

H.736

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

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

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; 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 eBike incentives and capped administrative costs.

(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. 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 an eBike incentive program.
- (e) 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.

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

(g) 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.

(h) 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, 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 (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 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(1).

(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>
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
Total	30,314,187	30,314,187	0

Sources of funds

TIB	2,402,455	2,402,455	0
State	1,919,899	1,230,817	-689,082
Federal	24,251,350	25,529,514	1,278,164
Local	1,740,483	1,151,401	-589,082
Total	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>
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
Total	33,079,104	33,024,893	-54,211

Sources of funds

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

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

Sources of funds

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

Sources of funds

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

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>
Grants	6,333,500	7,200,000	866,500
Total	6,333,500	7,200,000	866,500

Sources of funds

State	6,333,500	7,200,000	866,500
Total	6,333,500	7,200,000	866,500

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

Sources of funds

State	7,648,750	8,600,000	951,250
Total	7,648,750	8,600,000	951,250

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

Sources of funds

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

(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:

FY23	As Proposed	As Amended	Change
Grants	0	1,500,000	1,500,000
Total	0	1,500,000	1,500,000

Sources of funds

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:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000

Sources of funds

General Fund	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000

(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 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>
Other	0	150,000	150,000
Total	0	150,000	150,000

Sources of funds

State	0	15,000	15,000
Federal	0	135,000	135,000
Total	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>
Other	1,216,303	1,201,303	-15,000
Total	1,216,303	1,201,303	-15,000

Sources of funds

State	1,216,303	1,201,303	-15,000
Total	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 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 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.~~

* * * 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.