,000	0	-4,500,000
3	Total	4,500,000	0	-4,500,000
4	<u>FY24</u>			
5	Other	3,500,000	0	-3,500,000
6	Total	3,500,000	0	-3,500,000
7	<u>Sources of funds FY21</u>			
8	State	0	0	0
9	Other	500,000	1,430,000	930,000
10	Federal	2,000,000	5,600,000	3,600,000
11	Total	2,500,000	7,030,000	4,530,000
12	<u>Sources of funds FY22</u>			
13	State	0	0	0
14	Other	0	1,400,000	1,400,000
15	Federal	0	5,600,000	5,600,000
16	Total	0	7,000,000	7,000,000

17 (b) In the Agency of Transportation’s Proposed Fiscal Year 2021  
18 Transportation Program for Program Development—Bike & Pedestrian  
19 Facilities, “Other funds of \$500,000 are General Obligation Bond proceeds  
20 appropriated in the capital bill for the Lamoille Valley Rail Trail” is struck,  
21 and “Other funds of \$2,830,000 are General Obligation Bond proceeds

1 appropriated in the capital construction act for the Lamoille Valley Rail Trail,  
2 but if matching federal funds are not available or if federal funds do not require  
3 a state match, the funds shall be used for projects in a future capital  
4 construction act” is inserted in lieu thereof.

5 \* \* \* Central Garage \* \* \*

6 Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

7 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of  
8 \$1,605,358.00 is transferred from the Transportation Fund to the Central  
9 Garage Fund created in 19 V.S.A. § 13.

10 Sec. 12. CENTRAL GARAGE EQUIPMENT

11 In fiscal year 2021, the amount of \$8,668,094.00 is authorized for  
12 replacement equipment pursuant to 19 V.S.A. § 13(b) and, of this amount, a  
13 minimum of \$250,000.00 shall be dedicated for the replacement of Department  
14 of Motor Vehicles enforcement fleet vehicles.

15 \* \* \* Plug-In Electric Vehicle Definitions \* \* \*

16 Sec. 13. 23 V.S.A. § 4(85) is amended to read:

17 (85) “Plug-in electric vehicle” means a motor vehicle that can be  
18 powered by an electric motor drawing current from a rechargeable energy  
19 storage system, such as from storage batteries or other portable electrical  
20 energy storage devices provided that the vehicle can draw recharge energy  
21 from a source off the vehicle such as electric vehicle supply equipment. A



1 “plug-in electric vehicle” includes both a “battery electric vehicle” and a  
2 “plug-in hybrid electric vehicle” where:

3 (A) “battery electric vehicle” means a motor vehicle that can only be  
4 powered by an electric motor drawing current from a rechargeable energy  
5 storage system; and

6 (B) “plug-in hybrid electric vehicle” means a motor vehicle that can  
7 be powered by an electric motor drawing current from a rechargeable energy  
8 storage system but also has an onboard combustion engine.

9 \* \* \* Programs and Incentives to Foster **Efficient Vehicle** Adoption \* \* \*

10 Sec. 14. 2019 Acts and Resolves No. 59, Sec. 34 is amended to read:

11 Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR

12 PROGRAMS

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

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

20 (2) The Agency is authorized to spend \$2,000,000.00 as appropriated in  
21 the fiscal year 2020 budget, **\$50,000.00 in Transportation Fund monies**, and

1 any additional monies as appropriated in the fiscal year 2021 budget or  
2 Transportation Fund monies authorized to be expended by the Secretary of  
3 Transportation pursuant to Secs. 3 and 5 of this act, or both, on the ~~two~~  
4 programs described in subsections (b) and (c) of this section. Notwithstanding  
5 any other provision of law and subject to the approval of the Secretary of  
6 Administration, appropriations for the ~~programs~~ described in subsections (b)  
7 and (c) of this section remaining unexpended on June 30, 2021 shall be carried  
8 forward and designated for expenditure on these programs in the subsequent  
9 fiscal year.

10 (3) Subject to State procurement requirements, the Agency may retain a  
11 contractor or contractors to assist with marketing, program development, and  
12 administration of the ~~two programs and up to \$150,000.00 of program~~  
13 funding may be set aside for this purpose: for the programs described in  
14 subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program  
15 funding shall be set aside for this purpose for the programs described in  
16 subsection (c) of this section in fiscal year 2021 and to ensure that the  
17 emissions repair program is operational not later than July 1, 2021. In fiscal  
18 year 2021, the Agency is authorized to spend up to \$200,000.00 in program  
19 funding to continue and expand the Agency's public-private partnership with  
20 Drive Electric Vermont to support the expansion of the PEV market in the  
21 State through technical and consumer assistance; auto dealer education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           ~~(4)~~(5) provide ~~no~~ not less than \$1,100,000.00, of the initial  
4           \$2,000,000.00 authorization, and up to an additional \$2,050,000.00 in fiscal  
5           year 2021 in PEV purchase and lease incentives.

6           (c) High fuel efficiency vehicle incentive and emissions repair program  
7           programs. A used Used high fuel efficiency vehicle purchase incentive and  
8           emissions repair program programs for Vermont residents shall structure high  
9           fuel efficiency purchase incentive payments and emissions repair vouchers by  
10           income to help all Vermonters benefit from more efficient driving, including  
11           Vermont’s most vulnerable. Not less than \$750,000.00 shall be provided in  
12           point-of-sale and point-of repair vouchers.

13           (1) Specifically, the The high fuel efficiency vehicle incentive program  
14           shall be known as MileageSmart and shall:

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

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

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

9           ~~(A)~~ a point-of-sale voucher of up to \$5,000.00 to assist in the  
10          purchase of a used high fuel-efficient motor vehicle that may require that a  
11          condition of the voucher be that if the individual is the owner of either a motor  
12          vehicle that failed the OBD systems inspection or a motor vehicle that is more  
13          than 15 years old and has a combined city/highway fuel efficiency of less than  
14          25 miles per gallon as rated by the Environmental Protection Agency when the  
15          vehicle was new that the vehicle will be removed from operation and either  
16          donated to a nonprofit organization to be used for parts or destroyed; ~~or,~~

17          ~~(B)~~(2) The emissions repair program, which shall be operational on  
18          or before July 1, 2021, shall:

19          ~~(A)~~ apply to repairs of certain vehicles that failed the on board  
20          diagnostic (OBD) systems inspection;





1 qualifying projects with a total estimated State share cost of \$7,648,750.00 at a  
2 minimum as new grants. The Agency's proposed appropriation for the  
3 Program shall take into account the estimated amount of qualifying invoices  
4 submitted to the Agency with respect to project grants approved in prior years  
5 but not yet completed as well as with respect to new project grants to be  
6 approved in the fiscal year. In a given fiscal year, should expenditures in the  
7 Class 2 Town Highway Roadway Program exceed the amount appropriated,  
8 the Agency shall advise the Governor of the need to request a supplemental  
9 appropriation from the General Assembly to fund the additional project cost,  
10 provided that the Agency has previously committed to completing those  
11 projects. Funds received as grants for State aid under the Class 2 Town  
12 Highway Roadway Program may be used by a municipality to satisfy a portion  
13 of the matching requirements for federal earmarks, subject to subsection  
14 309b(c) of this title.

15 \* \* \* Transportation Demand Management and

16 Micro-Transit Innovations Grant Program \* \* \*

17 Sec. 16. TRANSPORTATION DEMAND MANAGEMENT AND MICRO-

18 TRANSIT INNOVATIONS GRANT PROGRAM

19 (a) The Agency shall establish and administer a transportation demand  
20 management and micro-transit innovations grant program within the Public

1 Transit Program to incentivize and continue support for the advancement of  
2 transportation demand management programs and new transit initiatives.

3 (b) The Agency shall distribute \$500,000.00 in grant awards, with each  
4 recipient only eligible to receive up to \$100,000.00 in grant awards.

5 (c) Grant awards may be used for one or more of the following: matching  
6 funds for other grant awards; program delivery costs; or for the extension of  
7 existing programs.

8 (d) Grant awards shall be distributed not later than November 30, 2020 and  
9 shall incentivize innovative strategies that improve both mobility and access  
10 for transit-dependent Vermonters, reduce the use of single occupancy vehicles  
11 for work trips, and reduce greenhouse gas emissions.

12 \* \* \* All-Terrain Vehicles \* \* \*

13 Sec. 17. 23 V.S.A. §§ 3501 and 3502 are amended to read:

14 § 3501. DEFINITIONS

15 As used in this chapter:

16 (1) ~~“Commissioner” means the Commissioner of Motor Vehicles unless~~  
17 ~~otherwise stated.~~

18 (2) ~~“Department” means Department of Motor Vehicles unless~~  
19 ~~otherwise stated.~~

1           ~~(3) “Operate” includes an attempt to operate and shall be construed to~~  
2           ~~cover all matters and things connected with the presence and use of all terrain~~  
3           ~~vehicles whether they be at motion or rest.~~

4           ~~(4) “Secretary” means the Secretary of Natural Resources.~~

5           (5) “All-terrain vehicle” or “ATV” means any nonhighway recreational  
6           vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires  
7           (10 pounds per square inch, or less), not wider than 64 inches with two-wheel  
8           ATVs having permanent, full-time power to both wheels, and having a dry  
9           weight of less than 1,700 pounds, when used for cross-country travel on trails  
10          or on any one of the following or a combination thereof: land, water, snow,  
11          ice, marsh, swampland, and natural terrain. An ATV on a public highway shall  
12          be considered a motor vehicle, as defined in section 4 of this title, only for the  
13          purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),  
14          (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);  
15          (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title.  
16          An ATV shall not include an electric personal assistive mobility device.

17           (2) “Department” means the Department of Motor Vehicles unless  
18           otherwise stated.

19           (3) “Direct supervision” means that the supervisor shall be sufficiently  
20           close and able to control, by communicating visually or orally, the operation of

1 an ATV by an operator under 16 years of age, taking into account the noise  
2 created by an ATV and protective headgear worn by the operator.

3 (4) “Farm” means a parcel or parcels of land owned, leased, or managed  
4 by a person and devoted primarily to farming.

5 (5) “Secretary” means the Secretary of Natural Resources.

6 (6) “State lands” means land owned, leased, or otherwise controlled by  
7 the State.

8 ~~(6)(7) “Club or association” means an all terrain vehicle club or~~  
9 “VASA” means the Vermont ATV Sportsman’s Association, a statewide  
10 association of ATV clubs.

11 § 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

12 REQUIRED; EXCEPTIONS

13 ~~(a)(1) An all terrain vehicle may not be operated~~ Except as otherwise  
14 provided in this section, an individual shall not operate an ATV on the VASA  
15 Trail System, on State land designated by the Secretary pursuant to subdivision  
16 3506(b)(4) of this title, or along any highway that is not adjacent to the  
17 property of the operator unless the ATV:

18 (A) is registered pursuant to this chapter or any other section of this  
19 title by the State of Vermont and unless the all terrain vehicle or in accordance  
20 with subsection (e) of this section; and

1            ~~(B)~~ displays a valid ~~Vermont ATV Sportsman's Association (VASA)~~  
2            VASA Trail Access Decal (TAD) when operating on a VASA trail, except  
3            when operated.;

4            ~~(1)(2)~~ Notwithstanding subdivision (1) of this subsection, neither  
5            registration nor display of a TAD is required to operate an ATV:

6            ~~(A)~~ On ~~on~~ the property of the owner of the ~~all-terrain vehicle.~~ ATV;

7            ~~(2)(B)~~ Off the highway, In ~~in~~ a ski area ~~while being used,~~ off the  
8            highway, for the purpose of grooming snow, maintenance, or in rescue  
9            operations.;

10           ~~(3)(C)~~ For ~~for~~ official use by a federal, State, or municipal agency ~~and~~  
11           ~~only~~ if the ~~all-terrain vehicle~~ ATV is identified with the name or seal of the  
12           agency in a manner approved by the Commissioner. or

13           ~~(4)(D)~~ Solely on privately owned land when the operator is specifically  
14           invited to do so by the owner of ~~that~~ the property and ~~has on his or her person~~  
15           carries the written consent of the owner.

16           ~~(5)(3)~~ By a person who Notwithstanding subdivision (1) of this  
17           subsection, an operator may operate an ATV without a TAD displayed if the  
18           operator possesses a completed TAD form processed electronically ~~and~~ within  
19           the prior 10 days that is either printed out or displayed on a portable electronic  
20           device. ~~The printed or electronic TAD form shall be valid for 10 days after the~~  
21           ~~electronic transaction.~~ Use of a portable electronic device to display a

1 completed TAD form does not in itself constitute consent for an enforcement  
2 officer to access other contents of the device.

3 \* \* \*

4 (c) The possession of a valid TAD or registration of an ~~all-terrain vehicle~~  
5 ATV does not constitute a license to ~~cross or~~ operate an ~~all-terrain vehicle~~  
6 ATV on public or private lands, even if temporarily while crossing the public  
7 or private lands.

8 (d) An ~~all-terrain vehicle which~~ ATV that does not comply with the  
9 provisions of this chapter ~~may~~ shall not be registered by the Commissioner.

10 (e) An ~~all-terrain vehicle~~ ATV owned by a person who is a resident of any  
11 other state or province shall be deemed to be properly registered for the  
12 purposes of this chapter if it is registered in accordance with the laws of the  
13 state or province in which its owner resides. An operator who is a resident of  
14 any other state or province shall be subject to the provisions of this chapter  
15 while operating an ATV within this State, including possessing a valid TAD in  
16 the same circumstances that a resident of this State is required to possess a  
17 valid TAD.

18 Sec. 18. 23 V.S.A. § 3506 is amended to read:

19 § 3506. OPERATION; PROHIBITED ACTS; FINANCIAL

20 RESPONSIBILITY; HEADGEAR

1 (a) A person shall only operate an ATV, or permit an ~~all-terrain vehicle~~  
2 ATV owned by him or her or under his or her control to be operated, in  
3 accordance with this chapter.

4 (b) An ~~all-terrain vehicle~~ ATV shall not be operated:

5 (1) Along a public highway except if one or more of the following  
6 applies:

7 (A) ~~the highway is not being maintained during the snow season;~~

8 ~~(B)~~ the highway has been opened to ~~all-terrain vehicle~~ ATV travel by  
9 ~~the selectboard or trustees or local governing body~~ legislative body of the  
10 municipality where the town highway is located or, for State highways, the  
11 Secretary of Transportation and is so posted ~~by the municipality;~~

12 ~~(C)~~(B) the ~~all-terrain vehicle~~ ATV is being used for agricultural  
13 purposes and is operated not closer than three feet from the traveled portion of  
14 any highway for the purpose of traveling within the confines of the farm; or

15 ~~(D)~~(C) the ~~all-terrain vehicle~~ ATV is being used by an employee or  
16 agent of an electric transmission or distribution company subject to the  
17 jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility  
18 purposes, including safely accessing utility corridors, provided that the ~~all-~~  
19 ~~terrain vehicle~~ ATV shall be operated along the edge of the roadway and shall  
20 yield to other vehicles.

1           (2) Across a public highway ~~unless~~ except if all of the following  
2 conditions are met:

3           (A) the crossing is made at an angle of approximately 90 degrees to  
4 the direction of the highway and at a place where no obstruction prevents a  
5 quick and safe crossing; ~~and~~

6           (B) the operator brings the ~~all-terrain vehicle~~ ATV to a complete stop  
7 before entering the ~~travelled~~ traveled portion of the highway; ~~and~~

8           (C) the operator yields the ~~right-of-way~~ right of way to motor  
9 vehicles and pedestrians using the highway; ~~and~~

10          (D) the operator is 12 years of age or older; ~~and that~~

11          (E) in the case of an operator under 16 years of age, ~~must be the~~  
12 operator is under the direct supervision of ~~a person~~ an individual 18 years of  
13 age or older who does not have a suspended operator's license or privilege to  
14 operate.

15          (3) On any privately owned land or privately owned body of ~~private~~  
16 water unless either:

17          (A) the operator is the owner, or member of the immediate family of  
18 the owner of the land; ~~or~~

19          (B) the operator ~~has, on his or her person,~~ carries the written consent  
20 of the owner or lessee of the land or the land surrounding the privately owned  
21 body of water to operate an ~~all-terrain vehicle~~ ATV in the specific area and



1 during specific hours ~~and/or~~ or days, or both in which the operator is operating;  
2 ~~or;~~

3 (C) the all-terrain vehicle ATV displays a valid ~~TAD decal~~ VASA  
4 Trail Access Decal (TAD) as required by subsection 3502(a) of this title that  
5 serves as proof that the ~~all-terrain vehicle~~ ATV and its operator, by virtue of  
6 the TAD, are members of a ~~VASA-affiliated club to which such~~ VASA and  
7 consent has been given orally or in writing to operate an ~~all-terrain vehicle~~  
8 ATV in the area ~~in which~~ where the operator is operating; or

9 (D) the owner of the land ~~has~~ or the land surrounding the privately  
10 owned body of water designated the area for use by ~~all-terrain vehicles~~ ATVs  
11 by posting the area in a manner approved by the Secretary to give reasonable  
12 notice that use is permitted.

13 (4) On any ~~public land~~ municipal lands unless opened to ATV travel by  
14 the legislative body of the municipality where the land is located or on any  
15 State lands, body of public water, or natural area established under the  
16 provisions of 10 V.S.A. § 2607 unless ~~the Secretary has designated the area by~~  
17 the Secretary for use by ~~all-terrain vehicles pursuant to~~ ATVs in rules  
18 promulgated adopted under ~~provisions of~~ 3 V.S.A. chapter 25.

19 (5) By a ~~person~~ an individual under 12 years of age unless he or she is  
20 wearing on his or her head protective headgear of a type approved by the

1 Commissioner while operating the ATV or riding as a passenger on the ATV

2 and either:

3 (A) he or she is on land owned by his or her parents, family, or  
4 guardian;

5 (B) he or she has written permission of the landowner or lessee; or

6 (C) he or she is under the direct supervision of ~~a person at least an~~  
7 individual 18 years of age or older who does not have a suspended operator's  
8 license or privilege to operate.

9 (6) In any manner ~~intended or~~ that could reasonably ~~to~~ be expected to  
10 harm, harass, drive, or pursue any wildlife.

11 (7) If the registration certificate or consent form is and proof of  
12 insurance are not available for inspection, and the registration number, or plate  
13 of a size and type approved by the Commissioner, is not displayed on the ~~all-~~  
14 ~~terrain vehicle~~ ATV in a manner approved by the Commissioner.

15 (8) While the operator is under the influence of drugs or alcohol as  
16 defined by this title.

17 (9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent  
18 with the duty of ordinary care, so as to endanger ~~a person~~ an individual or  
19 property.

20 (10) Within a cemetery, public or private, as defined in 18 V.S.A.  
21 § 5302.

1           (11) On limited access highways, ~~rights-of-way~~ rights-of-way, or  
2 approaches unless permitted by the Traffic Committee under section 1004 of  
3 this title. In no cases shall the use of ~~all-terrain vehicles~~ ATVs be permitted on  
4 any portion of the Dwight D. Eisenhower National System of Interstate and  
5 Defense Highways unless the Traffic Committee permits operation on these  
6 highways.

7           (12) On a sidewalk unless permitted by the ~~selectboard or trustees of the~~  
8 local governing legislative body of the municipality where the sidewalk is  
9 located.

10           (13) Without liability insurance as described in this subdivision. The  
11 owner or operator of an ATV shall not operate or permit the operation of an  
12 ATV at locations where the ATV must be registered in order to be lawfully  
13 operated under section 3502 of this title without having in effect a bond or a  
14 liability policy in the amounts of at least \$25,000.00 for one individual and  
15 \$50,000.00 for two or more individuals killed or injured and \$10,000.00 for  
16 damages to property in any one accident. In lieu of a bond or liability policy,  
17 evidence of self-insurance in the amount of \$115,000.00 must be filed with the  
18 Commissioner. Financial responsibility shall be maintained and evidenced in a  
19 form prescribed by the Commissioner, and persons who self-insure shall be  
20 subject to the provisions of subsection 801(c) of this title.

1           (14) While the operator’s license or privilege to operate a motor vehicle  
2           is suspended, unless operated at a location described in subdivision  
3           3502(a)(2)(A) or (D) of this title.

4           (15) Outside the boundaries of trails established by the VASA Trail  
5           System unless such operation is specifically authorized pursuant to another  
6           provision of this chapter.

7           (16) Unless the operator and all passengers wear properly secured  
8           protective headgear, of a type approved by the Commissioner and as intended  
9           by the manufacturer, if the ATV is operated at locations where the ATV must  
10          be registered in order to be lawfully operated under section 3502 of this title.

11          (c) No public or private landowner shall be liable for any property damage  
12          or personal injury sustained by any ~~person~~ individual operating or riding as a  
13          passenger on an ~~all-terrain vehicle~~ ATV or upon a vehicle or other device  
14          drawn by an ~~all-terrain vehicle~~ ATV upon the public or private landowner’s  
15          property, whether or not the public or private landowner has given permission  
16          to use the land, unless the public or private landowner charges a cash fee to the  
17          operator or owner of the ~~all-terrain vehicle~~ ATV for the use of the property or  
18          unless damage or injury is intentionally inflicted by the landowner.

19          (d) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may  
20          not be operated:

1 (1) if equipped with an exhaust system with a cut out, bypass, or similar  
2 device; or

3 (2) with the spark arrester removed or modified, except for use in closed  
4 course competition events.

5 (e) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may  
6 not be operated by an operator who is less than 18 years of age unless one of  
7 the following criteria is met:

8 (1) the operator is operating on property owned or leased by the operator  
9 or his or her parents or guardian; or

10 (2) the operator is taking a prescribed safety education training course  
11 and operating under the direct supervision of a certified ~~all-terrain vehicle~~  
12 ATV safety instructor; or

13 (3) the operator holds an appropriate safety education certificate issued  
14 by this State or issued under the authority of another state or province of  
15 Canada.

16 (f) ~~A person~~ An individual who is required to hold an appropriate safety  
17 education certificate under the provisions of subsection (e) of this section shall  
18 exhibit the safety education certificate upon demand of a law enforcement  
19 officer having authority to enforce the provisions of this section.

20 (g) ~~Notwithstanding any other provision of law or rule to the contrary, the~~  
21 ~~Commissioner may authorize the temporary operation of all-terrain vehicles~~

1 ~~not registered in this State on Route 253 in Beecher Falls for an annual special~~  
2 ~~event, provided the all-terrain vehicle is registered in another state or province.~~

3 [Repealed.]

4 \* \* \* U.S. Postal Service; Vehicle Inspection; Sunset Repeal \* \* \*

5 Sec. 19. 2017 Acts and Resolves No. 71, Sec. 31(a)(4) is amended to read:

6 (4) ~~23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier~~  
7 ~~vehicles), shall be repealed on July 1, 2020. [Repealed.]~~

8 \* \* \* Permit Fees; Waiver \* \* \*

9 Sec. 20. AUTHORITY TO WAIVE RIGHT-OF-WAY PERMIT FEES

10 (a) Notwithstanding 19 V.S.A. § 1112(b), the Secretary is authorized to  
11 waive fees associated with permits or permit amendments issued pursuant to  
12 19 V.S.A. § 1111 for any reason associated with the response and recovery to  
13 the COVID-19 pandemic.

14 (b) Subsection (a) of this section shall continue in effect until six months  
15 after the conclusion of a state of emergency declared under 20 V.S.A.  
16 chapter 1 due to COVID-19.

17 \* \* \* Use of Pozzolans as an Alternative to Portland Cement \* \* \*

18 Sec. 21. USE OF POZZOLANS AS AN ALTERNATIVE TO PORTLAND  
19 CEMENT

20 (a) Findings. The General Assembly finds that:

1           (1) Pozzolans, such as pulverized fuel ash (commonly known as “fly  
2           ash”), ground granulated blast-furnace slag, and silica fume, can be used to  
3           partially replace a portion of the Portland Cement used in the production of  
4           concrete.

5           (2) Using pozzolans in the production of concrete for transportation  
6           infrastructure projects can typically reduce the use of Portland Cement by 40 to  
7           50 percent.

8           (3) Using pozzolans in a concrete mix design can:

9                   (A) reduce the carbon dioxide emissions associated with  
10           transportation infrastructure projects, such as bridges and sidewalks;

11                   (B) increase the compressive strength and durability of concrete; and

12                   (C) decrease construction costs.

13           (4) Pozzolans cannot be used as a complete substitute for Portland  
14           Cement in a concrete mix design because they enhance and do not replace the  
15           cementitious properties of Portland Cement as it hydrates as part of the overall  
16           chemical reaction that binds and strengthens the concrete.

17           (b) Use of Portland Cement. The Agency is encouraged to continue  
18           researching, testing, and wherever practicable, using pozzolans and alternatives  
19           to Portland Cement as part of the concrete mix designs for all transportation  
20           infrastructure projects.

1           \* \* \* Study on Direct-to-Consumer Motor Vehicle Sales; Report \* \* \*

2           Sec. 22. STUDY ON DIRECT-TO-CONSUMER MOTOR VEHICLE

3                       SALES; REPORT

4           (a) The Agency of Transportation, in consultation with the Attorney

5           General's Office, the Department of Financial Regulation, a manufacturer that

6           engages in direct-to-consumer motor vehicle sales to Vermont consumers, and

7           the Vermont Vehicle and Automotive Distributors Association, shall conduct a

8           study and, on or before December 15, 2020, file a written report on the

9           findings of its study, sources reviewed, and recommendations regarding the

10           regulation of direct-to-consumer motor vehicle sales with the Senate

11           Committees on Economic Development, Housing and General Affairs and on

12           Transportation and the House Committees on Commerce and Economic

13           Development and on Transportation.

14           (b) The report shall, at a minimum, include a review of:

15                       (1) all Vermont consumer protection laws and regulations that currently

16           apply when a consumer purchases a motor vehicle from a dealer registered

17           pursuant to 23 V.S.A. chapter 7, subchapter 4, whether those consumer

18           protections currently apply to direct-to-consumer motor vehicle sales, and, if

19           not, whether those consumer protections should apply to direct-to-consumer

20           motor vehicle sales;



1           (2) how consumers currently obtain financing in direct-to-consumer  
2           motor vehicle sales and any proposals that would better protect Vermont  
3           consumers who engage in direct-to-consumer motor vehicle sales;

4           (3) how consumers are currently taxed in direct-to-consumer motor  
5           vehicle sales and whether there are steps the State can take to maximize the  
6           collection of taxes owed on direct-to-consumer motor vehicle sales where the  
7           vehicles are operated in Vermont;

8           (4) any enforcement issues related to direct-to-consumer motor vehicle  
9           sales;

10           (5) what reasons, if any, exist to prohibit manufacturers engaged in  
11           direct-to-consumer motor vehicle sales from owning, operating, or controlling  
12           a motor vehicle warranty or service facility in the State and a recommendation  
13           on whether a sales center should be required if a manufacturer engaged in  
14           direct-to-consumer motor vehicle sales is permitted to own, operate, or control  
15           a motor vehicle warranty or service facility in the State;

16           (6) laws, rules, and best practices from other jurisdictions and any model  
17           legislation related to the regulation of direct-to-consumer motor vehicle sales;  
18           and

19           (7) how any proposed amendments to Vermont law regulating direct-to-  
20           consumer motor vehicle sales will affect dealers registered pursuant to  
21           23 V.S.A. chapter 7, subchapter 4; franchisors and franchisees, as defined in

1 9 V.S.A. § 4085; and other persons who are selling motor vehicles to  
2 Vermonters.

3 (c) As used in this section, “direct-to-consumer motor vehicle sales” means  
4 sales made by:

5 (1) motor vehicle manufacturers that sell or lease vehicles they  
6 manufacture directly to Vermont consumers and not through dealers registered  
7 pursuant to 23 V.S.A. chapter 7, subchapter 4; or

8 (2) other persons that sell or lease new or used motor vehicles directly to  
9 Vermont consumers and not through Vermont licensed dealers registered  
10 pursuant to 23 V.S.A. chapter 7, subchapter 4 on websites such as Carvana,  
11 Vroom, and TrueCar.

12 \* \* \* Effective Dates \* \* \*

13 Sec. 23. EFFECTIVE DATES

14 (a) This section and Secs. 2 (federal funding), 3 (spending redirection),  
15 4 (Amtrak), 19 (U.S. Postal Service vehicle inspection exemption sunset  
16 repeal; 23 V.S.A. § 1222(e)), and 20 (section 1111 permit fee waiver) shall  
17 take effect on passage.

18 (b) All other sections shall take effect on July 1, 2020.