

1 H.736

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; annual Transportation Program; electric vehicle
5 supply equipment (EVSE); vehicle incentives; Vermont Association
6 of Snow Travelers (VAST); town highway bridges; off-system
7 bridges; zero-fare public transit; micro transit; Carbon Reduction
8 Program; Transportation Alternatives Grant Program; 2021
9 Transportation Bill; bicyclists; pedestrians; bicycle and pedestrian
10 facilities; Transportation Board; judicial review; on-premises signs;
11 right-of-way permits; 1111 permits; municipal site plan review;
12 Smugglers' Notch; covered bridges; Route 207 Extension; electric
13 vehicle supply equipment fees; technical corrections

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

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

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

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

3 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

4 (a) The Agency of Transportation's Proposed Fiscal Year 2023

5 Transportation Program appended to the Agency of Transportation's proposed
6 fiscal year 2023 budget, as amended by this act, is adopted to the extent
7 federal, State, and local funds are available.

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

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

10 (2) "Candidate project" means a project approved by the General
11 Assembly that is not anticipated to have significant expenditures for
12 preliminary engineering or right-of-way expenditures, or both, during the
13 budget year and funding for construction is not anticipated within a predictable
14 time frame.

15 (3) "Development and evaluation (D&E) project" means a project
16 approved by the General Assembly that is anticipated to have preliminary
17 engineering expenditures or right-of-way expenditures, or both, during the
18 budget year and that the Agency is committed to delivering to construction on
19 a timeline driven by priority and available funding.

20 (4) "Electric vehicle supply equipment (EVSE)" has the same meaning
21 as in 30 V.S.A. § 201.

1 ~~(5) “Front of book project” means a project approved by the General~~
2 Assembly that is anticipated to have construction expenditures during the
3 budget year or the following three years, or both, with expected expenditures
4 shown over four years.

5 (6) “Level 1 charger” or “level 1 EVSE” means EVSE that plugs
6 directly into a standard 120-volt AC outlet and supplies an average output of
7 1.3 to 2.4 kilowatts.

8 (7) “Level 2 charger” or “level 2 EVSE” means galvanically connected
9 EVSE with a single-phase input voltage range from 208 to 240 volts AC and a
10 maximum output current less than or equal to 80 amperes AC.

11 (8) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger
12 (DCFC),” means EVSE that uses dedicated direct current (DC) to provide
13 energy to a plug-in electric vehicle.

14 (9) “Secretary” means the Secretary of Transportation.

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

17 (11) The table heading “As Proposed” means the Proposed
18 Transportation Program referenced in subsection (a) of this section; the table
19 heading “As Amended” means the amendments as made by this act; the table
20 heading “Change” means the difference obtained by subtracting the “As
21 Proposed” figure from the “As Amended” figure, and the terms “change” or

1 ~~“changes” in the text refer to the project- and program-specific amendments~~
2 ~~the aggregate sum of which equals the net “Change” in the applicable table~~
3 ~~heading.~~

4 * * * Electric Vehicle Supply Equipment (EVSE) Infrastructure * * *

5 * * * Investments in EVSE * * *

6 ~~Sec. 2. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT~~

7 ~~INFRASTRUCTURE~~

8 ~~(a) Definitions. As used in this section:~~

9 ~~(1) “Area median income” means the county or Metropolitan Statistical~~
10 ~~Area median income published by the federal Department of Housing and~~
11 ~~Urban Development.~~

12 ~~(2) “Multiunit affordable housing” means a multiunit dwelling where:~~

13 ~~(A) at least 50 percent of the units are or will be occupied by~~
14 ~~households whose income does not exceed 100 percent of the greater of the~~
15 ~~State or area median income; or~~

16 ~~(B) all units are affordable to households earning between 60 and~~
17 ~~120 percent of area median income.~~

18 ~~(3) “Multiunit dwelling” means a housing project, such as cooperatives,~~
19 ~~condominiums, dwellings, or mobile home parks, with three or more units~~
20 ~~constructed or maintained on a tract or tracts of land.~~

21 ~~(4) “workplace” means a place where an individual works.~~

1 ~~(b) State highway network. The Agency of Transportation is authorized to~~
2 ~~spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to~~
3 ~~install level 3 EVSE along the State highway network consistent with the goals~~
4 ~~established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 3~~
5 ~~of this act. This authorization shall be used by the Agency to purchase and~~
6 ~~install level 3 EVSE or to provide grants for persons to purchase and install~~
7 ~~level 3 EVSE, or both.~~

8 (c) Housing, employers, and public venues and attractions.

9 (1) The Agency of Commerce and Community Development is
10 authorized to spend up to \$10,000,000.00 in total and as appropriated in the
11 fiscal year 2023 budget to establish and administer one or more grant
12 programs, which may build upon the existing EVSE Grant Program, to support
13 the continued buildout of level 1 and 2 EVSE at multiunit dwellings, including
14 multiunit affordable housing, and workplaces and level 1, 2, and 3 EVSE at
15 public venues and attractions, such as parks, downtown, museums, and ski
16 mountains.

17 (2) The Agency of Commerce and Community Development shall
18 allocate the \$10,000,000.00, inclusive of administrative costs allowed under
19 subsection (g) of this section, as follows:

20 (A) not less than 30 percent of the \$10,000,000.00, inclusive of
21 administrative costs allowed under subsection (g) of this section, for grants for

1 ~~level 1 and 2 EVSE at multiunit dwellings, including multiunit affordable~~
2 ~~housing;~~

3 ~~(B) not less than 20 percent of the \$10,000,000.00, inclusive of~~
4 ~~administrative costs allowed under subsection (g) of this section, for grants for~~
5 ~~level 1 and 2 EVSE at private workplaces;~~

6 ~~(C) not less than 10 percent of the \$10,000,000.00, inclusive of~~
7 ~~administrative costs allowed under subsection (g) of this section, for grants for~~
8 ~~level 1, 2, and 3 EVSE at public venues and attractions, such as parks,~~
9 ~~downtowns, museums, and ski mountains;~~

10 ~~(D) not less than 10 percent of the \$10,000,000.00, combined and~~
11 ~~inclusive of administrative costs allowed under subsection (g) of this section,~~
12 ~~for the purchase of or grants for level 1 and 2 EVSE at State workplaces and~~
13 ~~grants for level 1, 2, and 3 EVSE at public venues and attractions, such as~~
14 ~~parks, downtowns, museums, and ski mountains that are available to any~~
15 ~~member or the public; and~~

16 ~~(E) the balance, up to 30 percent of the \$10,000,000.00, inclusive of~~
17 ~~administrative costs allowed under subsection (g) of this section, for the~~
18 ~~purchase of or grants for EVSE at any eligible location permitted under~~
19 ~~subdivision (1) of this subsection.~~

20 ~~(3) Notwithstanding subdivision (2) of this subsection, if the Agency of~~
21 ~~Commerce and Community Development, in consultation with the EVSE~~

1 ~~Interagency Workgroup, determines that programmatic funding remains~~
2 available following the first round of grant awards made pursuant to the
3 allocations in subdivision (2) of this subsection, then the balance of the
4 \$10,000,000.00 shall be used for the purchase of or grants for EVSE at any
5 eligible location permitted under subdivision (1) of this subsection.

6 (d) State parks and fishing access areas. The Agency of Natural Resources
7 is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year
8 2023 budget to install level 1 and 2 EVSE at State parks and fishing access
9 areas managed by the State. This authorization shall be used by the Agency of
10 Natural Resources to purchase and install level 1 and 2 EVSE or to provide
11 grants for persons to purchase and install level 1 and 2 EVSE, or both.

12 (e) Purpose.

13 (1) The purpose of the expenditures authorized in subsections (b) and
14 (d) of this section is to respond to negative economic impacts to the tourism,
15 travel, and hospitality industries caused by the COVID-19 public health
16 emergency.

17 (2) The purpose of the expenditures authorized in subsection (c) of this
18 section is to respond to negative economic impacts to the tourism, travel, and
19 hospitality industries caused by the COVID-19 public health emergency or to
20 provide assistance to low- and moderate-income households that were
21 impacted by the COVID-19 public health emergency, or both.

1 ~~(f) Eligibility criteria. Notwithstanding 2020 Acts and Resolves No. 120,~~
2 ~~Sec. 25; 2021 Acts and Resolves No. 55, Sec. 29; and any prior iterations of~~
3 ~~funding criteria used to distribute State EVSE grant awards through programs~~
4 ~~involving the EVSE Interagency Workgroup, the Agencies of Transportation,~~
5 ~~of Commerce and Community Development, and of Natural Resources may~~
6 ~~modify eligibility criteria for and programmatic implementation of any~~
7 ~~existing State EVSE grant programs to ensure that available federal monies are~~
8 ~~best utilized to build a network of EVSE throughout Vermont so as to support~~
9 ~~the widespread adoption of plug-in electric vehicles, as defined in 23 V.S.A.~~
10 ~~§ 4(85), amongst Vermonters, including those of low and moderate income,~~
11 ~~and provide increased access to a reliable network of EVSE to better serve and~~
12 ~~support the travel, tourism, and hospitality industries.~~

13 (g) Administration expenses. Unless prohibited by federal or State law, the
14 Agencies of Transportation, of Commerce and Community Development, and
15 of Natural Resources may use up to 15 percent of the total amount that is
16 distributed in grant awards under subsections (b)–(d) for costs associated with
17 administering and promoting any State-run electric vehicle supply equipment
18 grant programs, including translation and interpretation service, community
19 outreach, and education.

20 ~~(h) Carryforward, deployment in fiscal year 2023.~~

1 ~~(1) Notwithstanding any other provision of law and subject to the~~
2 ~~approval of the Secretary of Administration, appropriations to support the~~
3 ~~authorizations under this section remaining unexpended on June 30, 2023 shall~~
4 ~~be carried forward and designated for the same expenditures in the subsequent~~
5 ~~fiscal year.~~

6 ~~(2) Every reasonable effort shall be made to obligate and deploy the~~
7 ~~monies authorized for expenditure under this section in fiscal year 2023 in~~
8 ~~order to achieve a pace of EVSE deployment necessary to meet the emissions~~
9 ~~reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the~~
10 ~~Climate Action Plan (CAP) issued under 10 V.S.A. § 592.~~

11 ~~(i) Outreach and marketing. The Agencies of Transportation, Commerce~~
12 ~~and Community Development, and Natural Resources shall ensure that there is~~
13 ~~sufficient outreach and marketing, including the use of translation and~~
14 ~~interpretation services, of the EVSE grant programs so that Vermonters who~~
15 ~~can secure financial assistance under one of the EVSE grant programs can~~
16 ~~easily learn about and how to apply for an EVSE grant.~~

*Sec. 2. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT
INFRASTRUCTURE*

*(a) State highway network. The Agency of Transportation is authorized to
spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to
install level 3 EVSE along the State highway network consistent with the goals*

~~established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 3 of this act. This authorization shall be used by the Agency to purchase and install level 3 EVSE or to provide grants for persons to purchase and install level 3 EVSE or both.~~

~~(b) Purpose. The purpose of the expenditures authorized in subsection (a) of this section is to respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.~~

~~(c) Administration expenses. Unless prohibited by federal or State law, the Agency of Transportation may use up to 15 percent of the total amount that is distributed in grant awards, if any, under subsection (a) of this section for costs associated with administering and promoting any State-run electric vehicle supply equipment grant programs, including translation and interpretation service, community outreach, and education.~~

~~(d) Carryforward; deployment in fiscal year 2023.~~

~~(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.~~

1 ~~(b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall~~
2 file an up-to-date map showing the locations of all level 3 EVSE available to
3 the public within the State with the House and Senate Committees on
4 Transportation not later than January 15 each year until the goal identified in
5 subsection (a) of this section is met.

6 * * * Vehicle Incentive Programs * * *

7 Sec. 4. VEHICLE INCENTIVE PROGRAMS

8 (a) Incentive Program for New PEVs. The Agency is authorized to spend
9 up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the
10 Incentive Program for New PEVs established in 2019 Acts and Resolves No.
11 59, Sec. 34, as amended.

12 (b) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00
13 as appropriated in the fiscal year 2023 budget on MileageSmart as established
14 in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

15 (c) Replace Your Ride Program. The Agency is authorized to spend up to
16 \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace
17 Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as
18 amended.

19 ~~(d) eBike Incentive Program. The Agency is authorized to spend up to~~
20 \$1,000,000.00 as appropriated in the fiscal year 2023 budget on an eBike
21 incentive Program to provide incentives for the purchase of electric bicycles,

1 ~~as defined in 23 V.S.A. § 4(46). Incentives shall be available to all Vermonters~~
2 ~~who self-certify as to having an income at 80 percent of the State median~~
3 ~~income.~~

4 ~~*(d) eBike Incentive Program. The Agency is authorized to spend up to*~~
5 ~~*\$1,000,000.00 as appropriated in the fiscal year 2023 budget on an eBike*~~
6 ~~*Incentive Program to provide \$200.00 incentives for the purchase of electric*~~
7 ~~*bicycles, as defined in 23 V.S.A. § 4(46), to Vermonters who self-certify as to*~~
8 ~~*meeting any incentive tier under the income eligibility criteria for the Incentive*~~
9 ~~*Program for New PEVs.*~~

10 ~~*(e) eRecreation Incentive Program. The Agency is authorized to spend up*~~
11 ~~*to \$1,000,000.00 as appropriated in the fiscal year 2023 budget on an*~~
12 ~~*eRecreation Incentive Program to provide incentives for the purchase of all-*~~
13 ~~*terrain vehicles, as defined in 23 V.S.A. § 3501, and snowmobiles, as defined*~~
14 ~~*in 23 V.S.A. § 3201, that do not contain an internal combustion engine as*~~
15 ~~*manufactured and sold.*~~

16 ~~*(f) Purpose*~~

17 ~~*(1) The purpose of the expenditures authorized in subsections (a)–(d) of*~~
18 ~~*this section is to provide assistance to low- and moderate-income households*~~
19 ~~*that were impacted by the COVID-19 public health emergency.*~~

20 ~~*(2) The purpose of the expenditures authorized in subsection (e) of this*~~
21 ~~*section is to respond to negative economic impacts to the tourism, travel, and*~~

1 ~~hospitality industries caused by the COVID-19 public health emergency and to~~
2 ~~encourage Vermonters to use all-terrain vehicles and snowmobiles without~~
3 ~~internal combustion engines as a means to support Vermont's tourism, travel,~~
4 ~~and hospitality industries through increased outdoor recreation and the~~
5 ~~associated benefits to local businesses.~~

6 ~~(g) Eligibility criteria. Notwithstanding this section; 2019 Acts and~~
7 ~~Resolves No. 59, Sec. 34, as amended by 2020 Acts and Resolves No. 121,~~
8 ~~Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves~~
9 ~~No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Secs. 18, 19, and 21; and~~
10 ~~2021 Acts and Resolves No. 55, Sec. 27, as amended by Sec. 5 of this act, the~~
11 ~~Agency may modify the eligibility criteria for and programmatic~~
12 ~~implementation of the Incentive Program for New PEVs, MileageSmart, the~~
13 ~~Replace Your Ride Program, and the eBike Incentive Program to ensure that~~
14 ~~available federal monies are best utilized to encourage Vermonters with low~~
15 ~~and moderate income to adopt more efficient modes of personal transportation.~~

16 ~~(h) Administration expenses. Unless prohibited by federal or State law,~~
17 ~~the Agency may use up to 15 percent of any single authorization in subsections~~
18 ~~(a)–(e) and an additional \$2,000,000.00 as appropriated in the fiscal year 2023~~
19 ~~budget for costs associated with administering and promoting the vehicle~~
20 ~~incentive programs, including on the Agency's existing partnership with Drive~~
21 ~~Electric Vermont, which shall support the expansion of the PEV market in the~~

1 ~~State through the provision of stakeholder coordination, policy engagement,~~
2 consumer education and outreach, infrastructure development, and technical
3 assistance, and translation and interpretation service, community outreach, and
4 education.

5 (i g) Carryforward; deployment in fiscal year 2023.

6 (1) Notwithstanding any other provision of law and subject to the
7 approval of the Secretary of Administration, appropriations to support the
8 authorizations under this section remaining unexpended on June 30, 2023 shall
9 be carried forward and designated for the same expenditures in the subsequent
10 fiscal year.

11 (2) Every reasonable effort shall be made to obligate and deploy the
12 monies authorized for expenditure under this section in fiscal year 2023 in
13 order to achieve a pace of plug-in electric vehicle deployment necessary to
14 meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the
15 recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A.
16 § 592.

17 (i h) Outreach and marketing. The Agency, in consultation with Drive
18 Electric Vermont and the Vermont Vehicle and Automotive Distributors
19 Association, shall ensure that there is sufficient outreach and marketing,
20 including the use of translation and interpretation services, of the Incentive
21 Program for New PEVs, MileageSmart, and Replace Your Ride so that

1 ~~Vermonters who are eligible under one or more of the incentive programs can~~
2 ~~easily learn how to secure as many incentives as are available.~~

3 Sec. 5. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts
4 and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112,
5 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55,
6 Sec. 19 is further amended to read:

7 (b) Electric vehicle incentive program. An incentive program for Vermont
8 residents to purchase and lease new PEVs shall structure PEV purchase and
9 lease incentive payments by income to help Vermonters benefit from electric
10 driving, including Vermont's most vulnerable. The program shall be known as
11 the Incentive Program for New PEVs. Specifically, the Incentive Program for
12 New PEVs shall:

13 * * *

14 (5) apply to manufactured PEVs with a Base Manufacturer's Suggested
15 Retail Price (MSRP) of ~~\$40,000.00~~ \$45,000.00 or less; and

16

~~*** Vermont Association of Snow Travelers Authorizations ***~~

~~Sec. 6. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)~~

~~AUTHORIZATIONS~~

~~The Agency of Transportation, through the Department of Motor Vehicles,
is authorized to spend:~~

~~(1) \$50,000.00 in one-time General Fund monies, as appropriated in
Sec. B.1100(12)(A) of the fiscal year 2023 budget, in grants to the Vermont
Association of Snow Travelers (VAST) to support the Law Enforcement and
Safety Program, and~~

~~(2) \$1,000,000.00 in one-time General Fund monies, as appropriated in
Sec. B.1100(12)(B) of the fiscal year 2023 budget, in grants to VAST to
support the Equipment Grant-in-Aid Program.~~

~~Sec. 6. [Deleted.]~~

~~*** Bridge Formula Program; Off-System Bridges ***~~

~~Sec. 7. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;~~

~~REPEAL~~

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

~~(1) the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58
(IIJA) provides Vermont with \$225,000,000.00 in Bridge Formula Program
funding for federal fiscal years 2022 through 2026,~~

1 ~~(2) the Bridge Formula Program funds are to be used for the~~
2 ~~preservation and replacement of bridges;~~

3 ~~(3) as part of the Bridge Formula Program, states are required to~~
4 ~~allocate a minimum of 15 percent of the funding to address off-system bridge~~
5 ~~needs, where off-system bridges are those that are located along roadways off~~
6 ~~the federal aid system;~~

7 ~~(4) in Vermont, roadways off the federal aid system are primarily owned~~
8 ~~and maintained by municipalities; and~~

9 ~~(5) under the IIJA, the federal share of funding for municipally owned~~
10 ~~off-system bridges is 100 percent.~~

11 ~~(b) Priority implementation. In order to implement and allocate the Bridge~~
12 ~~Formula Program funding, the Agency of Transportation is directed to~~
13 ~~simultaneously:~~

14 ~~(1)(A) Fund at 100 percent federal share the construction phase of all~~
15 ~~off-system bridges in the Fiscal Year 2023 Transportation Program for Town~~
16 ~~Highway Bridges that:~~

17 ~~(i) were not authorized for federal funds for the construction~~
18 ~~phase of the pending project prior to the Fiscal Year 2023 Transportation~~
19 ~~Program; and~~

20 ~~(ii) are either listed as a front-of-book project or development and~~
21 ~~evaluation (D&E) project in the Fiscal Year 2023 Transportation Program.~~

1 ~~(B) The engineering (PE) and right-of-way (ROW) phases of projects~~
2 ~~to be funded at 100 percent federal share under subdivision (A) of this~~
3 ~~subdivision (1) shall continue to be funded at 80 percent federal, 10 percent~~
4 ~~State, and 10 percent municipal.~~

5 (2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs,
6 fund the construction phase of off-system covered bridges and off-system
7 historic truss bridges within the Transportation Programs for Town Highway
8 Bridges based on the prioritization of covered bridges and historic truss
9 bridges under the prioritization process outlined in 19 V.S.A. § 10g(1) at 100
10 percent federal share.

11 (B) The engineering (PE) and right-of-way (ROW) phases of projects
12 to be funded at 100 percent federal share under subdivision (A) of this
13 subdivision (2) shall continue to be funded at 80 percent federal, 10 percent
14 State, and 10 percent municipal.

15 (c) Secondary implementation. Should funding through the federal Bridge
16 Formula Program remain available following the implementation delineated
17 under subsection (b) of this section, town highway bridges shall be advanced
18 based on the prioritization process outlined in 19 V.S.A. § 10g(1).

19 (d) Repeal. This section is repealed on October 1, 2029, at the conclusion
20 of the authorized implementation period for the HSA.

1 Sec. 8. TOWN HIGHWAY BRIDGE PROGRAM

2 (a) Within the Agency of Transportation's Proposed Fiscal Year 2023
3 Transportation Program for Town Highway Bridges, authorized spending for
4 the construction phase of the following projects is amended to be 100 percent
5 federal pursuant to Sec. 6(b)(1)(A) and (2)(A) of this act:

- 6 (1) Clarendon BO 1443(55);
- 7 (2) Hartford BO 1444(60);
- 8 (3) Ludlow Village BO 1443(52);
- 9 (4) Poultney BO 1443(51);
- 10 (5) Stowe BO 1446(37);
- 11 (6) Stowe BO 1446(39);
- 12 (7) Statewide Preservation Easement Paint Program; and
- 13 (8) Statewide Rehabilitation of Covered Bridges.

14 (b) Within the Agency of Transportation's Proposed Fiscal Year 2023
15 Transportation Program for Town Highway Bridges, authorized spending is
16 amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	350,000	350,000	0
PE	4,294,487	4,294,487	0
ROW	355,000	355,000	0
Construction	25,314,700	25,314,700	0

1	Total	30,314,187	30,314,187	0
2	<u>Sources of funds</u>			
3	TIB	2,402,455	2,402,455	0
4	State	1,919,899	1,230,817	-689,082
5	Federal	24,251,350	25,529,514	1,278,164
6	Local	1,740,483	1,151,401	-589,082
7	Total	30,314,187	30,314,187	0

8 (c) Within the Agency of Transportation's Proposed Fiscal Year 2023
9 Transportation Program, the following covered bridges projects are added to
10 the candidate list for Town Highway Bridges:

- 11 (1) Belvidere (Bridge No. 12 on Town Highway 3);
- 12 (2) Charlotte (Bridge No. 27 on Town Highway 9);
- 13 (3) Chelsea (Bridge No. 46 on Town Highway 68);
- 14 (4) Hartland (Bridge No. 22 on Town Highway 15);
- 15 (5) Lyndon (Bridge No. 33 on Town Highway 58);
- 16 (6) Northfield (Bridge No. 10 on Town Highway 3);
- 17 (7) Northfield (Bridge No. 11 on Town Highway 3);
- 18 (8) Northfield (Bridge No. 15 on Town Highway 3);
- 19 (9) Troy (Bridge No. 8 on Town Highway 12); and
- 20 (10) Weathersfield (Bridge No. 85 on Town Highway 65).

1 ~~(d) Within the Agency of Transportation's Proposed Fiscal Year 2023~~
2 Transportation Program, the following metal truss bridges projects are added
3 to the candidate list for Town Highway Bridges:

- 4 (1) Berlin (Bridge No. 27 on Town Highway 61);
5 (2) Bridgewater (Bridge No. 26 on Town Highway 34);
6 (3) Enosburg (Bridge No. 45 on Town Highway 42);
7 (4) Lincoln (Bridge No. 46 on Town Highway 6);
8 (5) Moretown (Bridge No. 42 on Town Highway 39);
9 (6) Newfane (Bridge No. 49 on Town Highway 26);
10 (7) Northfield (Bridge No. 65 on Town Highway 57);
11 (8) Royalton (Bridge No. 30 on Town Highway 6); and
12 (9) Sheldon (Bridge No. 20 on Town Highway 22).

13 * * * Amendments to Fiscal Year 2022 Authorizations * * *

14 Sec. 9. PROGRAM DEVELOPMENT

15 Within the Agency of Transportation's Proposed Fiscal Year 2023
16 Transportation Program for Program Development Administration, authorized
17 spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	23,753,701	23,753,701	0
Operat. Exp.	9,039,403	8,985,192	-54,211
Grants	286,000	286,000	0

1	Total	33,079,104	33,024,893	54,211
2	<u>Sources of funds</u>			
3	State	25,074,132	25,019,921	-54,211
4	Federal	7,929,972	7,929,972	0
5	Inter Unit	75,000	75,000	0
6	Total	33,079,104	33,024,893	-54,211

7 Sec. 10. TOWN HIGHWAY AID

8 Within the Agency of Transportation's Proposed Fiscal Year 2023

9 Transportation Program for Town Highway Aid, authorized spending is
10 amended as follows:

11	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
12	Grants	27,783,413	27,837,624	54,211
13	Total	27,783,413	27,837,624	54,211
14	<u>Sources of funds</u>			
15	State	27,783,413	27,837,624	54,211
16	Total	27,783,413	27,837,624	54,211

17 Sec. 11. POLICY AND PLANNING

18 Within the Agency of Transportation's Proposed Fiscal Year 2023

19 Transportation Program for Policy and Planning, authorized spending is
20 amended as follows.

	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Person. Svcs.	4,767,663	4,767,663	0
3	Operat. Exp.	1,035,700	1,035,700	0
4	Grants	7,389,725	10,784,247	3,394,522
5	Total	13,193,088	16,587,610	3,394,522
6	<u>Sources of funds</u>			
7	State	3,217,573	3,217,573	0
8	Federal	9,920,240	13,314,762	3,394,522
9	Inter Unit	55,275	55,275	0
10	Total	13,193,088	16,587,610	3,394,522
11	Sec. 12. TOWN HIGHWAY STRUCTURES			
12	<u>Within the Agency of Transportation's Proposed Fiscal Year 2023</u>			
13	<u>Transportation Program for Town Highway Structures, authorized spending is</u>			
14	<u>amended as follows:</u>			
15	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
16	Grants	6,333,500	7,200,000	866,500
17	Total	6,333,500	7,200,000	866,500
18	<u>Sources of funds</u>			
19	State	6,333,500	7,200,000	866,500
20	Total	6,333,500	7,200,000	866,500

1 Sec. 13. TOWN HIGHWAY CLASS 2 ROADWAY

2 Within the Agency of Transportation's Proposed Fiscal Year 2023

3 Transportation Program for Town Highway Class 2 Roadway, authorized
4 spending is amended as follows:

5	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
6	Grants	7,648,750	8,600,000	951,250
7	Total	7,648,750	8,600,000	951,250
8	<u>Sources of funds</u>			
9	State	7,648,750	8,600,000	951,250
10	Total	7,648,750	8,600,000	951,250

11 Sec. 14. HIGHWAY MAINTENANCE

12 Within the Agency of Transportation's Proposed Fiscal Year 2023

13 Transportation Program for Maintenance, authorized spending is amended as
14 follows:

15	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
16	Person. Svcs.	44,709,478	44,709,478	0
17	Operat. Exp.	61,554,303	58,492,635	-3,061,668
18	Total	106,263,781	103,202,113	-3,061,668
19	<u>Sources of funds</u>			
20	State	105,517,966	102,456,298	-3,061,668
21	Federal	645,815	645,815	0

1	Inter Unit	100,000	100,000	0
2	Total	106,263,781	103,202,113	-3,061,668

Sec. 14. ONE-TIME APPROPRIATION; DMV IT PROJECT

Within the Agency of Transportation's Proposed Fiscal Year 2023

Transportation Program, in one-time appropriations, the number

"20,250,000" is struck out for "All Exp," "Total," "Transportation Fund,"

and "Total" and replaced with the number "0" so as to indicate that there is

no appropriation to the Department of Motor Vehicles for the DMV Core

System Modernization Phase II project, and a note is added to read as follows:

"The fiscal year 2023 budget bill appropriates \$20,250,000 from the American

Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the

Agency of Digital Services for the DMV Core System Modernization Phase II

project."

3 * * * Mobility and Transportation Innovation Grant Program * * *

4 Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT

5 PROGRAM

6 (a) Project addition. The following project is added to the Agency of

7 Transportation's Proposed Fiscal Year 2023 Transportation Program for Public

8 Transit: Mobility and Transportation Innovation (MTI) Grant Program.

9 (b) Authorization. Spending authority for Mobility and Transportation

10 innovation (MTI) Grant Program is authorized as follows.

	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
2	Grants	0	500,000	500,000
3	Total	0	500,000	500,000
4	<u>Sources of funds</u>			
5	State	0	500,000	500,000
6	Total	0	500,000	500,000

(c) Implementation. The Agency of Transportation shall continue to administer the Mobility and Transportation Innovation (MTI) Grant Program, which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The Program shall continue to support micro-transit projects that improve both mobility and access to services for transit dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions.

(d) Other funding sources for micro transit. Nothing in this section shall limit the authority of the Agency to fund the implementation or operation of micro-transit programs using other funding sources.

(e) Conversion of fixed route service. The Agency may assist public transit providers with converting fixed-route service to micro-transit service, including in the preservation of Federal Transit Administration monies.

* * * Zero-Fare Public Transit * * *

SEC. 16. ZERO-FARE PUBLIC TRANSIT

1 ~~(a) Project addition. The following project is added to the Agency of~~
2 ~~Transportation's Proposed Fiscal Year 2023 Transportation Program for Public~~
3 ~~Transit, Zero-Fare Public Transit for Fiscal Year 2023.~~

4 ~~(b) Authorization. Spending authority for Zero-Fare Public Transit for~~
5 ~~Fiscal Year 2023 is authorized as follows:~~

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,433,000	1,433,000
Total	0	1,433,000	1,433,000
<u>Sources of funds</u>			
State	0	1,433,000	1,433,000
Total	0	1,433,000	1,433,000

9
10
11
12 ~~(c) Implementation. The Agency shall ensure that public transit operated~~
13 ~~by transit agencies that are eligible to receive grant funds pursuant to 49~~
14 ~~U.S.C. § 5307 or 5311, or both, in the State on routes other than LINK Express~~
15 ~~Routes shall be operated on a zero-fare basis during fiscal year 2023.~~

16 ~~(d) Report. On or before January 31, 2023, the Agency of Transportation~~
17 ~~shall file a written report with the House and Senate Committees on~~
18 ~~Transportation that:~~

19 ~~(1) shows changes in public transit ridership, by county and type of~~
20 ~~service, in fiscal years 2020, 2021, and 2022 and in fiscal year 2023 through~~
21 ~~the end of the second quarter, and~~

1 ~~(2) estimates the amount of funding needed to continue to provide zero~~
2 fare service on transit operated by public transit agencies that are eligible to
3 receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out
4 by county and type of service in fiscal year 2024.

5 * * * Proposed Fiscal Year 2024 Transportation Program;
6 Carbon Reduction Program * * *

7 Sec. 17. PROPOSED FISCAL YEAR 2024 TRANSPORTATION
8 PROGRAM

9 The Agency of Transportation, in consultation with the Vermont Climate
10 Council, shall ensure that within the Agency of Transportation's Proposed
11 Fiscal Year 2024 Transportation Program all federal monies that are available
12 to the State under the Carbon Reduction Program, codified at 23 U.S.C. § 175,
13 in federal fiscal years 2022, 2023, and 2024 are allocated toward projects that
14 align with the recommendations of the Climate Action Plan (CAP) issued
15 under 10 V.S.A. § 592.

16 * * * Transportation Alternatives Grant Program * * *

17 Sec. 18. 19 V.S.A. § 38 is amended to read:

18 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

19 (a), (b) [Repealed.]

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

1 ~~amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the~~

2 Recreational Trails Program. Awards shall be made to eligible entities as
3 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
4 be limited to the activities authorized under federal law and shall not exceed
5 \$300,000.00 per grant allocation.

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

9 * * *

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

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

16 (3) In fiscal year ~~2022~~ 2024 and thereafter, ~~\$1,100,000.00~~ 50 percent of
17 Grant Program funds, or such lesser sum if all eligible applications amount to
18 less than ~~\$1,100,000.00~~ 50 percent of Grant Program funds, shall be reserved
19 for municipalities for environmental mitigation projects relating to stormwater
20 ~~and highways, including eligible salt and sand shed projects and the balance of~~

1 ~~Grant Program funds shall be awarded for any eligible activity and in~~
2 ~~accordance with the priorities established in subdivision (2) of this subsection.~~

3 ~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and~~
4 ~~2021, and the balance of Grant Program funds not reserved for environmental~~
5 ~~mitigation projects in fiscal year 2022 and thereafter, in In evaluating~~
6 ~~applications for Transportation Alternatives grants, the Agency shall give~~
7 ~~preferential weighting to projects involving as a primary feature a bicycle or~~
8 ~~pedestrian facility. The degree of preferential weighting and the circumstantial~~
9 ~~factors sufficient to overcome the weighting shall be in the complete discretion~~
10 ~~of the Agency.~~

11 * *

12 * * * Amendments to the 2021 Transportation Bill * * *

13 * * * Electric Bicycle Incentives Administrative Costs * * *

14 Sec. 19. 2021 Acts and Resolves No. 55, Sec. 2(8)(D), and (E) are amended to
15 read:

16 (D) Replace Your Ride Program. Sec. 27 of this act creates a new
17 program to be known as the Replace Your Ride Program, which will be the
18 State's program to incentivize Vermonters to remove older low-efficiency
19 vehicles from operation and switch to modes of transportation that produce
20 fewer greenhouse gas emissions, and authorizes up to \$1,500,000.00

1 ~~\$1,495,000.00 for incentives under the Program and capped startup and~~

2 administrative costs.

3 (E) Electric bicycle incentives. Sec. 28 of this act authorizes up to
4 ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric
5 bicycle and capped administrative costs.

6 Sec. 20. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

7 (d) Authorization. In fiscal year 2022, the Agency is authorized to spend
8 up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on
9 the Replace Your Ride Program established under this section, with up to
10 ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for
11 startup costs, outreach education, and costs associated with developing and
12 administering the Replace Your Ride Program.

13 Sec. 21. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

14 (b) Authorization.

15 (1) In fiscal year 2022, the Agency is authorized to spend up to
16 \$50,000.00 in one-time Transportation Fund monies on the electric bicycle
17 incentives and up to \$5,000.00 on the costs associated with developing and
18 administering the electric bicycle incentives.

19 (2) If less than \$5,000.00 is expended on administrative costs associated
20 with developing and administering the electric bicycle incentives under
21 ~~subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only~~

1 ~~be authorized for startup costs, outreach education, and costs associated with~~
2 developing and administering the Replace Your Ride Program in addition to
3 the authorization in Sec. 27(d) of this act.

4 * * * EVSE Grant Program * * *

5 Sec. 22. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

6 Sec. 29. GRANT PROGRAMS FOR ~~LEVEL 2 CHARGERS~~ EVSE IN

7 MULTI-UNIT MULTIUNIT DWELLINGS; REPORT

8 (a) As used in this section:

9 * * *

10 (2) “~~Multi-unit~~ Multiunit affordable housing” means a ~~multi-unit~~
11 multiunit dwelling where:

12 * * *

13 (3) “~~Multi-unit~~ Multiunit dwelling” means a housing project, such as
14 cooperatives, condominiums, dwellings, or mobile home parks, with 10 or
15 more units constructed or maintained on a tract or tracts of land.

16 (4) “~~Multi-unit~~ Multiunit dwelling owned by a nonprofit” means a
17 ~~multi-unit~~ multiunit dwelling owned by a person that has nonprofit status
18 under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is
19 registered as a nonprofit corporation with the Office of the Secretary of State.

20 (5) “Electric vehicle supply equipment (EVSE)” includes both level 1
21 chargers, which connect directly into a standard 120-volt AC outlet and supply

1 ~~an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE,~~
2 and level 2 chargers, which have a single-phase input voltage range from 208
3 to 240 volts AC and a maximum output current less than or equal to 80
4 amperes AC and are also known as level 2 EVSE.

5 (b) The Agency of Transportation shall establish and administer, through a
6 memorandum of understanding with the Department of Housing and
7 Community Development, a pilot program to support the continued buildout
8 of electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing
9 and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the
10 existing VW EVSE Grant Program that the Department of Housing and
11 Community Development has been administering on behalf of the Department
12 of Environmental Conservation.

13 * * *

14 (d) Pilot program funding shall be awarded with consideration of broad
15 geographic distribution as well as service models ranging from restricted
16 private parking to publicly accessible parking so as to examine multiple
17 strategies to increase access to EVSE.

18 * * *

19 (f) If the Agency of Transportation, in consultation with the interagency
20 ~~team, determines that programmatic funding remains available following the~~

1 ~~first round of grant awards, then the pilot program shall be opened up and~~
2 made available to any ~~multi-unit~~ multiunit dwelling.

3 * * *

4 * * * Bicycle and Pedestrian Planning Integration Pilot Program; Report * * *

5 Sec. 23. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION
6 PILOT PROGRAM

7 (a) Establishment. The Agency of Transportation shall establish a pilot
8 program to support the continued development and buildout of bicycle and
9 pedestrian infrastructure. The purpose of the pilot program is to do at least
10 one of the following:

11 (1) ensure alignment and integration of municipal and State bicycle and
12 pedestrian infrastructure deployment and to provide a framework for
13 municipal prioritization of bicycle and pedestrian projects that can be
14 integrated into the VTrans Project Selection and Project Prioritization (VPSP2)
15 process as projects are evaluated for funding through State-sponsored
16 programs, including the Bike and Pedestrian Program, the Transportation
17 Alternatives Program, and the Downtown Transportation Fund, or

18 (2) integrate bicycle and pedestrian elements into Agency-developed
19 projects.

20 (b) Consultation and implementation. The Agency shall work with the
21 State's Regional Planning Commissions (RPCs) in implementing the pilot

1 ~~program by providing funding through the Transportation Planning Initiative~~
2 (TPI) Program for RPCs to develop prioritized municipal bicycle and
3 pedestrian plans or to assist member municipalities in developing prioritized
4 municipal bicycle and pedestrian plans.

5 (c) Report. The Agency of Transportation shall file a written report on the
6 outcomes of the pilot program with the House and Senate Committees on
7 Transportation on or before January 15, 2023.

8 * * * Pedestrian Safety Outreach * * *

9 Sec. 24. PEDESTRIAN SAFETY OUTREACH

10 The Agency shall:

11 (1) develop outreach information regarding pedestrian safety funding
12 and programs available to communities; and

13 (2) disseminate that outreach information to communities in
14 coordination with the State's Regional Planning Commissions (RPCs) and
15 through both the annual Transportation Planning Initiative (TPI) Program and
16 Local Motion.

17 * * * Transportation Board * * *

18 Sec. 25. 5 V.S.A. chapter 3 is redesignated to read:

19 CHAPTER 3. PROCEEDINGS BY THE BOARD; APPEAL TO SUPERIOR
20 COURT JUDICIAL REVIEW

21 ~~Sec. 26. 5 V.S.A. § 37 is amended to read.~~

~~§ 27. MEMBERS; TERMS; RETIREMENT; APPEAL~~

~~(a) When a Board member who hears all or a substantial part of a case retires from office before the case is completed, he or she that individual shall remain a member of the Board for the purpose of concluding and deciding the case, and signing the findings, orders, decrees, and judgments of the case. A retiring chair shall also remain a member for the purpose of certifying questions of law if appeal is taken.~~

~~(b) A case shall be deemed completed when the Board enters a final order even though the order is appealed to a Superior Court and judicial review is sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board. Upon remand, the Board then in office may consider relevant evidence, including any part of the transcript of testimony in the proceedings prior to appeal.~~

~~Sec. 27. 5 V.S.A. § 40 is amended to read:~~

~~§ 40. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT~~

~~(a) The forms, pleadings, and rules of practice and procedure before the Board shall be prescribed by the Board.~~

~~(b) The Board shall hear all matters within its jurisdiction and make findings of fact. It shall state its rulings of law when required. Upon appeal to a Superior Court judicial review pursuant to 19 V.S.A. § 5(c), the Board's findings of fact shall be accepted unless clearly erroneous.~~

~~Sec. 28. 5 V.S.A. §§ 43 and 44 are amended to read.~~

1 ~~§ 43. REVIEW BY SUPERIOR COURT JUDICIAL REVIEW~~

2 A party to a cause who feels aggrieved by the final order, judgment, or
3 decree of the Board may ~~appeal to a Superior Court under Rule 74 of the~~
4 ~~Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A.
5 § 5(c). However, the Board, before final judgment, may permit an
6 interlocutory appeal to be taken by any party pursuant to a Superior Court
7 19 V.S.A. § 5(c) for determination of questions of law in the same manner as
8 the Supreme Court may by rule provide for appeals before final judgment
9 from a Superior Court. Notwithstanding the provisions of the Vermont Rules
10 of Civil Procedure or the Vermont Rules of Appellate Procedure, neither the
11 time for filing a notice of appeal nor the filing of a notice of appeal, as
12 provided in this section, shall operate as a stay of enforcement of an order of
13 the Board unless the Board or ~~a Superior~~ the Supreme Court grants a stay
14 under the provisions of section 44 of this title chapter.

15 ~~§ 44. POWERS OF SUPERIOR~~ THE SUPREME COURT

16 ~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or
17 affirm the judgments, orders, or decrees of the Transportation Board and may
18 remand a cause to it with mandates, as law or equity shall require; and the
19 Board shall enter its judgment, order, or decree in accordance with these
20 mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of
21 ~~vacating any judgment, order, or decree of the Board, but the Superior~~

1 ~~Supreme Court, upon notice to interested parties, may suspend execution of a~~
2 Board judgment under a decree as justice and equity require unless otherwise
3 specifically provided by law.

4 Sec. 29. 5 U.S.A. § 207(d) is amended to read:

5 (d) The application for a certificate of approval of the site selected shall be
6 in writing and substantially describe the property involved and the general
7 purposes for which it is to be acquired and the manner in which the acquisition
8 is asserted to serve the public interest. The application shall designate the
9 names of all owners or persons known to be interested in lands adjoining the
10 property and their residences, if known, and shall contain such further matter
11 as the Board by rule shall determine. The application shall be supported by
12 documentation showing that the proposed facility has received municipal
13 approval. After evaluating the application, the Board shall issue its order
14 giving notice of the time and place of hearing on the application. The
15 applicant shall give notice of the proceedings to all persons owning or
16 interested in adjoining lands by delivery of a true copy of the application and
17 order for hearing by registered or certified mail to the last known address of
18 each of the persons; the notice to be mailed at least 12 days prior to the date of
19 the hearing. Notice of the hearing and a general statement of the purpose shall
20 be published at least once in a newspaper of common circulation in the town
21 where the property described in the application is situated at least two days

1 ~~before the date of the hearing, and a similar notice shall be posted in a public~~
2 place at least 12 days before the hearing. Upon compliance by the applicant
3 with the foregoing provisions for notice, the Board shall hear the applicant and
4 all parties interested on the question of approval of the site or sites and shall
5 consider and determine whether in the public interest the application ought to
6 be granted. Whenever the Board makes an order granting or denying a
7 certificate of approval of an airport, or a restricted landing area, approval to
8 use or operate an airport or a restricted landing area or other air navigation
9 facility, an aggrieved person may have the decision reviewed on the record by
10 the Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
11 Procedure seek judicial review pursuant to 19 V.S.A. § 5(c).

12 Sec. 30. 5 V.S.A. § 652 is amended to read:

13 § 652. SUPERIOR COURT JUDICIAL REVIEW

14 The Secretary of Transportation or the legislative body of a municipality, as
15 defined in 24 V.S.A. § 2001, or the committee representing two or more
16 municipalities, when authorized by vote of their legislative bodies, may
17 proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as
18 otherwise provided in this subchapter.

19 Sec. 31. 5 V.S.A. § 3639 is amended to read:

20 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION
21 AND MAINTENANCE, JUDICIAL REVIEW

1 ~~(a) A person or corporation owning or operating a railroad shall construct~~
2 and maintain farm crossings of the road for the use of the proprietors of lands
3 adjoining the railroad, and cattle guards at all farm and road crossings
4 sufficient to prevent cattle and animals from getting on the railroad. A farm
5 crossing may be temporarily or permanently closed or discontinued by mutual
6 agreement between all parties having an interest therein. If no such mutual
7 agreement can be reached by such interested parties, then a person or
8 ~~corporation~~ owning or operating a railroad and desiring to close any farm
9 crossing shall make application to the Transportation Board. The Board shall
10 thereupon give notice to all parties interested, in such manner as the Board
11 may direct, of hearing on the application, the hearing to be in the county where
12 such crossing is located. After the hearing, a person or ~~corporation~~ owning or
13 operating a railroad shall not close such farm crossing without the approval of
14 the Transportation Board. A person aggrieved by the closing of a farm
15 crossing after January 1, 1955 by a person or ~~corporation~~ owning or operating
16 a railroad may notify the Transportation Board by registered or certified mail
17 of the closing, and thereupon the Board shall conduct a hearing. Notice and
18 place of hearing shall be as set forth in this subsection. The Transportation
19 Board may require the reopening of any such crossing and make such other
20 order as is permitted in section 3649 of this title. At any such hearing, the
21 ~~burden of proof shall rest with the person or persons effecting or seeking to~~

1 ~~effect the closing of such farm crossing. Any person aggrieved by an the final~~
2 ~~order of the Transportation Board, who was a party to the proceedings, may, in~~
3 ~~accordance with Rule 74 of the Vermont Rules of Civil Procedure, appeal to~~
4 ~~the Superior Court, whereupon such cause shall be tried as an original action~~
5 ~~brought under the provisions of 12 V.S.A. § 402 seek judicial review pursuant~~
6 ~~to 19 V.S.A. § 5(c).~~

7 (b) A person or railroad corporation closing any farm crossing in violation
8 of a provision of this section or failing to comply with any such order shall be
9 fined not less than \$50.00 nor more than \$500.00, and any person aggrieved by
10 such violation may recover his or her the person's damages in an action on this
11 statute.

12 Sec. 32. 5 V.S.A. § 3788 is amended to read:

13 § 3788. ORDERS OF BOARD; APPEALS JUDICIAL REVIEW

14 The order of the Board relating to any matter upon which it may act under
15 the authority of this chapter shall be communicated in writing to the petitioners
16 and to all persons to whom notice of the hearing on such petition was given.

17 Any person aggrieved by such order, who was a party to such proceedings,
18 may appeal from such order to the Superior Court in accordance with Rule 74
19 of the Vermont Rules of Civil Procedure seek judicial review pursuant to
20 19 V.S.A. § 5(c).

21 ~~Sec. 33. 9 V.S.A. § 4100b is amended to read.~~

1 ~~§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD~~

2 (a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the
3 provisions of this chapter.

4 * * *

5 (h) Within 20 days after any order or decision of the Board authorized
6 under this chapter, any party to the proceeding may apply for a rehearing with
7 respect to any matter determined in the proceeding or covered or included in
8 the order or decision. The application for rehearing shall set forth fully every
9 ground upon which it is claimed that the decision or order complained of is
10 unlawful or unreasonable. No appeal from any order or decision of the Board
11 shall be taken unless the appellant makes an application for rehearing as
12 provided in this subsection, and when the application for rehearing has been
13 made, no ground not set forth in the application shall be urged, relied on, or
14 given any consideration by the Board unless the Board for good cause shown
15 allows the appellant to specify additional grounds. Any party to the
16 proceeding may appeal the final order, including all interlocutory orders or
17 decisions, pursuant to the Superior Court 19 V.S.A. § 5(c) within 30 days after
18 the date the Board rules on the application for reconsideration of the final
19 order or decision. All findings of the Board upon all questions of fact properly
20 before the court shall be prima facie lawful and reasonable. The order or
21 decision appealed from shall not be set aside or vacated except for errors of

1 ~~law. No additional evidence shall be heard or taken by the Superior Supreme~~
2 Court on appeals from orders or decisions by the Board authorized under this
3 title.

4 (i) In cases where the Board finds that a violation of this chapter has
5 occurred or there has been a failure to show good cause under section 4089 or
6 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine
7 reasonable attorney's fees and costs and award them to the prevailing party.

8 Sec. 34. 19 V.S.A. § 5 is amended to read:

9 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

10 (a) General duties and responsibilities; exceptions. The regulatory and
11 quasi-judicial functions relating to transportation shall be vested in the Board,
12 except that the duties and responsibilities of the Commissioner of Motor
13 Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue
14 to be vested in the Commissioner.

15 (b) Naming transportation facilities.

16 (1) Except as otherwise authorized by law, the Board is the sole
17 authority responsible for naming transportation facilities owned, controlled, or
18 maintained by the State, including highways and the bridges thereon, airports,
19 rail facilities, rest areas, and welcome centers. The Board shall exercise its
20 ~~naming authority only upon petition of the legislative body of a municipality~~

1 ~~of the State, of the head of an Executive Branch agency or department of the~~
2 State, or of 50 Vermont residents.

3 (2) The Board shall hold a public hearing for each facility requested to
4 be named. The Board shall adopt rules governing notice and conduct of
5 hearings, the standards to be applied in rendering decisions under this
6 subsection, and any other matter necessary for the just disposition of naming
7 requests. The Board shall issue a decision, which shall be subject to review on
8 the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of
9 Civil Procedure subsection (c) of this section. The Board may delegate the
10 responsibility to hold a hearing to a hearing officer or a single Board member,
11 subject to the procedure of subsection (c) of this section, but shall not be
12 bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

13 (c) Hearing examiners; report of findings; final orders; judicial review.
14 The Board may delegate the responsibility to hear quasi-judicial matters, and
15 other matters as it may deem appropriate, to a hearing examiner or a single
16 Board member, to hear a case and make findings in accordance with 3 V.S.A.
17 chapter 25, except that highway condemnation proceedings shall be conducted
18 pursuant to the provisions of chapter 5 of this title. A hearing examiner or
19 single Board member so appointed shall report the findings of fact in writing
20 to the Board. Any order resulting from those findings shall be rendered only
21 ~~by a majority of the Board. Final orders of the Board issued pursuant to~~

1 ~~section 20 of this title (small claims against the Agency) may be reviewed on~~
2 the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of
3 Civil Procedure. All other final orders of the Board may be reviewed on the
4 record by the Supreme Court.

5 (d) Specific duties and responsibilities. The Board shall:

6 * * *

7 (e) Offices and assistance. Suitable offices and office equipment shall be
8 provided by the State for the Board at Montpelier. The Board may employ
9 clerical or other employees and assistants whom it deems necessary in the
10 performance of its duties and in the investigation of matters within its
11 jurisdiction.

12 (f) Jurisdiction; subpoenas; witness fees. The Board shall have the power
13 to determine and adjudicate all matters over which it is given jurisdiction. It
14 may render judgments and make orders and decrees. Whenever the Board is
15 sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of
16 witnesses or the production of evidence. The fees for travel and attendance of
17 witnesses shall be the same as for witnesses and officers appearing before a
18 Civil Division of the Superior Court.

19 (g) Reports to the General Assembly. From time to time, the Board may
20 report to the General Assembly with suggestions of amendment to existing law
21 or of new legislation as it deems necessary and any information concerning the

1 ~~companies, matters, and things under the jurisdiction of the Board and Agency~~
2 that, in its opinion, will be of interest to the General Assembly.

3 (h) Appeals from the Agency to the Board. Unless otherwise provided by
4 law, when an appeal is allowed from the Agency to the Board, the appeal shall
5 be taken by filing a notice of appeal with the Secretary within 30 days of the
6 date of the Agency decision from which the appeal is taken. The Secretary
7 shall promptly forward the notice of appeal to the Board, together with the
8 Agency's record of decision.

9 * * * Repeal of 5 V.S.A. Chapter 5 * * *

10 Sec. 35. REPEAL

11 5 V.S.A. chapter 5 (assessments to support Agency of Transportation and
12 Transportation Board) is repealed.

13 * * * On-Premises Signs * * *

14 Sec. 36. 10 V.S.A. § 493 is amended to read:

15 § 493. ON-PREMISES SIGNS

16 Owners or occupants of real property may erect and maintain on the
17 property, on-premises signs advertising the sale or lease of the property or
18 activities being conducted on the property. Those signs shall be subject to the
19 regulations set forth below.

20 (1) On-premises signs may be erected or maintained, with a total area of
21 ~~not more than 150 square feet, advertising activities being conducted on the~~

1 ~~same premises. However, this limitation does not apply to signs existing on~~
2 May 1, 1971, or attached to or part of the building in which the activities are
3 being carried on. An on-premises sign shall not be located more than 1,500
4 feet from a main entrance from the highway to the activity or premises
5 advertised. The 1,500-foot distance shall be measured along the centerline of
6 the highway or highways between the sign and a main entrance or a straight
7 line, but only if the difference in elevation between the on-premises sign and a
8 main entrance is more than 100 feet. A main entrance shall be a principal,
9 private roadway or driveway that leads from a public highway to the
10 advertised activity. For the purposes of this subdivision, premises shall not
11 include land that is separated from the activity by a public highway, or other
12 intervening land use not related to the advertised activity. Undeveloped land
13 or farmland shall not be considered as an intervening land use.

14 * * *

15 * * * Right-of-Way Permits; 1111 Permits; Municipal Site Plan Review * * *

16 Sec. 37. 19 V.S.A. § 1112 is amended to read:

17 § 1112. DEFINITIONS; FEES

18 (a) As used in this section:

19 * * *

20 (4) “Subsurface stormwater system” means a stormwater system, as
21 defined in 10 V.S.A. § 1264(b)(15), that is beneath the surface.

1 ~~(b) The Secretary shall collect the following fees for each application for~~
2 the following types of permits issued pursuant to section 1111 of this title:

3 * * *

4 (2) utility installations, including each direct connection to the State
5 highway subsurface stormwater system: \$100.00

6 * * *

7 Sec. 38. 24 V.S.A. § 4116(b) is amended to read:

8 (b) Whenever a proposed site plan involves access to a State highway or
9 other work in the State highway right-of-way such as excavation, grading,
10 paving, or utility installation, the application for site plan approval shall
11 include a letter from the Agency of Transportation confirming that the Agency
12 has reviewed the proposed site plan and determined whether a permit is
13 required under 19 V.S.A. § 1111. If the Agency determines that a permit for
14 the proposed site plan is required under 19 V.S.A. § 1111, then the letter from
15 the Agency shall may set out any conditions that the Agency proposes to attach
16 to the permit required under 19 V.S.A. § 1111.

17 * * * Smugglers' Notch Motor Vehicle Limitations * * *

18 Sec. 39. 23 V.S.A. § 1006b is amended to read:

19 § 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT
20 ROUTE 108; COMMERCIAL VEHICLE OPERATION

21 ~~PROHIBITED~~

1 ~~(a) Winter closure. The Agency of Transportation may close the~~
2 Smugglers' Notch segment of Vermont Route 108 during periods of winter
3 weather.

4 (b) Vehicle operation prohibition.

5 (1) ~~As used in this subsection, "commercial vehicle" means truck-~~
6 ~~tractor-semitrailer combinations and truck-tractor-trailer combinations.~~

7 ~~(2) Commercial single-unit motor vehicles over 40 feet in length and~~
8 ~~combination vehicles over 45 feet in total length are prohibited from operating~~
9 ~~on the Smugglers' Notch segment of Vermont Route 108.~~

10 ~~(3)(2) Either the The operator of a commercial vehicle who violates this~~
11 ~~subsection, or and the operator's employer, unless they are the same person,~~
12 ~~shall each be subject to a civil penalty of \$1,000.00. If \$1,500.00 or, if the~~
13 ~~violation results in substantially impeding the flow of traffic on Vermont Route~~
14 ~~108, the penalty shall be \$2,000.00 a civil penalty of \$3,000.00. For a second~~
15 ~~or subsequent conviction within a three-year period, the applicable penalty or~~
16 ~~penalties shall be doubled.~~

17 (3) The prohibition in subdivision (1) of this subsection shall not apply
18 to law enforcement, fire, emergency medical services, and search and rescue
19 ~~vehicles involved in training or responding to real-world incidents.~~

1 ~~(c) Required signage. The Agency shall erect signs conforming to the~~
2 standards established by section 1025 of this title to indicate the closures and
3 restrictions authorized under this section.

4 * * * Municipal Restrictions; Covered Bridges; Damages and Expenses * * *

5 Sec. 40. 19 V.S.A. § 313 is amended to read:

6 § 313. RESTRICTING USE OF COVERED BRIDGES

7 The Agency and the selectmen of the town where a covered bridge is
8 located or, if parts of such a bridge are located in more than one town, the
9 selectmen of the towns acting jointly, may restrict the use of the bridge to
10 vehicles that are within limits as to weight, height, and width as they shall
11 establish. The limitation shall be plainly posted at the approaches to the bridge
12 at approximately 100 feet from each end of the bridge, and at intersections as
13 may be required to enable operators of restricted vehicles to proceed by the
14 most direct alternate unrestricted route. Posting shall be by means of
15 permanent signs of a standard size of at least 24 inches by 24 inches, and with
16 lettering not less than three inches high. [Repealed.]

17 Sec. 41. 19 V.S.A. § 315 is amended to read:

18 § 315. PENALTIES

19 A person who operates a vehicle exceeding the limit prescribed on a bridge
20 thus restricted shall be fined not more than \$200.00 for the first offense and
21 ~~not more than \$300.00 for each subsequent offense. [Repealed.]~~

1 ~~Sec. 42. 23 V.S.A. § 1396 is redesignated to read:~~

2 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

3 Sec. 43. 23 V.S.A. § 1397 is redesignated to read:

4 § 1397. WEIGHT LIMIT SIGNS

5 Sec. 44. 23 V.S.A. § 1397a is added to read:

6 § 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

7 The legislative body of a municipality where a covered bridge is located or,
8 if parts of such a bridge are located in more than one municipality, the
9 legislative bodies of the municipalities where a covered bridge is located
10 acting jointly may, after consultation with the Agency of Transportation,
11 restrict the use of the bridge to vehicles that are within limits as to one or more
12 of the following, as they shall establish: weight, height, or width. Any
13 limitation shall be permanently posted by the municipality, with signs that
14 conform to the standards established by section 1025 of this title,
15 approximately 100 feet from the approaches to the bridge and at intersections
16 as may be required to enable operators of restricted vehicles to proceed by the
17 most direct alternate unrestricted route.

18 Sec. 45. 23 V.S.A. § 1398 is amended to read:

19 § 1398. CERTIFIED STATEMENT TO BE FILED

20 A certified statement shall be filed with the clerk in each town, village, or
21 ~~city~~ municipality in which the a posting occurs, as provided in section sections

1 ~~1397 and 1397a of this title subchapter, stating occurs that states the location~~
2 of the highway or bridge posted, the legal load limit or limits to which such
3 the highway or bridge is restricted, and the date of posting. If such a
4 restriction is removed at any time by the Secretary of Transportation,
5 selectboard, trustees, or city council, or legislative body of the municipality, or
6 both, a similar certified statement of the removal shall be filed with the clerk
7 of the town, village, or city as the case may be municipality.

8 Sec. 46. 23 V.S.A. § 1399(b) is amended to read:

9 (b) Nothing contained in sections 1391–1398 of this title subchapter shall
10 restrict the weight of:

11 (1) Snow plows, road machines, others, traction engines, tractors,
12 rollers, power shovels, dump wagons, trucks, or other construction or
13 maintenance equipment when used by any town, incorporated village, city, or
14 the State in the construction or the maintenance of any highway, provided that
15 such construction or maintenance is performed by persons employed by or
16 under contract with such town, incorporated village, city, or the State for this
17 purpose. However, any operation of motorized highway building equipment
18 or road making appliances used in construction work contracted by a town,
19 incorporated village, city, or the State shall be unrestricted as to weight only
20 within a construction area.

1 ~~(2) Municipal and volunteer fire apparatus and law enforcement motor~~
2 ~~vehicles.~~

3 (3) Heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower
4 System of Interstate and Defense Highways.

5 Sec. 47. 23 V.S.A. § 1400d is amended to read:

6 § 1400d. AGRICULTURAL SERVICE VEHICLES

7 (a) An agricultural service vehicle, as defined in subdivision 4(71) of this
8 title, shall be exempt from the provisions of sections 1400 and 1400a and
9 subsection 1434(c) of this title subchapter if the gross weight does not exceed
10 60,000 pounds.

11 (b) Municipalities shall not be liable for injuries or damages to agricultural
12 service vehicles or their operators that result from crossing a posted bridge
13 with an agricultural service vehicle that weighs more than the posted weight
14 limit.

15 Sec. 48. 23 V.S.A. § 1434 is amended to read:

16 § 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH

17 LIMITS; PENALTIES

18 (a) General limits. The operation of a vehicle on a public highway in
19 excess of the legal height, width, or length limits as prescribed in section 1431
20 or 1432 of this title subchapter without first obtaining a permit to operate the
21 ~~vehicle, whether or not a permit is available, shall be a traffic violation, as~~

1 ~~defined in section 2302 of this title. A violation shall be and punishable by a~~
2 civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within
3 a two-year period, and \$800.00 for a third or subsequent offense within a two-
4 year period.

5 (b) Permit limits. The operation of a vehicle on a public highway in excess
6 of the legal height, width, or length limits as prescribed in section 1431 or
7 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in
8 conformance with section 1400 of this ~~title~~ subchapter shall be a traffic
9 violation, as defined in section 2302 of this title, and ~~shall be punishable by a~~
10 civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within
11 a two-year period, and \$800.00 for a third or subsequent offense within a two-
12 year period.

13 (c) Covered bridges. The operation of a vehicle on a public highway in
14 excess of the legal limits designated for a covered bridge under section 1397a
15 of this subchapter or applicable under subdivisions 1392(1) and (2) of this
16 subchapter shall be a traffic violation, as defined in section 2302 of this title,
17 and punishable by a civil penalty of \$1,500.00 or, if the violation results in
18 substantially impeding the flow of traffic, \$2,000.00. For a second or
19 subsequent conviction within a three-year period, the applicable penalty shall
20 be doubled.

1 ~~(d) Refusal to issue a permit. In the case of a violation under subsection~~
2 (a) of this section, the Commissioner may refuse to issue a permit to the
3 violator under section 1400 of this title subchapter for a period not to exceed
4 three months, if the owner or lessee commits four or more violations within a
5 two-year period. If the holder of a permit commits four or more violations
6 under subsection (b) of this section within a two-year period, the
7 Commissioner may suspend, for a period not to exceed three months, any
8 permit issued to the violator under section 1400 of this title subchapter. For
9 the purposes of this section, the owner or lessee of the vehicle shall be
10 considered the holder of, or applicant for, the permit.

11 Sec. 49. 23 V.S.A. § 1492 is amended to read:

12 § 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

13 The owner, driver, operator, or mover of any motor truck, tractor, trailer,
14 wagon, cart, carriage, or other object or contrivance ~~which~~ that is moved or
15 operated on any highway in violation of any of the provisions of sections
16 ~~1098, 1145~~ 1083, 1092, 1302, 1305, and 1431 ~~and subsection 1434(c)~~ of this
17 title, subchapter; such portion of ~~section 1141~~ sections 1003 and 1081 of this
18 title subchapter as pertains to trucks and buses; and such portion of section
19 1391 of this title subchapter as relates to weight in relation to tire surface; shall
20 be liable to the State or municipal corporation in which the act is committed
21 for damages to a public highway or bridge occasioned by such moving or

1 ~~operating, to be recovered in a civil action, in the name of the State or~~
2 municipal corporation, or in an action on the bond provided in this chapter in
3 connection with the issuance of permits, provided the action is brought within
4 two years after such act is committed.

5 Sec. 50. 24 V.S.A. § 2296a is added to read:

6 § 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY

7 SERVICES

8 A municipality that deploys police, fire, ambulance, rescue, or other
9 services to aid stranded operators of vehicles or to move disabled vehicles may
10 recover from the operator or the operator's employer the costs of providing the
11 services.

12 * * * Fees for State Electric Vehicle Supply Equipment; Sunset * * *

13 Sec. 51. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

14 Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

15 32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on
16 July 1, ~~2022~~ 2025.

17 Sec. 52. 32 V.S.A. § 604 is amended to read:

18 § 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

19 (a) Notwithstanding any other provision of this subchapter, any agency or
20 department that owns or controls electric vehicle supply equipment (EVSE), as
21 defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of

1 ~~that electric vehicle supply equipment EVSE. The agency or department may~~
2 establish fees for electric vehicle charging at less than its costs, to cover its
3 costs, or equal to the retail rate charged for the use of electric vehicle supply
4 equipment EVSE available to the public. Fees collected under this section
5 shall be deposited in the same fund or account within a fund from which the
6 electric operating expense for the electric vehicle supply equipment EVSE
7 originated.

8 (b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation, in
9 consultation with the Department of Buildings and General Services, shall file
10 an annual written report with the House Committees on Transportation, on
11 Corrections and Institutions, and on Ways and Means and the Senate
12 Committees on Finance, on Institutions, and on Transportation not later than
13 January 15 that provides an update on the State's efforts to collect fees for the
14 use of EVSE that is owned or controlled by the State pursuant to subsection (a)
15 of this section and any significant national trends with regard to the pricing of
16 EVSE. As part of that report, the Agency of Transportation shall include a
17 copy of any applicable fee schedules, along with an explanation as to whether
18 or not the fee schedule accounts for expenses associated with the EVSE,
19 including electricity costs.

20 * * * Relinquishment of Vermont Route 207 Extension

21 ~~in the Town of St. Albans~~

1 ~~Sec. 53. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:~~

2 (a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General
3 Assembly approves the ~~secretary of transportation~~ Secretary of Transportation
4 to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to
5 the ~~town's~~ Town's jurisdiction a segment of state State highway right-of-way
6 in the ~~town~~ Town of St. Albans, which has not been constructed to be a
7 traveled road, and which was to be known as the Vermont Route 207
8 Extension. This authority shall expire on June 30, ~~2022~~ 2032. The segment
9 authorized to be relinquished measures approximately 1.7 acres, is
10 approximately 160 feet in width, and starts at a point 200 feet west of the
11 intersection of the U.S. Route 7/Vermont Route 207 centerline of highway
12 project S0297(2), and continues westerly for 463 feet.

13 * * * Codified Law Technical Corrections * * *

14 Sec. 54. REPEAL

15 19 V.S.A. § 22 (fine applicable for a violation of the since repealed
16 19 V.S.A. § 21(c)) is repealed.

17 Sec. 55. 19 V.S.A. § 11a(b) is amended to read:

18 (b) ~~In fiscal year 2017, of the funds appropriated to the Department of~~
19 ~~Public Safety pursuant to subsection (a) of this section, the amount of~~
20 ~~\$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment,~~
21 ~~and disposal of State Police vehicles. In fiscal year 2018 and in succeeding~~

1 ~~fiscal years, of the funds appropriated to the Department of Public Safety~~
2 pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is
3 allocated exclusively for the purchase, outfitting, assignment, and disposal of
4 State Police vehicles. Any unexpended and unencumbered funds remaining in
5 this allocation at the close of a fiscal year shall revert to the Transportation
6 Fund. The Department of Public Safety may periodically recommend to the
7 General Assembly that this allocation be adjusted to reflect market conditions
8 for the vehicles and equipment.

9 Sec. 56. 19 V.S.A. § 996(a) is amended to read:

10 (a) The Agency of Transportation shall work with municipal
11 representatives to revise the Agency of Transportation's Town Road and
12 Bridge Standards in order to incorporate a suite of practical and cost-effective
13 best management practices, as approved by the Agency of Natural Resources,
14 for the construction, maintenance, and repair of all existing and future State
15 and town highways. These best management practices shall address activities
16 that have a potential for causing pollutants to enter the groundwater and waters
17 of the State, including stormwater runoff and direct discharges to State waters.
18 The best management practices shall not supersede any requirements for
19 stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that
20 apply to State and town highways. ~~The Agency of Transportation shall report~~
21 ~~to the House and Senate committees on Transportation, the house committee~~

1 ~~on fish, wildlife and water resources, and the Senate Committee on Natural~~
2 ~~Resources and Energy by January 15, 2011, on the best management practices~~
3 ~~to be incorporated into the Agency of Transportation's Town Road and Bridge~~
4 ~~Standards.~~

5 * * * Effective Dates * * *

6 Sec. 57. EFFECTIVE DATES

7 (a) This section and Secs. 51 (amendment to sunset of 32 V.S.A. § 604)
8 and 53 (extension of authority to relinquish State highway right-of-way for
9 Vermont Route 207 Extension) shall take effect on passage.

10 (b) Notwithstanding 1 V.S.A. § 214, Secs. 19–22 (amendments to the 2021
11 Transportation Bill) shall take effect retroactively on July 1, 2021.

12 ~~(c) All other sections shall take effect on July 1, 2022.~~

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's Proposed Fiscal Year 2023
Transportation Program appended to the Agency of Transportation's proposed
fiscal year 2023 budget, 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.

(2) "Candidate project" means a project approved by the General

Assembly that is not anticipated to have significant expenditures for preliminary engineering or right-of-way expenditures, or both, during the budget year and funding for construction is not anticipated within a predictable time frame.

(3) “Development and evaluation (D&E) project” means a project approved by the General Assembly that is anticipated to have preliminary engineering expenditures or right-of-way expenditures, or both, during the budget year and that the Agency is committed to delivering to construction on a timeline driven by priority and available funding.

(4) “Electric vehicle supply equipment (EVSE)” has the same meaning as in 30 V.S.A. § 201.

(5) “Front-of-book project” means a project approved by the General Assembly that is anticipated to have construction expenditures during the budget year or the following three years, or both, with expected expenditures shown over four years.

(6) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger (DCFC),” means EVSE that uses dedicated direct current (DC) to provide energy to a plug-in electric vehicle.

(7) “Secretary” means the Secretary of Transportation.

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

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

** * * Summary of Transportation Investments * * **

Sec. 2. FISCAL YEAR 2023 TRANSPORTATION INVESTMENTS

*INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY*

This act includes the State’s fiscal year 2023 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and the Climate Action Plan and to satisfy the Executive and Legislative Branches’ commitments to the Paris Agreement climate goals. In fiscal year 2023, these efforts will include the following:

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

expenditure of \$4,043,060.00, which will fund one construction project to create a new park and ride facility; the design of one additional park and ride facility scheduled for construction in future fiscal years; the design of improvements to one additional park and ride facility; and paving projects for existing park and ride facilities. This year's Park and Ride Program will create 254 new State-owned spaces. Specific additions and improvements include:

(A) Berlin (Exit 6)—design for 62 spaces;

(B) Manchester—design for 50 new spaces; and

(C) Williston—construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program. This act, in concert with 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year expenditure, including local match, of \$19,793,776.00, which will fund 29 bike and pedestrian construction projects and 18 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in future fiscal years. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. In addition to completing the Lamoille Valley Rail Trail, which will run from Swanton to St. Johnsbury, projects are funded in Arlington, Bennington, Brattleboro, Bristol, Burlington, Chester, Colchester, Coventry, Dover, Enosburg Falls, Fairfax, Hardwick, Hartford, Hartland, Hinesburg,

Lyndon, Manchester, Middlebury, Middlesex, Montpelier, Montpelier-Berlin, Moretown, New Haven, Pawlet, Plainfield, Poultney, Proctor, Richford, Roxbury, Royalton, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, Swanton, Vergennes, Waterbury, and Winooski. This act also provides State funding for some of Local Motion's operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail; funding for the small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year; funding for projects funded through the Safe Routes to School program; and funding for education and outreach to K-8 schools to encourage higher levels of walking and bicycling to school.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,665,880.00, including local funds, which will fund 18 transportation alternatives construction projects and 24 transportation alternatives design, right-of-way, or design and right-of-way projects. Of these 42 projects, 12 involve environmental mitigation related to clean water or stormwater concerns, or both clean water and stormwater concerns, and 23 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Berlin, Brandon, Bridgewater, Bridport, Brighton, Burlington, Castleton, Chester, Colchester, Derby, Duxbury, Enosburg, Essex, Fair Haven, Fairfax, Franklin, Hartford, Hyde Park, Jericho, Montgomery, Newfane, Norwich,

Pittsford, Proctor, Rutland Town, South Burlington, St. Johnsbury, Vergennes, Warren, West Rutland, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$50,239,278.00 in funding for public transit uses throughout the State, which is a 9.6 percent increase over fiscal year 2022 levels, a 21.8 percent increase over fiscal year 2021 levels, and a 30 percent increase over fiscal year 2020 levels. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$873,000.00. This authorization supports transportation demand management (TDM) strategies, including the State's Trip Planner and commuter services, to promote the use of carpools and vanpools.

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

(C) Mobility and Transportation Innovation (MTI) Grant Program, with an authorization of \$1,500,000.00, through Sec. 15 of this act. This authorization continues to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

(D) One-time public transit monies, with an authorization of

\$1,200,000.00, through Sec. 16 of this act. This authorization will allow public transit providers to, as practicable, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-COVID-19 levels.

(5) Rail Program. This act authorizes \$35,363,182.00, including local funds, for intercity passenger rail service and rail infrastructure throughout the State, including the return of New York City–Burlington passenger rail service.

(6) Transformation of the State Vehicle Fleet. The Department of Buildings and General Services, which manages the State Vehicle Fleet, currently has 18 plug-in hybrid electric vehicles and 11 battery electric vehicles in the State Vehicle Fleet. In fiscal year 2023, the Commissioner of Buildings and General Services will continue to purchase and lease vehicles for State use in accordance with 29 V.S.A. § 903(g), which requires, to the maximum extent practicable, that the Commissioner purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), with not less than 75 percent of the vehicles purchased or leased be hybrid or plug-in electric vehicles.

(7) Electric vehicle supply equipment. In furtherance of the State's goal to increase the presence of EVSE in Vermont:

(A) Sec. 3 of this act authorizes up to \$6,250,000.00 to install level 3 EVSE along the State highway network and to cover capped administrative

costs.

(B) Sec. 4 of this act amends a State goal to have a level 3 EVSE charging port available to the public within one driving mile, down from five miles, of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State and 25 driving miles, down from 50 miles, of another level 3 EVSE charging port available to the public along a State highway.

(C) The fiscal year 2023 budget authorizes up to \$10,000,000.00 to install EVSE at multiunit dwellings, workplaces, and public venues and attractions, such as parks, State parks and access areas, downtowns, museums, and ski mountains, and to cover capped administrative costs.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs. Sec. 5(a) of this act authorizes \$12,000,000.00 for PEV purchase and lease incentives under the Incentive Program for New PEVs, which is the State's program to incentivize the purchase and lease of new PEVs, and capped administrative costs.

(B) MileageSmart. Sec. 5(b) of this act authorizes up to \$3,000,000.00 for purchase incentives under MileageSmart, which is the State's used high-fuel-efficiency vehicle incentive program, and capped administrative costs.

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes

\$3,000,000.00 for incentives under Replace Your Ride, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and capped administrative costs.

~~(D) eBike Incentives. Sec. 5(d) of this act authorizes \$50,000.00 for incentives under a continuation of the eBike incentives, which will be the State's programs to provide incentives towards the purchase of electric bicycles, and capped administrative costs.~~

(D) eBike Incentives. Sec. 5(d) of this act authorizes \$50,000.00 for eBike incentives and capped administrative costs.

~~(D) Drive Electric Vermont. Sec. 5(d) of this act~~
(E) Drive Electric Vermont. Sec. 5(e) of this act authorizes up to \$2,000,000.00 for the Agency to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State.

(9) Carbon Reduction Program. Sec. 18 of this act requires the Agency of Transportation to consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(10) Vermont State Standards. Sec. 19 of this act requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets to create context sensitive, multimodal projects that support smart growth.

(11) Bicycle and Pedestrian Planning Integration Program. Sec. 25 of this act requires the Agency to establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure.

(12) Sustainable building components. ~~Secs. 55–57~~ Secs. 54–56 of this act establish the Agency’s statement of policy on the use of sustainable building components.

** * * Electric Vehicle Supply Equipment (EVSE) Infrastructure * * **

** * * Investments in EVSE * * **

*Sec. 3. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT
INFRASTRUCTURE*

(a) State highway network. The Agency of Transportation is authorized to spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to install level 3 EVSE along the State highway network consistent with the goals established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 4 of this act. This authorization shall be used by the Agency for one or more of the following:

(1) to purchase and install level 3 EVSE;

(2) to provide grants for persons to purchase and install level 3 EVSE;

or

(3) to enter into a public-private partnership for the purchase and installation of level 3 EVSE.

(b) Purpose. The purpose of the expenditures authorized in subsection (a) of this section is to respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.

(c) Administrative costs. Unless prohibited by federal or State law, the Agency may use up to 15 percent of the authorization in subsection (a) of this section for any administrative costs associated with installing level 3 EVSE along the State highway network.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in

order to achieve a pace of EVSE deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Transportation shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of any EVSE grant program or public-private partnership implemented or entered into pursuant to subsection (a) of this section and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

** * * EVSE Goals * * **

Sec. 4. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:

*Sec. 30. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL
MAP*

(a) It shall be the goal of the State to have, as practicable, a level 3 EVSE charging port available to the public within:

(1) ~~five miles~~ one driving mile of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State; and

(2) ~~50~~ 25 driving miles of another level 3 EVSE charging port available to the public along a State highway, as defined in 19 V.S.A. § 1(20).

(b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall file an up-to-date map showing the locations of all level 3 EVSE available to

the public within the State with the House and Senate Committees on Transportation not later than January 15 each year until the goal identified in subsection (a) of this section is met.

** * * Vehicle Incentive Programs * * **

Sec. 5. VEHICLE INCENTIVE PROGRAMS

(a) Incentive Program for New PEVs. The Agency is authorized to spend up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the Incentive Program for New PEVs established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(b) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on MileageSmart as established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(c) Replace Your Ride Program. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

~~*(d) eBike Incentives. The Agency is authorized to spend up to \$50,000.00 as appropriated in the fiscal year 2023 budget on a continuation of the eBike incentives as established in 2021 Acts and Resolves No. 55, Sec. 26.*~~

(d) eBike Incentives. The Agency is authorized to spend up to \$50,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

~~(de)~~ Public-private partnership. The Agency is authorized to spend up to \$2,000,000.00 as appropriated in the fiscal year 2023 budget on the Agency's existing partnership with Drive Electric Vermont, which shall support the expansion of the PEV market in the State through the provision of stakeholder coordination, policy engagement, consumer education and outreach, infrastructure development, and technical assistance.

~~(ef)~~ Administrative costs. The Agency may use up to 15 percent of any single authorization in subsections ~~(e)-(f)~~(a)-(d) of this section for any costs associated with administering and promoting the vehicle incentive programs.

~~(fg)~~ Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of plug-in electric vehicle deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(g) Outreach and marketing. The Agency, in consultation with Drive Electric Vermont and the Vermont Vehicle and Automotive Distributors Association, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Incentive Program for New PEVs, MileageSmart, ~~and~~ Replace Your Ride, and eBike incentives so that Vermonters who are eligible under one or more of the incentive programs can easily learn how to secure as many incentives as are available and such costs shall be considered administrative costs for purposes of ~~subsection (e)~~ subsection (f) of this section.

Sec. 6. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Sec. 19 is further amended to read:

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

* * *

(5) apply to:

(A) manufactured PEVs PHEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less;

(B) manufactured BEVs with a Base MSRP of \$45,000.00 or less;

and

(C) manufactured PEVs with any Base MSRP that will be issued a special registration plate by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a or will predominately be used to provide accessible transportation for the incentive recipient or a member of the incentive recipient's household, provided that the incentive recipient or the member of the incentive recipient's household has a removable windshield placard issued by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a; and

* * *

* * * Vermont Association of Snow Travelers Authorizations * * *

Sec. 7. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)

AUTHORIZATIONS

(a) The Agency of Transportation, ~~through the Department of Motor Vehicles,~~ is authorized to spend:

(1) \$50,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to the Vermont Association of Snow Travelers (VAST) to support the Law Enforcement and Safety Program; and

(2) \$750,000.00 in one-time General Fund monies, as appropriated in

the fiscal year 2023 budget, in grants to VAST to support the Equipment Grant-in-Aid Program.

(b) VAST shall ensure that the Equipment Grant-in-Aid Program maximizes the geographic distribution and utilization of equipment purchased in whole or in part with the monies authorized in subdivision (a)(2) of this section by implementing grant scoring criteria that awards equipment grants to applicants that have worked with neighboring clubs to groom at least 60 miles of trails and the equipment to be replaced is at least 15 years old.

** * * Bridge Formula Program; Off-System Bridges * * **

Sec. 8. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;

REPEAL

(a) Findings. The General Assembly finds that:

(1) the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA) provides Vermont with \$225,000,000.00 in Bridge Formula Program funding for federal fiscal years 2022 through 2026;

(2) the Bridge Formula Program funds are to be used for the preservation and replacement of bridges;

(3) as part of the Bridge Formula Program, states are required to allocate a minimum of 15 percent of the funding to address off-system bridge needs, where off-system bridges are those that are located along roadways off the federal aid system;

(4) in Vermont, roadways off the federal aid system are primarily owned and maintained by municipalities; and

(5) under the IIJA, the federal share of funding for municipally owned off-system bridges is 100 percent.

(b) Priority implementation. In order to implement and allocate the Bridge Formula Program funding, the Agency of Transportation is directed to simultaneously:

(1)(A) Fund at 100 percent federal share the construction phase of all off-system bridges in the Fiscal Year 2023 Transportation Program for Town Highway Bridges that:

(i) were not authorized for federal funds for the construction phase of the pending project prior to the Fiscal Year 2023 Transportation Program; and

(ii) are either listed as a front-of-book project or development and evaluation (D&E) project in the Fiscal Year 2023 Transportation Program.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (1) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs, fund the construction phase of off-system covered bridges and off-system

historic truss bridges within the Transportation Programs for Town Highway Bridges based on the prioritization of covered bridges and historic truss bridges under the prioritization process outlined in 19 V.S.A. § 10g(l) at 100 percent federal share.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (2) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(c) Secondary implementation. Should funding through the federal Bridge Formula Program remain available following the implementation delineated under subsection (b) of this section, town highway bridges shall be advanced based on the prioritization process outlined in 19 V.S.A. § 10g(l).

(d) Repeal. This section is repealed on October 1, 2029, at the conclusion of the authorized implementation period for the IIJA.

Sec. 9. TOWN HIGHWAY BRIDGE PROGRAM

(a) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending for the construction phase of the following projects is amended to be 100 percent federal pursuant to Sec. 8(b)(1)(A) and (2)(A) of this act:

(1) Clarendon BO 1443(55);

(2) Hartford BO 1444(60);

(3) Ludlow Village BO 1443(52);

(4) Poultney BO 1443(53);

(5) Stowe BO 1446(37);

(6) Stowe BO 1446(39);

(7) Statewide Preservation Easement Paint Program; and

(8) Statewide Rehabilitation of Covered Bridges.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Other</i>	350,000	350,000	0
<i>PE</i>	4,294,487	4,294,487	0
<i>ROW</i>	355,000	355,000	0
<i>Construction</i>	25,314,700	25,314,700	0
<i>Total</i>	30,314,187	30,314,187	0

Sources of funds

<i>TIB</i>	2,402,455	2,402,455	0
<i>State</i>	1,919,899	1,230,817	-689,082
<i>Federal</i>	24,251,350	25,529,514	1,278,164
<i>Local</i>	1,740,483	1,151,401	-589,082
<i>Total</i>	30,314,187	30,314,187	0

(c) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, the following covered bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Belvidere (Bridge No. 12 on Town Highway 3);
- (2) Charlotte (Bridge No. 27 on Town Highway 9);
- (3) Chelsea (Bridge No. 46 on Town Highway 68);
- (4) Hartland (Bridge No. 22 on Town Highway 15);
- (5) Lyndon (Bridge No. 33 on Town Highway 58);
- (6) Northfield (Bridge No. 10 on Town Highway 3);
- (7) Northfield (Bridge No. 11 on Town Highway 3);
- (8) Northfield (Bridge No. 15 on Town Highway 3);
- (9) Troy (Bridge No. 8 on Town Highway 12); and
- (10) Weathersfield (Bridge No. 83 on Town Highway 65).

(d) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, the following metal truss bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Berlin (Bridge No. 27 on Town Highway 61);
- (2) Bridgewater (Bridge No. 26 on Town Highway 34);
- (3) Enosburg (Bridge No. 45 on Town Highway 42);
- (4) Lincoln (Bridge No. 46 on Town Highway 6);
- (5) Moretown (Bridge No. 42 on Town Highway 39);

(6) Newfane (Bridge No. 49 on Town Highway 26);

(7) Northfield (Bridge No. 65 on Town Highway 57);

(8) Royalton (Bridge No. 30 on Town Highway 6); and

(9) Sheldon (Bridge No. 20 on Town Highway 22).

** * * Amendments to Fiscal Year 2023 Authorizations * * **

Sec. 10. PROGRAM DEVELOPMENT

Within the Agency of Transportation's Proposed Fiscal Year 2023
Transportation Program for Program Development Administration, authorized
spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Person. Svcs.</i>	<i>23,753,701</i>	<i>23,753,701</i>	<i>0</i>
<i>Operat. Exp.</i>	<i>9,039,403</i>	<i>8,985,192</i>	<i>-54,211</i>
<i>Grants</i>	<i>286,000</i>	<i>286,000</i>	<i>0</i>
<i>Total</i>	<i>33,079,104</i>	<i>33,024,893</i>	<i>-54,211</i>

Sources of funds

<i>State</i>	<i>25,074,132</i>	<i>25,019,921</i>	<i>-54,211</i>
<i>Federal</i>	<i>7,929,972</i>	<i>7,929,972</i>	<i>0</i>
<i>Inter Unit</i>	<i>75,000</i>	<i>75,000</i>	<i>0</i>
<i>Total</i>	<i>33,079,104</i>	<i>33,024,893</i>	<i>-54,211</i>

Sec. 11. TOWN HIGHWAY AID

Within the Agency of Transportation's Proposed Fiscal Year 2023

Transportation Program for Town Highway Aid, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211
<u>Sources of funds</u>			
State	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211

Sec. 12. POLICY AND PLANNING

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Policy and Planning, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	4,767,663	4,767,663	0
Operat. Exp.	1,035,700	1,035,700	0
Grants	7,389,725	10,784,247	3,394,522
Total	13,193,088	16,587,610	3,394,522
<u>Sources of funds</u>			
State	3,217,573	3,217,573	0
Federal	9,920,240	13,314,762	3,394,522
Inter Unit	55,275	55,275	0

Total *13,193,088* *16,587,610* *3,394,522*

~~Sec. 13. TOWN HIGHWAY STRUCTURES AND TOWN HIGHWAY~~

~~CLASS 2 ROADWAY~~

~~(a) Town highway structures. The Agency shall carry forward not less than \$866,500.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway structures program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(e) in fiscal year 2023.~~

~~(b) Town highway class 2 roadway. The Agency shall carry forward not less than \$951,250.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway class 2 roadway program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(l) in fiscal year 2023.~~

Sec. 13. TOWN HIGHWAY STRUCTURES

Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Town Highway Structures, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Grants</i>	<i>6,333,500</i>	<i>7,200,000</i>	<i>866,500</i>
<i>Total</i>	<i>6,333,500</i>	<i>7,200,000</i>	<i>866,500</i>

Sources of funds

<i>State</i>	<i>6,333,500</i>	<i>7,200,000</i>	<i>866,500</i>
<i>Total</i>	<i>6,333,500</i>	<i>7,200,000</i>	<i>866,500</i>

Sec. 13a. TOWN HIGHWAY CLASS 2 ROADWAY

Within the Agency of Transportation's Proposed Fiscal Year 2023

Transportation Program for Town Highway Class 2 Roadway, authorized spending is amended as follows:

<u><i>FY23</i></u>	<u><i>As Proposed</i></u>	<u><i>As Amended</i></u>	<u><i>Change</i></u>
<i>Grants</i>	<i>7,648,750</i>	<i>8,600,000</i>	<i>951,250</i>
<i>Total</i>	<i>7,648,750</i>	<i>8,600,000</i>	<i>951,250</i>

Sources of funds

<i>State</i>	<i>7,648,750</i>	<i>8,600,000</i>	<i>951,250</i>
<i>Total</i>	<i>7,648,750</i>	<i>8,600,000</i>	<i>951,250</i>

Sec. 13b. HIGHWAY MAINTENANCE

(a) Within the Agency of Transportation's Proposed Fiscal Year 2023

Transportation Program for Maintenance, authorized spending is amended as follows:

<u><i>FY23</i></u>	<u><i>As Proposed</i></u>	<u><i>As Amended</i></u>	<u><i>Change</i></u>
<i>Person. Svcs.</i>	<i>44,709,478</i>	<i>44,709,478</i>	<i>0</i>
<i>Operat. Exp.</i>	<i>61,554,303</i>	<i>59,736,553</i>	<i>-1,817,750</i>
<i>Total</i>	<i>106,263,781</i>	<i>104,446,031</i>	<i>-1,817,750</i>

Sources of funds

<i>State</i>	<i>105,517,966</i>	<i>103,700,216</i>	<i>-1,817,750</i>
<i>Federal</i>	<i>645,815</i>	<i>645,815</i>	<i>0</i>
<i>Inter Unit</i>	<i>100,000</i>	<i>100,000</i>	<i>0</i>
<i>Total</i>	<i>106,263,781</i>	<i>104,446,031</i>	<i>-1,817,750</i>

(b) Restoring the fiscal year 2023 Maintenance Program appropriation and authorization to the level included in the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program shall be the Agency's top priority if there is unexpended State fiscal year 2022 appropriations of Transportation Fund Monies. Accordingly:

(1) At the close of State fiscal year 2022, an amount up to \$1,817,750.00 of any unencumbered Transportation Fund monies appropriated in 2021 Acts and Resolves No. 74, Secs. B.900–B.922, as amended by 2022 Acts and Resolves No. 83, Secs. 41–45, that would otherwise be authorized to carry forward is reappropriated for the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance 30 days after the Agency sends written notification of the request for the unencumbered Transportation Fund monies to be reappropriated to the Joint Transportation Oversight Committee, provided that the Joint Transportation Oversight Committee does not send written objection to the Agency.

(2) If any unencumbered Transportation Fund monies are reappropriated pursuant to subdivision (1) of this subsection, then, within the

Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance, authorized spending is further amended to increase operating expenses by not more than \$1,817,750.00 in Transportation Fund monies.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the Agency may request further amendments to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance through the State fiscal year budget adjustment act.

Sec. 14. ONE-TIME APPROPRIATION; DMV IT PROJECT

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, in one-time appropriations, the number "20,250,000" is struck out for "All Exp," "Total," "Transportation Fund," and "Total" and replaced with the number "0" so as to indicate that there is no appropriation to the Department of Motor Vehicles for the DMV Core System Modernization Phase II project, and a note is added to read as follows: "The fiscal year 2023 budget bill appropriates \$20,250,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Digital Services for the DMV Core System Modernization Phase II project."

** * * Mobility and Transportation Innovation Grant Program * * **

Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT

PROGRAM

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Public Transit: Mobility and Transportation Innovation (MTI) Grant Program.

(b) Authorization. Spending authority for Mobility and Transportation Innovation (MTI) Grant Program is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	0	1,500,000	1,500,000
Total	0	1,500,000	1,500,000
<u>Sources of funds</u>			
State	0	500,000	500,000
General Fund	0	1,000,000	1,000,000
Total	0	1,500,000	1,500,000

(c) Implementation. The Agency of Transportation shall continue to administer the Mobility and Transportation Innovation (MTI) Grant Program, which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The Program shall continue to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

** * * Public Transit; Zero Fare; Level of Service * * **

Sec. 16. ONE-TIME PUBLIC TRANSIT MONIES

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Public Transit: Increased One-Time Monies for Public Transit for Fiscal Year 2023.

(b) Authorization. Spending authority for Increased One-Time Monies for Public Transit for Fiscal Year 2023 is authorized as follows:

<i><u>FY23</u></i>	<i><u>As Proposed</u></i>	<i><u>As Amended</u></i>	<i><u>Change</u></i>
<i>Other</i>	<i>0</i>	<i>1,200,000</i>	<i>1,200,000</i>
<i>Total</i>	<i>0</i>	<i>1,200,000</i>	<i>1,200,000</i>
<i><u>Sources of funds</u></i>			
<i>General Fund</i>	<i>0</i>	<i>1,200,000</i>	<i>1,200,000</i>
<i>Total</i>	<i>0</i>	<i>1,200,000</i>	<i>1,200,000</i>

~~*(c) Implementation. Transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall, as practicable and in the sole discretion of the transit agencies, do the following during fiscal year 2023:*~~

~~*(1) operate routes other than commuter and LINK Express on a zero-fare basis; and*~~

~~*(2) provide service at pre-COVID-19 levels.*~~

(c) Implementation. The Agency of Transportation shall, in its sole discretion, distribute the authorization in subsection (b) of this section to transit agencies in the State that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both. The authorization shall, as practicable and in the sole discretion of the transit agencies in the State, only be used for the following during fiscal year 2023:

(1) operate routes other than commuter and LINK Express on a zero-fare basis; and

(2) provide service at pre-COVID-19 levels.

(d) Report. On or before January 31, 2023, the Agency of Transportation shall file a written report with the House and Senate Committees on Transportation that:

(1) shows changes in public transit ridership, by county and type of service, in fiscal years 2020, 2021, and 2022 and in fiscal year 2023 through the end of the second quarter; and

(2) estimates the amount of funding needed to provide zero-fare service on transit operated by public transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out by county and type of service in fiscal year 2024.

~~*** Burlington International Airport Study Committee Report ***~~

~~Sec. 17. BURLINGTON INTERNATIONAL AIRPORT STUDY~~

~~COMMITTEE REPORT~~

~~(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Aviation: Burlington International Airport Study.~~

~~(b) Authorization.~~

~~(1) Spending authority for the Burlington International Airport Study is authorized as follows:~~

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Other</i>	0	150,000	150,000
<i>Total</i>	0	150,000	150,000

~~Sources of funds~~

<i>State</i>	0	15,000	15,000
<i>Federal</i>	0	135,000	135,000
<i>Total</i>	0	150,000	150,000

~~(2) Spending authority for South Burlington AV-FY18-001 is amended as follows:~~

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Const</i>	12,650,000	12,500,000	-150,000
<i>Total</i>	12,650,000	12,500,000	-150,000

~~Sources of funds~~

<i>State</i>	500,000	485,000	-15,000
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<i>Federal</i>	<i>11,385,000</i>	<i>11,250,000</i>	<i>-135,000</i>
<i>Local</i>	<i>765,000</i>	<i>765,000</i>	<i>0</i>
<i>Total</i>	<i>12,650,000</i>	<i>12,500,000</i>	<i>-150,000</i>

(3) The City of Burlington, which is the sponsor of the Burlington International Airport, and the Agency of Transportation shall work together to secure a grant from the Federal Aviation Administration to cover the \$135,000.00 in federal monies authorized for expenditure under subdivision (1) of this subsection for the Burlington International Airport Study.

(c) Creation. There is created the Burlington International Airport Study Committee to examine the existing governance structure and alternatives to the existing governance structure of the Burlington International Airport (Airport) and to report the Committee's findings and recommendations.

(d) Membership. The Committee shall be composed of the following nine voting members and two nonvoting members:

(1) one voting member appointed by the Governor;

(2) one voting member designated by the mayor of the City of Burlington;

(3) one voting member designated by the city council of the City of Burlington;

(4) one voting member designated by the city council of the City of South Burlington;

~~(5) one voting member designated by the mayor of the City of Winoski,~~

~~(6) one voting member designated by the Chittenden County Regional Planning Commission to represent individuals, such as Black, Indigenous, and Persons of Color (BIPOC), immigrants, individuals with low income, and individuals residing in “disadvantaged communities” as defined in federal Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” adversely affected by the Airport;~~

~~(7) one voting member designated by the Chittenden County Regional Planning Commission to represent the general aviation organizations at the Airport;~~

~~(8) the Secretary of Transportation or designee, who shall be a voting member;~~

~~(9) one voting member designated by the President and CEO of the Lake Champlain Regional Chamber of Commerce;~~

~~(10) the current, including acting or interim, Director of Aviation for the Airport or designee, who shall be a nonvoting member of the Committee; and~~

~~(11) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a nonvoting member of the Committee.~~

~~(e) Assistance; consultant.~~

~~(1) The Committee shall have the administrative, technical, and legal assistance of the Agency of Transportation, which shall contract with an~~

~~independent third party consultant with expertise in airport governance and may contract with an additional person to serve as a neutral facilitator for the Committee if such assistance cannot be provided by an employee or employees of the Agency of Transportation.~~

~~(2) The Agency of Transportation shall work with the Committee to prepare a request for information and a request for proposal for the retention of the independent third-party consultant that is contracted with pursuant to subdivision (1) of this subsection.~~

~~(f) Powers and duties. The Committee, with the assistance of the consultant retained as required under subsection (e) of this section, shall:~~

~~(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations (Airport Strategic Planning Committee Recommendations); and the December 1985 Final Report of the Burlington Airport Study Group;~~

~~(2) examine the advantages and disadvantages of each of the options identified in the Airport Strategic Planning Committee Recommendations;~~

~~(3) examine the advantages and disadvantages of any additional~~

governance structure options for the Airport recommended by the consultant or identified by a majority of the voting members of the Committee as warranting study;

(4) identify any other issue relating to the governance of the Airport that a majority of the voting members of the Committee determine warrants study; and

(5) make recommendations on the governance structure of the Airport as supported by a majority of the voting members of the Committee.

(g) Report; recommendations. On or before January 15, 2024, the Committee shall submit a written report to the General Assembly with its findings and recommendations. Any recommendations from the Committee shall address how to ensure that there are not negative financial impacts on the City of Burlington.

(h) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Committee to occur on or before September 30, 2022.

(2) The Committee shall select a chair from among its voting members at the first meeting.

(3) A majority of the voting membership of the Committee shall constitute a quorum.

(4) The Committee shall cease to exist on January 16, 2024.

~~(i) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.~~

~~*** Burlington International Airport Working Group; Report ***~~

~~Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING~~

~~GROUP; REPORT~~

~~(a) Creation. There is created the Burlington International Airport Working Group (Working Group) to discuss current issues of regional concern at the Burlington International Airport (Airport).~~

~~(b) Membership. The Working Group shall be composed of the following facilitator and six members:~~

~~(1) the Secretary of Transportation or designee, who shall be the facilitator of the Working Group, but shall not be considered a member of the Working Group;~~

~~(2) one member designated by the city council of the City of Burlington;~~

~~(3) one member to represent Airport leadership designated by the mayor of the City of Burlington;~~

~~(4) one member to represent the general aviation organizations at the Airport designated by the mayor of the City of Burlington,~~

~~(5) one member designated by the city council of the City of South Burlington;~~

~~(6) one member designated by the city council, inclusive of the mayor and deputy mayor, of the City of Winooski; and~~

~~(7) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a member of the Working Group.~~

~~(c) Duties. The Working Group shall:~~

~~(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations; and the December 1985 Final Report of the Burlington Airport Study Group;~~

~~(2) discuss current issues of regional concern regarding the Airport;~~

~~(3) explore opportunities for regional collaboration regarding the Airport;~~

~~(4) analyze what actions could address any issues of regional concern regarding the Airport, and~~

~~(5) prepare a report based on the determination of the members of the Working Group, that:~~

~~(A) summarizes any current issues of regional concern regarding the Airport;~~

~~(B) identifies and discusses any opportunities for regional collaboration regarding the Airport; and~~

~~(C) identifies and discusses any actions that could address any issues of regional concern regarding the Airport.~~

~~(d) Report. On or before January 15, 2023, the Secretary of Transportation or designee shall submit the written report of the Working Group to the House and Senate Committees on Transportation.~~

~~(e) Meetings.~~

~~(1) The Secretary of Transportation or designee shall call the first meeting of the Working Group to occur on or before September 30, 2022.~~

~~(2) The Working Group shall only meet if a majority of the membership is present.~~

~~(3) The Working Group shall cease to exist on July 1, 2023.~~

~~*** Burlington International Airport Working Group; Report ***~~

~~Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING
GROUP; REPORT~~

~~(a) Project addition. The following project is added to the Agency of~~

Transportation's Proposed Fiscal Year 2023 Transportation Program for
Aviation: Burlington International Airport Study.

(b) Authorization.

(1) Spending authority for the Burlington International Airport Study is
authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Other</i>	0	150,000	150,000
<i>Total</i>	0	150,000	150,000

Sources of funds

<i>State</i>	0	15,000	15,000
<i>Federal</i>	0	135,000	135,000
<i>Total</i>	0	150,000	150,000

(2) Spending authority for Statewide (Aviation Operations &
Maintenance) is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<i>Other</i>	1,216,303	1,201,303	-15,000
<i>Total</i>	1,216,303	1,201,303	-15,000

Sources of funds

<i>State</i>	1,216,303	1,201,303	-15,000
<i>Total</i>	1,216,303	1,201,303	-15,000

(3) The City of Burlington, which is the sponsor of the Burlington

International Airport, and the Agency of Transportation shall work together to secure a grant from the Federal Aviation Administration to cover the \$135,000.00 in federal monies authorized for expenditure under subdivision (1) of this subsection for the Burlington International Airport Study.

(c) Creation. There is created the Burlington International Airport Working Group (Working Group) to examine the existing governance structure and alternatives to the existing governance structure of the Burlington International Airport (Airport) and to report the Working Group's findings and recommendations.

(d) Membership. The Working Group shall be composed of the following seven voting members and three nonvoting members:

(1) one voting member designated by the mayor of the City of Burlington;

(2) one voting member designated by the city council of the City of Burlington;

(3) one voting member designated by the city council of the City of South Burlington;

(4) one voting member designated by the mayor of the City of Winooski;

(5) one voting member designated by the city council of the City of Burlington, in consultation with the mayor of the City of Burlington, to represent individuals, such as Black, Indigenous, and Persons of Color

(BIPOC), immigrants, individuals with low income, and individuals residing in “disadvantaged communities” as defined in federal Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” adversely affected by the Airport;

(6) one voting member designated by the city council of the City of South Burlington to represent the general aviation organizations at the Airport;

(7) the Secretary of Transportation or designee, who shall be a nonvoting member;

(8) one voting member designated by the President and CEO of the Lake Champlain Regional Chamber of Commerce;

(9) the current, including acting or interim, Director of Aviation for the Airport or designee, who shall be a nonvoting member of the Working Group;
and

(10) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a nonvoting member of the Working Group.

(e) Assistance; consultant.

(1) The Working Group shall have the administrative, technical, and legal assistance of the Agency of Transportation, which shall contract with an independent third-party consultant with expertise in airport governance and

may contract with an additional person to serve as a neutral facilitator for the Working Group if such assistance cannot be provided by an employee or employees of the Agency of Transportation.

(2) The Agency of Transportation shall work with the Working Group to prepare a request for information and a request for proposal for the retention of the independent third-party consultant that is contracted with pursuant to subdivision (1) of this subsection.

(f) Powers and duties. The Working Group, with the assistance of the consultant retained as required under subsection (e) of this section, shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations (Airport Strategic Planning Committee Recommendations); and the December 1985 Final Report of the Burlington Airport Study Group;

(2) discuss current issues of regional concern regarding the Airport, explore opportunities for regional collaboration regarding the Airport, and analyze what actions, including but not limited to a change in the governance structure, could address any issues of regional concern regarding the Airport;

(3) examine the advantages and disadvantages of each of the options identified in the Airport Strategic Planning Committee Recommendations;

(4) examine the advantages and disadvantages of any additional governance structure options for the Airport recommended by the consultant or identified by a majority of the voting members of the Working Group as warranting study;

(5) identify any other issue relating to the governance of the Airport that a majority of the voting members of the Working Group determine warrants study; and

(6) make recommendations on the governance structure of the Airport or opportunities for regional collaboration regarding the Airport, or both, as supported by a majority of the voting members of the Working Group.

(g) Reports; recommendations.

(1) The Chair of the Working Group shall provide an oral report outlining the Working Group's progress, including a summary of the membership of the Working Group, the process of retaining the required consultant, and anything else the Chair thinks will have bearing on the final report and recommendations, to the House and Senate Committees on Transportation in February 2023.

(2) On or before January 15, 2024, the Working Group shall submit a written report to the General Assembly with its findings and recommendations.

Any recommendations from the Working Group shall address how to ensure that there are not negative financial impacts on the City of Burlington.

(h) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Working Group to occur on or before September 30, 2022.

(2) The Working Group shall select a chair from among its voting members at the first meeting.

(3) A majority of the voting membership of the Working Group shall constitute a quorum.

(4) The Working Group shall cease to exist on January 16, 2024.

(i) Compensation and reimbursement. Members of the Working Group who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

** * * Future Transportation Programs * * **

** * * Carbon Reduction Program * * **

Sec. 18. FUTURE FISCAL YEAR TRANSPORTATION PROGRAMS;

CARBON REDUCTION PROGRAM

The Agency of Transportation shall consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed

Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program, codified at 23 U.S.C. § 175, are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

** * * Plan to Update Vermont State Standards * * **

Sec. 19. PLAN TO UPDATE VERMONT STATE STANDARDS

(a) The Agency shall develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets (C.V.R. 14-010-019) (Vermont State Standards) to create context sensitive, multimodal projects that support smart growth as recommended in the Revising the Vermont State Standards (VSS) M2D2: Multimodal Development and Delivery Work Plan, March 2015 (State Standards Work Plan), prepared in accordance with 2014 Acts and Resolves No. 167, Sec. 26.

(b) As recommended in the State Standards Work Plan, the Agency of Transportation shall also prepare a plan to update documents, standards, guidance, and procedures related to the Vermont State Standards.

(c) The Agency shall budget for the plan to update the Vermont State Standards and related documents in the Proposed Fiscal Year 2024 Transportation Program.

(d) The Agency shall make staff available to the House and Senate Committees on Transportation for an oral presentation on the plan to update the Vermont State Standards and corresponding budget beginning on January 15, 2023.

** * * Transportation Alternatives Grant Program * * **

Sec. 20. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a), (b) [Repealed.]

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and shall not exceed \$300,000.00 per grant allocation.

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

** * **

~~*(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to*~~

~~stormwater and highways, including eligible salt and sand shed projects.~~

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

~~(3) In fiscal year 2022 2024 and thereafter, ~~\$1,100,000.00~~ 50 percent of Grant Program funds, or such lesser sum if all eligible applications amount to less than ~~\$1,100,000.00~~ 50 percent of Grant Program funds, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects, and the balance of Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (2) of this subsection.~~

~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in In evaluating applications for Transportation Alternatives grants, the Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Agency.~~

* * *

* * * Amendments to the 2021 Transportation Bill * * *

** * * Electric Bicycle Incentives Administrative Costs * * **

Sec. 21. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to read:

(D) Replace Your Ride Program. Sec. 27 of this act creates a new program to be known as the Replace Your Ride Program, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~ \$1,495,000.00 for incentives under the Program and capped startup and administrative costs.

(E) Electric bicycle incentives. Sec. 28 of this act authorizes up to ~~\$50,000.00~~ \$55,000.00 for ~~\$200.00~~ \$200.00 incentives for the purchase of an electric bicycle and capped administrative costs.

Sec. 22. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

(d) Authorization. In fiscal year 2022, the Agency is authorized to spend up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on the Replace Your Ride Program established under this section, with up to ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program.

~~*Sec. 23. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:*~~

~~(b) Authorization~~

~~(1) In fiscal year 2022, the Agency is authorized to spend up to \$50,000.00 in one-time Transportation Fund monies on the electric bicycle incentives and up to \$5,000.00 on the costs associated with developing and administering the electric bicycle incentives.~~

~~(2) If less than \$5,000.00 is expended on administrative costs associated with developing and administering the electric bicycle incentives under subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only be authorized for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program in addition to the authorization in Sec. 27(a) of this act.~~

Sec. 23. 2021 Acts and Resolves No. 55, Sec. 28 is amended to read:

Sec. 28. ELECTRIC BICYCLE INCENTIVES

(a) Implementation. The Agency of Transportation, ~~in consultation with Vermont electric distribution utilities,~~ shall expand upon the vehicle incentive programs established under 2019 Acts and Resolves No. 59, Sec. 34, as amended, to provide ~~a \$200.00 incentive to~~ 250 incentives to individuals who purchase a new electric bicycle. Specifically, the Program shall:

(1) ~~distribute \$200.00 incentives on a first-come, first-served basis after the Agency announces that incentives are available;~~

* * *

(b) Authorization.

(1) In fiscal year 2022, the Agency is authorized to spend up to \$50,000.00 in one-time Transportation Fund monies on the electric bicycle incentives and up to \$5,000.00 on the costs associated with developing and administering the electric bicycle incentives.

(2) If less than \$5,000.00 is expended on administrative costs associated with developing and administering the electric bicycle incentives under subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only be authorized for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program in addition to the authorization in Sec. 27(d) of this act.

** * * EVSE Grant Program * * **

Sec. 24. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

*Sec. 29. ~~GRANT PROGRAMS FOR LEVEL-2 CHARGERS~~ EVSE IN
MULTI-UNIT MULTIUNIT DWELLINGS; REPORT*

(a) As used in this section:

** * **

(2) “~~Multi-unit~~ Multiunit affordable housing” means a ~~multi-unit~~ multiunit dwelling where:

** * **

(3) “~~Multi-unit~~ Multiunit dwelling” means a housing project, such as

cooperatives, condominiums, dwellings, or mobile home parks, with 10 or more units constructed or maintained on a tract or tracts of land.

(4) “~~Multi-unit~~ Multiunit dwelling owned by a nonprofit” means a ~~multi-unit~~ multiunit dwelling owned by a person that has nonprofit status under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is registered as a nonprofit corporation with the Office of the Secretary of State.

(5) “Electric vehicle supply equipment (EVSE)” includes both level 1 chargers, which connect directly into a standard 120-volt AC outlet and supply an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE, and level 2 chargers, which have a single-phase input voltage range from 208 to 240 volts AC and a maximum output current less than or equal to 80 amperes AC and are also known as level 2 EVSE.

(b) The Agency of Transportation shall establish and administer, through a memorandum of understanding with the Department of Housing and Community Development, a pilot program to support the continued buildout of electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the existing ~~VW~~ EVSE Grant Program that the Department of Housing and Community Development has been administering on behalf of the Department of Environmental Conservation.

* * *

(d) Pilot program funding shall be awarded with consideration of broad geographic distribution as well as service models ranging from restricted private parking to publicly accessible parking so as to examine multiple strategies to increase access to EVSE.

** * **

(f) If the Agency of Transportation, in consultation with the interagency team, determines that programmatic funding remains available following the first round of grant awards, then the pilot program shall be opened up and made available to any ~~multi-unit~~ multiunit dwelling.

** * **

** * * Bicycle and Pedestrian Planning Integration Program * * **

Sec. 25. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION

PROGRAM

(a) Establishment. The Agency of Transportation shall establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure. The purpose of the program is to do at least one of the following:

(1) ensure alignment and integration of municipal and State bicycle and pedestrian infrastructure deployment and to provide a framework for municipal prioritization of bicycle and pedestrian projects that can be integrated into the VTrans Project Selection and Project Prioritization

(VPSP2) process as projects are evaluated for funding through State-sponsored programs, including the Bike and Pedestrian Program, the Transportation Alternatives Program, and the Downtown Transportation Fund; or

(2) integrate bicycle and pedestrian elements into Agency-developed projects.

(b) Consultation and implementation. The Agency shall work with the State's Regional Planning Commissions (RPCs) in implementing the program by providing funding through the Transportation Planning Initiative (TPI) Program for RPCs to develop prioritized municipal bicycle and pedestrian plans or to assist member municipalities in developing prioritized municipal bicycle and pedestrian plans.

** * * Transportation Board * * **

Sec. 26. 5 V.S.A. chapter 3 is redesignated to read:

CHAPTER 3. PROCEEDINGS BY THE BOARD; APPEAL TO SUPERIOR COURT JUDICIAL REVIEW

Sec. 27. 5 V.S.A. § 37 is amended to read:

§ 37. MEMBERS; TERMS; RETIREMENT; APPEAL

(a) When a Board member who hears all or a substantial part of a case retires from office before the case is completed, ~~he or she~~ that individual shall remain a member of the Board for the purpose of concluding and deciding the case, and signing the findings, orders, decrees, and judgments of the case. A

retiring chair shall also remain a member for the purpose of certifying questions of law if appeal is taken.

(b) A case shall be deemed completed when the Board enters a final order even though ~~the order is appealed to a Superior Court and~~ judicial review is sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board. Upon remand, the Board then in office may consider relevant evidence, including any part of the transcript of testimony in the proceedings prior to appeal.

Sec. 28. 5 V.S.A. § 40 is amended to read:

§ 40. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT

(a) The forms, pleadings, and rules of practice and procedure before the Board shall be prescribed by the Board.

(b) The Board shall hear all matters within its jurisdiction and make findings of fact. It shall state its rulings of law when required. Upon ~~appeal to a Superior Court~~ judicial review pursuant to 19 V.S.A. § 5(c), the Board's findings of fact shall be accepted unless clearly erroneous.

Sec. 29. 5 V.S.A. §§ 43 and 44 are amended to read:

§ 43. REVIEW BY SUPERIOR COURT JUDICIAL REVIEW

A party to a cause who feels aggrieved by the final order, judgment, or decree of the Board may ~~appeal to a Superior Court under Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c). However, the Board, before final judgment, may permit an

interlocutory appeal to be taken by any party pursuant to ~~a Superior Court~~ 19 V.S.A. § 5(c) for determination of questions of law in the same manner as the Supreme Court may by rule provide for appeals before final judgment from a Superior Court. Notwithstanding the provisions of the Vermont Rules of Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time for filing a notice of appeal nor the filing of a notice of appeal, as provided in this section, shall operate as a stay of enforcement of an order of the Board unless the Board or ~~a Superior~~ the Supreme Court grants a stay under the provisions of section 44 of this ~~title~~ chapter.

§ 44. POWERS OF ~~SUPERIOR~~ THE SUPREME COURT

~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or affirm the judgments, orders, or decrees of the Transportation Board and may remand a cause to it with mandates, as law or equity shall require; and the Board shall enter its judgment, order, or decree in accordance with these mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of vacating any judgment, order, or decree of the Board, but the ~~Superior~~ Supreme Court, upon notice to interested parties, may suspend execution of a Board judgment under a decree as justice and equity require unless otherwise specifically provided by law.

Sec. 30. 5 V.S.A. § 207(d) is amended to read:

(d) The application for a certificate of approval of the site selected shall be

in writing and substantially describe the property involved and the general purposes for which it is to be acquired and the manner in which the acquisition is asserted to serve the public interest. The application shall designate the names of all owners or persons known to be interested in lands adjoining the property and their residences, if known, and shall contain such further matter as the Board by rule shall determine. The application shall be supported by documentation showing that the proposed facility has received municipal approval. After evaluating the application, the Board shall issue its order giving notice of the time and place of hearing on the application. The applicant shall give notice of the proceedings to all persons owning or interested in adjoining lands by delivery of a true copy of the application and order for hearing by registered or certified mail to the last known address of each of the persons; the notice to be mailed at least 12 days prior to the date of the hearing. Notice of the hearing and a general statement of the purpose shall be published at least once in a newspaper of common circulation in the town where the property described in the application is situated at least two days before the date of the hearing, and a similar notice shall be posted in a public place at least 12 days before the hearing. Upon compliance by the applicant with the foregoing provisions for notice, the Board shall hear the applicant and all parties interested on the question of approval of the site or sites and shall consider and determine whether in the public interest the

application ought to be granted. Whenever the Board makes an order granting or denying a certificate of approval of an airport, or a restricted landing area, approval to use or operate an airport or a restricted landing area or other air navigation facility, an aggrieved person may ~~have the decision reviewed on the record by the Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 31. 5 V.S.A. § 652 is amended to read:

§ 652. SUPERIOR COURT JUDICIAL REVIEW

The Secretary of Transportation or the legislative body of a municipality, as defined in 24 V.S.A. § 2001, or the committee representing two or more municipalities, when authorized by vote of their legislative bodies, may proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as otherwise provided in this subchapter.

Sec. 32. 5 V.S.A. § 3639 is amended to read:

§ 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION

AND MAINTENANCE; JUDICIAL REVIEW

(a) A person ~~or corporation~~ owning or operating a railroad shall construct and maintain farm crossings of the road for the use of the proprietors of lands adjoining the railroad, and cattle guards at all farm and road crossings sufficient to prevent cattle and animals from getting on the railroad. A farm crossing may be temporarily or permanently closed or discontinued by mutual

agreement between all parties having an interest therein. If no such mutual agreement can be reached by such interested parties, then a person ~~or~~ ~~corporation~~ owning or operating a railroad and desiring to close any farm crossing shall make application to the Transportation Board. The Board shall thereupon give notice to all parties interested, in such manner as the Board may direct, of hearing on the application, the hearing to be in the county where such crossing is located. After the hearing, a person ~~or~~ ~~corporation~~ owning or operating a railroad shall not close such farm crossing without the approval of the Transportation Board. A person aggrieved by the closing of a farm crossing after January 1, 1955 by a person ~~or~~ ~~corporation~~ owning or operating a railroad may notify the Transportation Board by registered or certified mail of the closing, and thereupon the Board shall conduct a hearing. Notice and place of hearing shall be as set forth in this subsection. The Transportation Board may require the reopening of any such crossing and make such other order as is permitted in section 3649 of this title. At any such hearing, the burden of proof shall rest with the person or persons effecting or seeking to effect the closing of such farm crossing. Any person aggrieved by ~~an~~ the final order of the Transportation Board, who was a party to the proceedings, ~~may, in accordance with Rule 74 of the Vermont Rules of Civil Procedure, appeal to the Superior Court, whereupon such cause shall be tried as an original action brought under the provisions of 12 V.S.A. § 402 seek~~

judicial review pursuant to 19 V.S.A. § 5(c).

(b) A person ~~or railroad corporation~~ closing any farm crossing in violation of a provision of this section or failing to comply with any such order shall be fined not less than \$50.00 nor more than \$500.00, and any person aggrieved by such violation may recover ~~his or her~~ the person's damages in an action on this statute.

Sec. 33. 5 V.S.A. § 3788 is amended to read:

§ 3788. ORDERS OF BOARD; APPEALS JUDICIAL REVIEW

The order of the Board relating to any matter upon which it may act under the authority of this chapter shall be communicated in writing to the petitioners and to all persons to whom notice of the hearing on such petition was given. Any person aggrieved by such order, who was a party to such proceedings, may ~~appeal from such order to the Superior Court in accordance with Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 34. 9 V.S.A. § 4100b is amended to read:

§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD

(a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the provisions of this chapter.

** * **

(h) Within 20 days after any order or decision of the Board authorized

under this chapter, any party to the proceeding may apply for a rehearing with respect to any matter determined in the proceeding or covered or included in the order or decision. The application for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the Board shall be taken unless the appellant makes an application for rehearing as provided in this subsection, and when the application for rehearing has been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by the Board unless the Board for good cause shown allows the appellant to specify additional grounds. Any party to the proceeding may appeal the final order, including all interlocutory orders or decisions, pursuant to ~~the Superior Court~~ 19 V.S.A. § 5(c) within 30 days after the date the Board rules on the application for reconsideration of the final order or decision. All findings of the Board upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme Court on appeals from orders or decisions by the Board authorized under this title.

(i) In cases where the Board finds that a violation of this chapter has occurred or there has been a failure to show good cause under section 4089 or

4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine reasonable attorney's fees and costs and award them to the prevailing party.

Sec. 35. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

(a) General duties and responsibilities; exceptions. The regulatory and quasi-judicial functions relating to transportation shall be vested in the Board, except that the duties and responsibilities of the Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue to be vested in the Commissioner.

(b) Naming transportation facilities.

(1) Except as otherwise authorized by law, the Board is the sole authority responsible for naming transportation facilities owned, controlled, or maintained by the State, including highways and the bridges thereon, airports, rail facilities, rest areas, and welcome centers. The Board shall exercise its naming authority only upon petition of the legislative body of a municipality of the State, of the head of an Executive Branch agency or department of the State, or of 50 Vermont residents.

(2) The Board shall hold a public hearing for each facility requested to be named. The Board shall adopt rules governing notice and conduct of hearings, the standards to be applied in rendering decisions under this subsection, and any other matter necessary for the just disposition of naming

requests. The Board shall issue a decision, which shall be subject to review on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure subsection (c) of this section. The Board may delegate the responsibility to hold a hearing to a hearing officer or a single Board member, subject to the procedure of subsection (c) of this section, but shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

(c) Hearing examiners; report of findings; final orders; judicial review. The Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or a single Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single Board member so appointed shall report the findings of fact in writing to the Board. Any order resulting from those findings shall be rendered only by a majority of the Board. Final orders of the Board issued pursuant to section 20 of this title (small claims against the Agency) may be reviewed on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final orders of the Board may be reviewed on the record by the Supreme Court.

(d) Specific duties and responsibilities. The Board shall:

** * **

(e) Offices and assistance. Suitable offices and office equipment shall be provided by the State for the Board at Montpelier. The Board may employ clerical or other employees and assistants whom it deems necessary in the performance of its duties and in the investigation of matters within its jurisdiction.

(f) Jurisdiction; subpoenas; witness fees. The Board shall have the power to determine and adjudicate all matters over which it is given jurisdiction. It may render judgments and make orders and decrees. Whenever the Board is sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of witnesses or the production of evidence. The fees for travel and attendance of witnesses shall be the same as for witnesses and officers appearing before a Civil Division of the Superior Court.

(g) Reports to the General Assembly. From time to time, the Board may report to the General Assembly with suggestions of amendment to existing law or of new legislation as it deems necessary and any information concerning the companies, matters, and things under the jurisdiction of the Board and Agency that, in its opinion, will be of interest to the General Assembly.

(h) Appeals from the Agency to the Board. Unless otherwise provided by law, when an appeal is allowed from the Agency to the Board, the appeal shall be taken by filing a notice of appeal with the Secretary within 30 days of the date of the Agency decision from which the appeal is taken. The Secretary

shall promptly forward the notice of appeal to the Board, together with the Agency's record of decision.

**** Repeal of 5 V.S.A. Chapter 5 ****

Sec. 36. REPEAL

5 V.S.A. chapter 5 (assessments to support Agency of Transportation and Transportation Board) is repealed.

**** On-Premises Signs ****

Sec. 37. 10 V.S.A. § 493 is amended to read:

§ 493. ON-PREMISES SIGNS

Owners or occupants of real property may erect and maintain on the property; on-premises signs advertising the sale or lease of the property or activities being conducted on the property. Those signs shall be subject to the regulations set forth below.

(1) On-premises signs may be erected or maintained, with a total area of not more than 150 square feet, advertising activities being conducted on the same premises. However, this limitation does not apply to signs existing on May 1, 1971, or attached to or part of the building in which the activities are being carried on. An on-premises sign shall not be located more than 1,500 feet from a main entrance from the highway to the activity or premises advertised. The 1,500-foot distance shall be measured along the centerline of the highway or highways between the sign and a main entrance or a straight

line, but only if the difference in elevation between the on-premises sign and a main entrance is more than 100 feet. A main entrance shall be a principal, private roadway or driveway that leads from a public highway to the advertised activity. For the purposes of this subdivision, premises shall not include land that is separated from the activity by a public highway, or other intervening land use not related to the advertised activity. Undeveloped land or farmland shall not be considered as an intervening land use.

* * *

** * * Right-of-Way Permits; 1111 Permits; Municipal*

*Site Plan Review * * **

Sec. 38. 19 V.S.A. § 1112 is amended to read:

§ 1112. DEFINITIONS; FEES

(a) As used in this section:

* * *

(4) “Subsurface stormwater system” means a stormwater system, as defined in 10 V.S.A. § 1264(b)(15), that is beneath the surface.

(b) The Secretary shall collect the following fees for each application for the following types of permits issued pursuant to section 1111 of this title:

* * *

(2) utility installations, including ~~each~~ direct connection to the State highway subsurface stormwater system: \$100.00

* * *

Sec. 39. 24 V.S.A. § 4416(b) is amended to read:

(b) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency ~~shall~~ may set out ~~any~~ conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

** * * Smugglers' Notch Motor Vehicle Limitations * * **

Sec. 40. 23 V.S.A. § 1006b is amended to read:

§ 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT

ROUTE 108; ~~COMMERCIAL~~ VEHICLE OPERATION

PROHIBITED

(a) Winter closure. The Agency of Transportation may close the Smugglers' Notch segment of Vermont Route 108 during periods of winter weather.

(b) Vehicle operation prohibition.

(1) ~~As used in this subsection, "commercial vehicle" means truck-~~

~~tractor-semitrailer combinations and truck-tractor-trailer combinations.~~

~~(2) Commercial Single-frame motor vehicles over 40 feet in length and tractor units with one or more attached trailers over 45 feet in total length are prohibited from operating on the Smugglers' Notch segment of Vermont Route 108.~~

~~(3)(2) Either the The employer of an operator of a commercial vehicle who is operating a vehicle in the scope of employment and violates this subsection, or the operator's employer, or the operator of a vehicle who is operating a vehicle for personal purposes and violates this subsection shall be subject to a civil penalty of \$1,000.00.—If or, if the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be a civil penalty of \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty or penalties shall be doubled.~~

~~(3) The prohibition in subdivision (1) of this subsection shall not apply to law enforcement, fire, emergency medical services, and search and rescue vehicles involved in training or responding to real-world incidents.~~

~~(c) Required signage. The Agency shall erect signs conforming to the standards established by section 1025 of this title to indicate the closures and restrictions authorized under this section.~~

~~*** Municipal Restrictions; Covered Bridges;~~

~~Damages and Expenses ***~~

Sec. 41. 19 V.S.A. § 313 is amended to read:

§ 313. RESTRICTING USE OF COVERED BRIDGES

The Agency and the selectmen of the town where a covered bridge is located or, if parts of such a bridge are located in more than one town, the selectmen of the towns acting jointly, may restrict the use of the bridge to vehicles that are within limits as to weight, height, and width as they shall establish. The limitation shall be plainly posted at the approaches to the bridge at approximately 100 feet from each end of the bridge, and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route. Posting shall be by means of permanent signs of a standard size of at least 24 inches by 24 inches, and with lettering not less than three inches high. [Repealed.]

Sec. 42. 19 V.S.A. § 315 is amended to read:

§ 315. PENALTIES

A person who operates a vehicle exceeding the limit prescribed on a bridge thus restricted shall be fined not more than \$200.00 for the first offense and not more than \$300.00 for each subsequent offense. [Repealed.]

Sec. 43. 23 V.S.A. § 1396 is redesignated to read:

§ 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

Sec. 44. 23 V.S.A. § 1397 is redesignated to read:

§ 1397. WEIGHT LIMIT SIGNS

Sec. 45. 23 V.S.A. § 1397a is added to read:

§ 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

The legislative body of a municipality where a covered bridge is located or, if parts of such a bridge are located in more than one municipality, the legislative bodies of the municipalities where a covered bridge is located acting jointly may, after consultation with the Agency of Transportation, restrict the use of the bridge to vehicles that are within limits as to one or more of the following, as they shall establish: weight, height, or width. Any limitation shall be permanently posted by the municipality, with signs that conform to the standards established by section 1025 of this title, approximately 100 feet from the approaches to the bridge and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route.

Sec. 46. 23 V.S.A. § 1398 is amended to read:

§ 1398. CERTIFIED STATEMENT TO BE FILED

A certified statement shall be filed with the clerk in each ~~town, village, or city~~ municipality in which ~~the a~~ posting occurs, as provided in ~~section~~ sections 1397 and 1397a of this title ~~subchapter, stating~~ occurs that states the location of the highway or bridge posted, the legal ~~load~~ limit or limits to which ~~such~~ the highway or bridge is restricted, and the date of posting. If ~~such~~ a restriction is removed at any time by the Secretary of Transportation, ~~selectboard, trustees,~~

~~or city council, or legislative body of the municipality, or both, a similar certified statement of the removal shall be filed with the clerk of the town, village, or city as the case may be municipality.~~

Sec. 47. 23 V.S.A. § 1399(b) is amended to read:

(b) Nothing contained in sections 1391–1398 of this ~~title~~ subchapter shall restrict the weight of:

(1) Snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks, or other construction or maintenance equipment when used by any town, incorporated village, city, or the State in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or under contract with such town, incorporated village, city, or the State for this purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, incorporated village, city, or the State shall be unrestricted as to weight only within a construction area.

(2) Municipal and volunteer fire apparatus and law enforcement motor vehicles.

(3) Heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower System of Interstate and Defense Highways.

Sec. 48. 23 V.S.A. § 1400d is amended to read:

§ 1400d. AGRICULTURAL SERVICE VEHICLES

(a) An agricultural service vehicle, as defined in subdivision 4(71) of this title, shall be exempt from the provisions of sections 1400 and 1400a and subsection 1434(c) of this title subchapter if the gross weight does not exceed 60,000 pounds.

(b) Municipalities shall not be liable for injuries or damages to agricultural service vehicles or their operators that result from crossing a posted bridge with an agricultural service vehicle that weighs more than the posted weight limit.

Sec. 49. 23 V.S.A. § 1434 is amended to read:

§ 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH

LIMITS; PENALTIES

(a) General limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this ~~title~~ subchapter without first obtaining a permit to operate the vehicle, whether or not a permit is available, shall be a traffic violation, as defined in section 2302 of this title. ~~A violation shall be, and~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(b) Permit limits. The operation of a vehicle on a public highway in excess

of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in conformance with section 1400 of this ~~title~~ subchapter shall be a traffic violation, as defined in section 2302 of this title, and ~~shall be~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(c) Covered bridges. The operation of a vehicle in excess of the legal limits designated for a covered bridge under section 1397a of this subchapter or applicable under subdivisions 1392(1) and (2) of this subchapter shall be a traffic violation, as defined in section 2302 of this title, and punishable by a civil penalty of \$1,000.00 or, if the violation results in substantially impeding the flow of traffic, \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty shall be doubled.

(d) Refusal to issue a permit. In the case of a violation under subsection (a) of this section, the Commissioner may refuse to issue a permit to the violator under section 1400 of this ~~title~~ subchapter for a period not to exceed three months, if the owner or lessee commits four or more violations within a two-year period. If the holder of a permit commits four or more violations under subsection (b) of this section within a two-year period, the Commissioner may suspend, for a period not to exceed three months, any

permit issued to the violator under section 1400 of this ~~title~~ subchapter. For the purposes of this section, the owner or lessee of the vehicle shall be considered the holder of, or applicant for, the permit.

Sec. 50. 23 V.S.A. § 1492 is amended to read:

§ 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

The owner, driver, operator, or mover of any motor truck, tractor, trailer, wagon, cart, carriage, or other object or contrivance ~~which~~ that is moved or operated on any highway in violation of any of the provisions of sections ~~1098, 1145~~ 1083, 1092, 1302, 1305, and 1431 and subsection 1434(c) of this ~~title, subchapter~~; such portion of ~~section 1141~~ sections 1003 and 1081 of this ~~title subchapter~~ as pertains to trucks and buses; ~~and such portion of section 1391 of this title subchapter as relates to weight in relation to tire surface~~; shall be liable to the State or municipal corporation in which the act is committed for damages to a public highway or bridge occasioned by such moving or operating, to be recovered in a civil action, in the name of the State or municipal corporation, or in an action on the bond provided in this chapter in connection with the issuance of permits, provided the action is brought within two years after such act is committed.

Sec. 51. 23 V.S.A. § 1112 is amended to read:

§ 1112. CLOSED HIGHWAYS

(a) Except by the written permit of the authority responsible for the closing,

a person shall not drive any vehicle over any highway across which there is a barrier or a sign indicating that the highway is closed to public travel.

* * *

(c) A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other emergency services in order to aid a stranded operator of a vehicle, or to move a disabled vehicle, operated on a closed highway in violation of this section, may recover from the operator in a civil action the cost of providing the services, if at the time of the violation a sign satisfying the requirements of subsection (b) of this section was installed.
[Repealed.]

Sec. 52. 24 V.S.A. § 2296a is added to read:

§ 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY

SERVICES

A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other services to aid an operator of a vehicle who is stranded due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) or to move a vehicle that is disabled due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) may recover in civil action the costs of providing services from the operator or the operator's employer, provided that the operator was acting during or incidental to the operator's scope of employment.

** * * Municipal Weight Limits; Filing of Restrictions * * **

Sec. 53. 23 V.S.A. § 1400b is amended to read:

§ 1400b. FILING OF RESTRICTIONS, PUBLICATION

(a) Any municipality that has enacted special weight limits that are other than State legal limits for highways or bridges within its jurisdiction shall file a complete copy of the limitations with the Department of Motor Vehicles ~~not later than February 10~~ of each year. The information filed shall contain a concise listing of each highway or bridge posted, the time of the year the restrictions apply, weight limitations in effect on that highway or bridge, and the name, address, and telephone number of the principal person or persons responsible for issuing the local permit. Additions or deletions to the listing may be made from time to time, as required, by filing with the Department.

(b) Any special municipal weight limits on highways or bridges shall be unenforceable unless they are on file with the Department of Motor Vehicles within three working days of the date of posting. It shall be the responsibility of the municipality to keep records documenting the time and date a highway or bridge is posted, and to keep current restrictions on file with the Department. The Department may prescribe the format that is to be used when filing restrictions under this section.

** * **

** * * Use of Sustainable Building Components * * **

Sec. 54. FINDINGS

The General Assembly finds:

(1) With the passage of the Universal Recycling Law, the State of Vermont committed to providing convenient and efficient recycling services to all Vermonters.

(2) Efficient recycling systems save energy, conserve natural resources, and reduce greenhouse gas emissions.

(3) Recycled glass can currently be used in the following ways:

(A) as an aggregate to substitute for virgin or manufactured sand;

(B) ground and used as a pozzolan, which can be a partial substitute for Portland Cement in a concrete-mix design; or

(C) converted into a building component.

(4) Mining sand is a practice that is known to have an adverse effect on the environment.

(5) Fly ash, which is a pozzolan, is the byproduct of the burning of coal, and ground granulated blast-furnace slag, which is also a pozzolan, is the byproduct of steel manufacturing.

(6) The Agency of Transportation is already, pursuant to 2020 Acts and Resolves No. 121, Sec. 21, encouraged to, wherever practicable, use pozzolans and alternatives to Portland Cement as part of the concrete-mix design for all transportation infrastructure projects.

(7) Reusing recycled glass as a substitute for virgin or manufactured

sand conserves natural resources by reducing the need to mine or manufacture sand.

(8) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvement projects could reduce greenhouse gas emissions and the State's carbon footprint by eliminating the need to transport recycled glass out of State for further processing.

(9) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvements projects could provide an economic benefit to the local recycling industry.

(10) There will continue to be advances in the availability and use of sustainable building components, such as recycled materials and manufacturing byproducts, in maintenance, construction, and improvement projects.

Sec. 55. 19 V.S.A. § 10c(m) is amended to read:

~~(m) Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of quality RAP are available consistent with producing quality hot mix asphalt. To that extent, the Agency shall define paving project specifications and contract bid documents to allow the use of up to 50 percent RAP. The Agency shall compare the cost-benefit of the State's~~

~~retaining the RAP versus the contractor's retaining the RAP, and the Agency shall report to the House and Senate Committees on Transportation on the results of the comparison in the 2009 and 2010 legislative sessions.~~

~~[Repealed.]~~

~~Sec. 56. 19 V.S.A. § 10m is added to read:~~

~~§ 10m. STATEMENT OF POLICY; SUSTAINABLE BUILDING~~

~~COMPONENTS; ANNUAL REPORT~~

~~(a) Policy. It shall be the State's policy to use sustainable building components, including recycled materials and manufacturing byproducts, in all maintenance, construction, and improvement projects within the State's Transportation Program to the extent that sources of quality sustainable building components are available and the use is consistent with producing transportation assets with a demonstrated evidence of long-term durability.~~

~~(b) Specifications. The Agency shall define its performance and related specifications and contract bid documents to allow and, as practicable, encourage the use of sustainable building components.~~

~~(c) Recycled asphalt pavement. Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of RAP of a quality comparable to hot mix asphalt is available. The Agency shall define paving project specifications and contract bid documents to allow for the use of up to 50 percent RAP.~~

(d) Research and testing. The Agency is encouraged to continue researching, testing, and, wherever practicable, using sustainable building components, pozzolans, and alternatives to Portland Cement as part of the construction specifications for all transportation infrastructure projects.

(e) Annual report. The Agency, in consultation with the Recycled Materials Working Group, shall, during each session of the General Assembly, provide an oral report to the House and Senate Committees on Transportation on the use of sustainable building components in maintenance, construction, and improvement projects within the State's Transportation Program.

** * * Fees for State Electric Vehicle Supply Equipment; Sunset * * **

Sec. 57. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on July 1, 2022 2025.

Sec. 58. 32 V.S.A. § 604 is amended to read:

§ 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

(a) Notwithstanding any other provision of this subchapter, any agency or department that owns or controls electric vehicle supply equipment (EVSE), as defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that electric ~~vehicle supply equipment~~ EVSE. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its

costs, or equal to the retail rate charged for the use of ~~electric vehicle supply equipment~~ EVSE available to the public. Fees collected under this section shall be deposited in the same fund or account within a fund from which the electric operating expense for the ~~electric vehicle supply equipment~~ EVSE originated.

(b) The Agency of Transportation and the Department of Buildings and General Services shall make staff available to standing committees of the General Assembly beginning on January 15 each year to give an oral presentation that provides an update on the State's efforts to collect fees for the use of EVSE that is owned or controlled by the State pursuant to subsection (a) of this section and shall make available as part of that presentation a copy of any applicable fee schedules, along with an explanation as to whether or not the fee schedule accounts for expenses associated with the EVSE, including electricity costs.

** * * Relinquishment of Vermont Route 207 Extension*

*in the Town of St. Albans * * **

Sec. 59. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:

(a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General Assembly approves the ~~secretary of transportation~~ Secretary of Transportation to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to the ~~town's~~ Town's jurisdiction a segment of ~~state~~ State highway right-of-way in

the ~~town~~ Town of St. Albans, which has not been constructed to be a traveled road, and which was to be known as the Vermont Route 207 Extension. This authority shall expire on June 30, 2022 2032. The segment authorized to be relinquished measures approximately 1.7 acres, is approximately 160 feet in width, and starts at a point 200 feet west of the intersection of the U.S. Route 7/Vermont Route 207 centerline of highway project S0297(2), and continues westerly for 463 feet.

** * * Relinquishment of Vermont Route 36 in the Town of St. Albans * * **

*Sec. 59a. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN
OF ST. ALBANS*

(a) Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly approves the Secretary of Transportation to enter into an agreement with the Town of St. Albans to relinquish to the Town's jurisdiction a segment of the State highway in the Town of St. Albans known as Vermont Route 36. The authority shall expire on June 30, 2032. The segment authorized to be relinquished begins at the 0.000 mile marker, just east of the "Black Bridge" (B2), and continues 14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where Vermont Route 36 meets the boundary of the City of St. Albans, and includes the 0.106 mile westbound section of Vermont Route 36 and approaches at the entrance to the St. Albans Bay Town Park.

(b) Following relinquishment, control of the segment of highway shall be under the jurisdiction of the Town of St. Albans, but the Town shall not own any of the land or easements within the highway right-of-way.

(c) The Town of St. Albans shall not sell or abandon any portion of the relinquished segment or allow any encroachments within the relinquished segment without written permission of the Secretary of Transportation.

* * * Codified Law Technical Corrections * * *

Sec. 60. REPEAL

19 V.S.A. § 22 (fine applicable for a violation of the since repealed 19 V.S.A. § 21(c)) is repealed.

Sec. 61. 19 V.S.A. § 11a(b) is amended to read:

~~(b) In fiscal year 2017, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the~~

General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

Sec. 62. 19 V.S.A. § 996(a) is amended to read:

(a) The Agency of Transportation shall work with municipal representatives to revise the Agency of Transportation's Town Road and Bridge Standards in order to incorporate a suite of practical and cost-effective best management practices, as approved by the Agency of Natural Resources, for the construction, maintenance, and repair of all existing and future State and town highways. These best management practices shall address activities that have a potential for causing pollutants to enter the groundwater and waters of the State, including stormwater runoff and direct discharges to State waters. The best management practices shall not supersede any requirements for stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that apply to State and town highways. ~~The Agency of Transportation shall report to the House and Senate committees on Transportation, the house committee on fish, wildlife and water resources, and the Senate Committee on Natural Resources and Energy by January 15, 2011, on the best management practices to be incorporated into the Agency of Transportation's Town Road and Bridge Standards.~~

~~*** Zoning: Municipal Airports; Parking ***~~

~~Sec. 63. 24 V.S.A. § 4413(t) is added to read.~~

~~(i) Notwithstanding 1 V.S.A. § 213, no bylaw adopted under this chapter shall regulate the location of parking facilities at or adjacent to a municipally owned and operated airport.~~

~~*** Effective Dates ***~~

~~Sec. 64. EFFECTIVE DATES~~

~~(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), and 63 (24 V.S.A. § 4413(i)) shall take effect on passage.~~

~~(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.~~

~~(c) All other sections shall take effect on July 1, 2022.~~

~~*** Transportation Network Companies (TNC);~~

~~Preemption; Sunset Extension; Report ***~~

~~Sec. 63. 23 V.S.A. § 754 is amended to read:~~

~~§ 754. PREEMPTION; SAVINGS CLAUSE~~

~~(a) Municipal ordinances, resolutions, or bylaws regulating transportation network companies are preempted to the extent they are inconsistent with the provisions of this chapter.~~

~~(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by~~

a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, 2022 ~~2025~~.

Sec. 64. TRANSPORTATION NETWORK COMPANIES (TNC) REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the City of Burlington; the Vermont League of Cities and Towns; and transportation network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing business in Vermont, shall file a written report with recommendations on how, if at all, to amend 23 V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10 with the House Committees on Commerce and Economic Development, on Judiciary, and on Transportation and the Senate Committees on Finance, on Judiciary, and on Transportation on or before March 15, 2024.

(b) In preparing the report, the Commissioner of Motor Vehicles shall review the following related to TNCs:

(1) changes in ridership and consumer practices for calendar years 2018 to 2023, including market penetration across the State;

(2) the results of and process for audits conducted on a State or municipal level;

(3) an analysis prepared by the City of Burlington and TNCs of the differences between the State's regulatory scheme and the City of Burlington's regulatory scheme, including whether allowing those inconsistencies is or will

be detrimental or beneficial to any of the following: the State, the traveling public, TNCs, the City of Burlington, or other municipalities; and

(4) significant regulatory changes on a national level.

** * * Effective Dates * * **

Sec. 65. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), and 63 (transportation network companies regulation preemption; 23 V.S.A. § 754(b)) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.