

## House Proposal of Amendment to Senate Proposal of Amendment

### H 736

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

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

First: In Sec. 2, fiscal year 2023 transportation investments, by inserting the words “and the Climate Action Plan” following “the Comprehensive Energy Plan”

Second: In Sec. 2, fiscal year 2023 transportation investments, by inserting a new subdivision (8)(D) to read as follows:

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

and by relettering subdivision (8)(D) to be (8)(E)

Third: In Sec. 2, fiscal year 2023 transportation investments, in newly relettered subdivision (8)(E), by striking out “Sec. 5(d)” and inserting in lieu thereof “Sec. 5(e)”

Fourth: In Sec. 2, fiscal year 2023 transportation investments, in subdivision (12), by striking out “Secs. 55–57” and inserting in lieu thereof “Secs. 54–56”

Fifth: In Sec. 5, vehicle incentive programs, by inserting a new subsection (d) to read as follows:

(d) eBike Incentives. The Agency is authorized to spend up to \$50,000.00 as appropriated in the fiscal year 2023 budget on a continuation of the eBike incentives as established in 2021 Acts and Resolves No. 55, Sec. 28.

and by relettering the remaining subsections to be alphabetically correct

Sixth: In Sec. 5, vehicle incentive programs, in newly relettered subsection (f), by striking out “(a)–(c)” and inserting in lieu thereof “(a)–(d)”

Seventh: In Sec. 5, vehicle incentive programs, in newly relettered subsection (h), by striking out the word “and” preceding the words “Replace Your Ride”, by inserting “, and eBike incentives” following the words “Replace Your Ride”, and by striking out “subsection (e)” and inserting in lieu thereof “subsection (f)”

Eighth: In Sec. 7, Vermont Association of Snow Travelers (VAST) authorizations, in subsection (a), by striking out “, through the Department of Motor Vehicles,” following “The Agency of Transportation”

Ninth: By striking out Sec. 13, town highway structures and town highway class 2 roadway, in its entirety and inserting in lieu thereof the following:

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       |
| <u>Sources of funds</u> |                    |                   |               |
| 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       |
| <u>Sources of funds</u> |                    |                   |               |
| 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.

Tenth: In Sec. 16, one-time public transit monies, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(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.

Eleventh: By striking out Sec 17, Burlington International Airport Study Committee; report, and its corresponding reader assistance heading in their entireties and inserting in lieu thereof the following:

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

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING  
GROUP; REPORT

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

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

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

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

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

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

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

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

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

(c) Duties. The Working Group shall:

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

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

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

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

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

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

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

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

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

(e) Meetings.

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

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

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

Twelfth: By inserting a new section to be Sec. 59a and its reader assistance heading to read as follows:

\*\*\* 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.

Thirteenth: By striking out Secs. 63, 24 V.S.A. § 4413(i), and 64, effective dates, and their reader assistance headings in their entireties and inserting in lieu thereof the following:

\* \* \* 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.