
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 55 (H.433). Transportation; motor vehicles; natural resources and energy; electric distribution utilities; permits; signs; law enforcement

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

This act:

- Transportation Program. Adopts the Agency of Transportation's (Agency) Proposed Fiscal Year 2022 Transportation Program except as amended in the act (Transportation Program), defines terms used throughout the act, and corrects a typographical error.
- Fiscal Year 2022 Transportation Investments Intended to Reduce Transportation-Related Greenhouse Gas Emissions, Reduce Fossil Fuel Use, and Save Vermont Households Money. Summarizes certain transportation investments.
- Maintenance Budget. Swaps \$5,325,000.00 in Transportation Fund monies for federal monies that are available because of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.
- Bridge 61 (Springfield, VT). Moves the Bridge 61 (Springfield, VT) project from Program Development to Town Highway Bridges. No changes in authorized spending.
- DMV IT System Replacement. Adds the DMV IT System Replacement project to the Transportation Program, with an authorization of \$24,500,000.00 and carryforward language, to align with the appropriation of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) monies in the fiscal year 2022 budget bill.
- Statewide Phosphorus Control Planning. Adds a new project for statewide phosphorus control planning to the Transportation Program, with an authorization of \$3,000,000.00 and carryforward language, to align with the appropriation of ARPA monies in the fiscal year 2022 budget bill.

- Municipal Mitigation Assistance Program. Adds an additional \$500,000.00 to the authorization for the Municipal Mitigation Assistance Program to align with the appropriation of ARPA monies in the fiscal year 2022 budget bill.
- New Haven Train Depot. Authorizes up to \$400,000.00 in one-time Transportation Fund monies in fiscal year 2022 for a grant to the Town of New Haven to cover a portion of the costs to relocate the New Haven Train Depot.
- Repeal of U.S. Route 4 Permit. Expresses legislative intent on the timing behind the repeal of the U.S. Route 4 permit and why the permit can be repealed effective July 1, 2022, (allows time for the Agency to work with the Town of Woodstock to make improvements during the summer 2021 construction season and for the Town to make additional improvements that it deems necessary) and then repeals the permit (23 V.S.A. § 1432(c)) effective July 1, 2022.
- Town Highway Aid. Mirrors language to match the \$3,000,000.00 increase in the fiscal year 2022 budget bill appropriation for town highway aid that will be distributed according to and used for purposes allowed under 19 V.S.A. § 306(a). The \$3,000,000.00 increase shall not be included in future calculations for the appropriation required under 19 V.S.A. § 306(a).
- Federal Infrastructure Funding. Establishes a process whereby the Agency can, with approval from the Joint Transportation Oversight Committee (JTOC), exceed federal monies spending authority in fiscal year 2021 and fiscal year 2022 and obligate and expend federal monies and up to \$2,000,000.00 in State Transportation Fund monies on certain projects.
- Inclusion of Maintenance for the Lamoille Valley Rail Trail (LVRT) in the Annual Proposed Transportation Program. Adds a new subsection (p) to 19 V.S.A. § 10g—the section of codified law that includes the required contents of the annual proposed Transportation Program that the Agency is required to provide to the General Assembly—that will require the Agency to include the cost of maintaining the Lamoille Valley Rail Trail (LVRT) in the annual proposed Transportation Program, starting with fiscal year 2023.
- Town Highway Structures and Class 2 Town Highway Roadway Programs in Fiscal Year 2021. Authorizes the Agency, in fiscal year 2022, to reimburse municipalities for projects awarded a grant under these programs for costs incurred during fiscal year 2021.

- Town Highway Structures and Class 2 Town Highway Roadway Programs Minimum Total Grant Awards. Amends 19 V.S.A. § 306(e) and (h) to increase the total annual minimum in grant awards for each program.
- Class 2 Town Highway Roadway Program Maximum Grant Award. Amends 19 V.S.A. § 309b to increase the existing maximum grant award for the Class 2 Town Highway Roadway Program from \$175,000.00 to \$200,000.00.
- Incentive Programs for New PEVs.
 - Authorizes a total of \$3,250,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 (combined) for the Incentive Program for New PEVs and the Agency's partnership with Drive Electric Vermont. Up to \$250,000.00 is available for the partnership with Drive Electric Vermont, and the balance is available for incentives under the Incentive Program for New PEVs (with up to 10 percent of that allowed for administrative costs).
 - Amends session law to eliminate the requirement that the Incentive Program for New PEVs is administered by the Agency through no cost contracts with the State's electric distribution utilities.
 - Amends session law to change the name of the program from the New PEV Incentive Program to the Incentive Program for New PEVs.
 - Amends session law to allow for one incentive per individual per year, raises the income eligibility cap under which someone can qualify for the larger incentive available under the Incentive Program for New PEVs, expands eligibility to tax-exempt organizations incorporated in Vermont that provide Vermonters with transportation alternatives to personal vehicle ownership (maximum of five incentives, can be a combination of plug-in hybrid electric vehicles (PHEVs) and battery electric vehicles (BEVs), in fiscal year 2022), and allows for stacking amongst incentive programs but not within the Incentive Program for New PEVs itself.
- MileageSmart.
 - Authorizes \$750,000.00 in one-time Transportation Fund monies for MileageSmart in fiscal years 2021 and 2022 (combined) and \$500,000.00 in one-time General Fund monies for MileageSmart in fiscal year 2022, with up to 10 percent of the total amount that is given out in incentives (inclusive of carryforward) in fiscal year 2022 available for administrative costs.

- Amends session law to change the income eligibility qualification from qualifying for weatherization services through the Weatherization Program to 80 percent of the State median income.
- Emissions Repair Program.
 - Amends session law to separate out the emissions repair program, which has never commenced, from what became MileageSmart.
 - Re-establishes the emissions repair program with a fiscal year 2022 authorization and transfer to the Department of Environmental Conservation of \$375,000.00 in one-time Transportation Fund monies, with up to \$50,000.00 of that \$375,000.00 available for startup costs and outreach education and up to \$125,000.00 of that \$375,000.00 available for administration and development costs.
 - Repeals the session law requirement that the Department of Motor Vehicles, in consultation with the Department of Environmental Conservation, establish a program of waivers related to the emissions component of the annual inspection on January 1, 2023.
- Replace Your Ride Program. Establishes the Replace Your Ride Program with a fiscal year 2022 authorization of \$1,500,000.00 in one-time Transportation Fund monies and up to \$300,000.00 of that \$1,500,000.00 available for startup costs, outreach education, and costs associated with developing and administering the program.
- Electric Bicycle Incentives. Authorizes \$50,000.00 in one-time Transportation Fund monies to provide 250 \$200.00 incentives for electric bicycles in fiscal year 2022.
- Electric Vehicle Supply Equipment (EVSE) Grant Program in Multi-Unit Dwellings (MUDs). Requires the Agency to establish and administer a pilot program within the existing VW EVSE Grant Program that supports the continued buildout of EVSE at multi-unit affordable housing and multi-unit dwellings MUDs owned by a nonprofit, with an authorization of \$1,000,000.00 in one-time Transportation Fund monies in fiscal year 2022. The program is expanded to all MUDs if there is still funding available after the first round of grant awards, and a report on the outcomes of the pilot program is due to the House and Senate Committees on Transportation not later than January 15, 2022.

- EVSE Network in Vermont. Establishes as a State goal having, as practicable, a level 3 EVSE charging port available to the public within five miles of every interstate exit in the State and 50 miles of another level 3 EVSE charging port available to the public along a State highway and requires the annual filing of an up-to-date map showing the locations of all level 3 EVSE available to the public with the House and Senate Committees on Transportation by January 15 each year until the goal is met.
- Zero-Fare Public Transit in Fiscal Year 2022. Specifies that it is the General Assembly's intent to use available federal monies (through the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act); the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260; and the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA)) to provide zero-fare public transit on urban and rural routes in fiscal year 2022, as practicable.
- Coordinated Intermodal Connections Review. Requires the Agency, in coordination with certain providers, to review and implement coordinated intermodal connections, to the extent practicable, to ensure efficient and accessible intermodal transportation in Vermont. The Agency is also directed to work with transportation providers to support the cross promotion of intermodal connections.
- Plug-In Electric Vehicle (PEV) Electric Distribution Utility Rate Design. Requires electric distribution utilities to offer PEV rates for public and private EVSE not later than June 30, 2024, and establishes considerations as part of the Public Utility Commission's review. The act also establishes an extension process, grandfathers in certain rates, and requires annual reporting to multiple committees through January 2025.
- Public Transportation Electrification Plan. Requires the Agency, in consultation with the State's public transit providers, to prepare a long-range plan that outlines the costs, timeline, training, maintenance, and operational actions required to move to a fully electrified public transportation fleet, with the long-range plan required to be filed with the House and Senate Committees on Transportation not later than January 31, 2022.
- Airport and Rail Signs; Banners. Amends 10 V.S.A. § 494 (Vermont's sign/billboard law) to allow the Agency to approve and erect signs directing individuals to State-owned airports and intercity passenger rail stations (includes Amtrak) located within 25 miles of a limited access highway exit (10 V.S.A. § 494(6)(C)) and require authorization from the legislative body of

the municipality where a banner is located in the case of banners across the highway right-of-way (10 V.S.A. § 494(18)).

- Site Plan Review. Amends 24 V.S.A. § 4416(b) to clarify coordination requirements between the site plan approval process at the local level and the Agency's State Highway Access and Work Permit (Section 1111 Permit).
- Subdivision Approval. Adds a new subsection (e) to 24 V.S.A. § 4463 to ensure coordination requirements between the subdivision approval process at the local level and the Section 1111 Permit.
- Section 1111 Permit Amendment Fees. Amends 19 V.S.A. § 1112(b) so that Section 1111 Permit amendments have a fee of \$0.00, as opposed to the applicable initial permit fee.
- Improvements of High-Use Corridor Segments for Bicyclists. Requires the Agency to continue to improve highways as required under 19 V.S.A. § 2310 in order to enhance safety and accessibility on highways, with a particular focus on high-use corridors identified in the On-Road Bicycle Plan prepared in April 2016, or a subsequent update. This act also specifies what to consider when making improvements, including: traffic volume; scope of project; and other factors, such as environmental or right-of-way impacts.
- Work Zone Highway Safety Automated Traffic Law Enforcement Study and Report. Requires the Agency, in consultation with the Department of Public Safety and Associated General Contractors of Vermont, to study and report on the use of automated traffic law enforcement systems in work zones and provide recommendations to the House and Senate Committees on Judiciary and on Transportation not later than January 15, 2022.
- Transportation Equity Framework. Requires the Agency, in consultation with the State's 11 Regional Planning Commissions (RPCs), to undertake a comprehensive analysis of the State's existing transportation programs and develop a recommendation on a transportation equity framework that can be used by the Agency to advance mobility equity, which is a transportation system that increases access to mobility options, reduces air pollution, and enhances economic opportunity to Vermonters in communities that have been underserved by the State's transportation system.

Multiple effective dates, beginning on June 3, 2021

See chart on following page.

H.433 - FY22 Transportation Program				
Line #	All Funding Sources	FY21 As Passed	FY22 As Passed	FY22 vs FY21
1	Administration-Finance-Planning			
2	Central Admin & Finance	15,979,760	16,211,983	232,223
3	Policy & Planning	11,551,005	11,458,898	(92,107)
4	Transportation Board	184,774	186,611	1,837
5	Department of Motor Vehicles	35,233,533	35,973,988	740,455
6	Sub-total	62,949,072	63,831,480	882,408
7	Facilities			
8	Rest Areas	1,010,000	1,460,000	450,000
9	AOT Buildings	307,000	850,000	543,000
10	Sub-total	1,317,000	2,310,000	993,000
11	Alternate Modes			
12	Public Transit	38,734,820	42,821,522	4,086,702
13	Aviation	9,529,432	10,451,646	922,214
14	Pedestrian & Bike Facilities	17,000,970	16,789,554	(211,416)
15	Park & Ride	5,580,568	5,220,233	(360,335)
16	Multi-Modal Facilities	0	0	0
17	Rail infrastructure	24,144,448	27,630,019	3,485,571
18	Amtrak	800,000	8,750,000	7,950,000
19	Sub-total	95,790,238	111,662,974	15,872,736
20	State Highway Infrastructure			
21	Maintenance	100,336,436	103,519,499	3,183,063
22	Paving	109,755,261	120,459,399	10,704,138
23	Roadway	42,111,213	37,334,563	(4,776,650)
24	State bridges	67,955,839	49,252,858	(18,702,981)
25	Interstate bridges	22,653,892	22,595,374	(58,518)
26	Traffic & Safety	34,568,991	33,343,610	(1,225,381)
27	PD Admin & Tech Services	24,335,131	25,084,554	749,423
28	Sub-total	401,716,763	391,589,857	(10,126,906)
29	Town Programs			
30	Town Highway Aid (Formula)	27,105,769	27,105,769	0
31	Town Highway Aid (One-Time)	7,000,000	3,000,000	(4,000,000)
32	Town Bridges	13,073,351	15,408,394	2,335,043
33	TH Class 2	3,250,000	15,297,500	12,047,500
34	TH Structures	4,650,000	12,667,000	8,017,000
35	TH Class 1 supplemental grants	128,750	128,750	0
36	Trans. Alternatives/Enhancements	2,763,408	4,454,294	1,690,886
37	TH State aid nonfederal disasters	1,150,000	1,150,000	0
38	TH State aid federal disasters	180,000	180,000	0
39	FEMA grant program	1,250,000	1,250,000	0
40	TH VT Local Roads	408,965	411,689	2,724
41	Municipal mitigation grants	6,705,715	6,610,000	(95,715)
42	Sub-total	67,665,958	87,663,396	19,997,438
43	AOT Covid-19	1,557,438	0	(1,557,438)
44	One-Time Investments			
45	EV Purchase Incentives Program	1,050,000	3,250,000	2,200,000
46	EV Charger Grants		1,000,000	1,000,000
47	E-Bike Incentives		50,000	50,000
48	Emission Repair Program		375,000	375,000
49	Replace Your Ride		1,500,000	1,500,000
50	New Haven Train Station		400,000	400,000
51	DMV IT System		24,500,000	24,500,000
52	Clean Water/Phosphorus Control		3,000,000	3,000,000
53	MileageSmart		1,250,000	1,250,000
54	Total All Programs	632,046,469	692,382,707	60,336,238
55	Central Garage Internal Service Funds	20,982,875	22,202,720	1,219,845
56	Total Appropriations	653,029,344	714,585,427	61,556,083

* FY21 Includes BAA Adjustments