

1 **[AGENCY OF TRANSPORTATION PROPOSALS AS MODIFIED BY**
2 **LEG. COUNSEL AND LEG. COUNSEL TECHNICAL CORRECTIONS]**

3 Introduced by Committee on Transportation

4 Date:

5 Subject: Transportation; Town Highway Structures Program; Class 2 Town
6 Highway Roadway Program; signs; plug-in electric vehicles (PEV);
7 New PEV Incentive Program; Replace Your Ride Program; PEV
8 Dealers and Sales Force Incentive and Training Program; electric
9 vehicle supply equipment (EVSE); rate setting; public transportation;
10 work zone safety; pilot program; automated traffic enforcement
11 system

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

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

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

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

19 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

1 (a) The Agency of Transportation’s Proposed Fiscal Year 2022
2 Transportation Program appended to the Agency of Transportation’s proposed
3 fiscal year 2022 budget, as amended by this act, is adopted to the extent
4 federal, State, and local funds are available.

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

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

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

9 (3) “Plug-in electric vehicle (PEV),” “plug-in hybrid electric vehicle
10 (PHEV),” and “battery electric vehicle (BEV)” have the same meanings as in
11 23 V.S.A. § 4(85).

12 (4) “Secretary” means the Secretary of Transportation.

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

15 (6) The table heading “As Proposed” means the Proposed
16 Transportation Program referenced in subsection (a) of this section; the table
17 heading “As Amended” means the amendments as made by this act; the table
18 heading “Change” means the difference obtained by subtracting the “As
19 Proposed” figure from the “As Amended” figure; and the terms “change” or
20 “changes” in the text refer to the project- and program-specific amendments.

1 the aggregate sum of which equals the net “Change” in the applicable table
2 heading.

3 (c) In the Agency of Transportation’s Proposed Fiscal Year 2022
4 Transportation Program for Town Highway Aid, the value “\$26,017,744” is
5 struck and “\$27,105,769” is inserted in lieu thereof to correct a typographic
6 error.

7 * * * Town Highway Structures and Class 2 Town Highway Roadway
8 Programs in Fiscal Year 2021 * * *

9 Sec. 2. TOWN HIGHWAY STRUCTURES AND CLASS 2 TOWN

10 HIGHWAY ROADWAY PROGRAMS IN FISCAL YEAR 2021

11 Notwithstanding any other provision of law, in Fiscal Year 2022, the
12 Agency is authorized to reimburse, subsequent to performance of the work,
13 municipalities for qualifying projects in the Town Highway Structures and
14 Class 2 Town Highway Roadway Programs for costs incurred during Fiscal
15 Year 2021.

16 * * * Airport and Rail Signs * * *

17 Sec. 3. 10 V.S.A. § 494 is amended to read:

18 § 494. EXEMPT SIGNS

19 The following signs are exempt from the requirements of this chapter
20 except as indicated in section 495 of this title:

21 * * *

1 (6)(A) Official traffic control signs, including signs on limited access
2 highways, consistent with the Manual on Uniform Traffic Control Devices
3 (MUTCD) adopted under 23 V.S.A. § 1025, directing ~~people~~ persons to:

4 (i) other towns;

5 (ii) international airports;

6 (iii) postsecondary educational institutions;

7 (iv) cultural and recreational destination areas;

8 (v) nonprofit diploma-granting educational institutions for ~~people~~
9 persons with disabilities; and

10 (vi) official State visitor information centers.

11 (B) After having considered the six priority categories in subdivision
12 (A) of this subdivision (6), the Travel Information Council may approve
13 installation of a sign for any of the following provided the location is open a
14 minimum of 120 days each year and is located within 15 miles of an interstate
15 highway exit:

16 (i) nonprofit museums;

17 (ii) cultural and recreational attractions owned by the State or
18 federal government;

19 (iii) officially designated scenic byways;

20 (iv) park and ride or multimodal centers; and

21 (v) fairgrounds or exposition sites.

1 ~~permit under 19 V.S.A. § 1111, and setting~~ determined whether a permit is
2 required under 19 V.S.A. § 1111. If the Agency determines that a permit for
3 the proposed site plan is required under 19 V.S.A. § 1111, then the letter from
4 the Agency shall set out any conditions that the Agency proposes to attach to
5 the ~~section 1111~~ permit required under 19 V.S.A. § 1111.

6 Sec. 5. 24 V.S.A. § 4463(e) is added to read:

7 (e) Whenever a proposed subdivision is adjacent to a State highway, the
8 application for subdivision approval shall include a letter from the Agency of
9 Transportation confirming that the Agency has reviewed the proposed
10 subdivision and determined whether a permit is required under 19 V.S.A.
11 § 1111. If the Agency determines that a permit for the proposed subdivision is
12 required under 19 V.S.A. § 1111, then the letter from the Agency shall set out
13 any conditions that the Agency proposes to attach to the permit required under
14 19 V.S.A. § 1111.

15 Sec. 6. 19 V.S.A. § 1112(b) is amended to read:

16 (b) The Secretary shall collect the following fees for each application for
17 the following types of permits ~~or permit amendments~~ issued pursuant to
18 section 1111 of this title:

19 * * *

20 (6) permit amendments: \$0.00.

1 * * * New PEV Incentive Program * * *

2 Sec. 7. NEW PEV INCENTIVE PROGRAM

3 In fiscal year 2022, the Agency is authorized to spend up to \$2,250,000.00
4 in one-time Transportation Fund monies on the New PEV Incentive Program
5 established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with:

6 (1) up to \$250,000.00 of that \$2,250,000.00 available to continue and
7 expand the Agency’s public-private partnership with Drive Electric Vermont to
8 support the expansion of the PEV market in the State; and

9 (2) up to 10 percent of the portion of that \$2,250,000.00 not used to
10 expand the Agency’s public-private partnership with Drive Electric Vermont
11 pursuant to subdivision (1) of this section available for costs associated with
12 the administration of the Program.

13 * * * Replace Your Ride Program * * *

14 Sec. 8. REPLACE YOUR RIDE PROGRAM

15 (a) Program creation. The Agency of Transportation, in consultation with
16 the Departments of Environmental Conservation and of Public Service, shall
17 expand upon the vehicle incentive programs established under 2019 Acts and
18 Resolves No. 59, Sec. 34, as amended, to provide additional incentives for
19 Vermonters with low income through a program to be known as the Replace
20 Your Ride Program.

1 (b) Incentive amount. The Replace Your Ride Program shall provide up to
2 a \$3,000.00 incentive, which may be in addition to any other available
3 incentives, including through a program funded by the State, to individuals
4 who qualify based on both income and the removal of an internal combustion
5 vehicle. Only one incentive per individual or married couple is available under
6 the Replace Your Ride Program and incentives shall be provided on a first-
7 come, first-served basis once the Replace Your Ride Program is operational.

8 (c) Eligibility. Applicants must qualify through both income and the
9 removal of an eligible vehicle with an internal combustion engine.

10 (1) Income eligibility. The following applicants meet the income
11 eligibility requirement:

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

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

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

1 (2) Vehicle removal.

2 (A) In order for an individual or married couple to qualify for an
3 incentive under the Replace Your Ride Program, the individual or married
4 couple must remove an older low-efficiency vehicle from operation and switch
5 to a mode of transportation that produces fewer greenhouse gas emissions.
6 The entity that administers the Replace Your Ride Program shall establish
7 Program guidelines that specifically provide for how someone can show that
8 the vehicle removal eligibility requirement has been, or will be, met.

9 (B) For purposes of the Replace Your Ride Program:

10 (i) An “older low-efficiency vehicle”:

11 (I) is currently registered, and has been for two years prior to
12 the date of application, with the Vermont Department of Motor Vehicles;

13 (II) is currently titled in the name of an applicant and has been
14 for at least one year prior to the date of application;

15 (III) has a gross vehicle weight rating of 10,000 pounds or less;

16 (IV) is model year 2010 or older;

17 (V) has an internal combustion engine; and

18 (VI) passed the annual inspection required under 23 V.S.A.
19 § 1222 within the prior year.

20 (ii) Removing the older low-efficiency vehicle from operation
21 must be done by disabling the vehicle’s engine from further use and either

1 donating the vehicle to a nonprofit organization to be used for parts or having
2 the vehicle recycled.

3 (iii) The following qualify as a switch to a mode of transportation
4 that produces fewer greenhouse gas emissions:

5 (I) purchasing or leasing a new or used PEV;

6 (II) purchasing a new or used bicycle or motorcycle that is fully
7 electric; and

8 (III) utilizing public transit, shared-mobility services, or
9 privately operated vehicles for hire.

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

15 * * * Sales Force Incentive Program * * *

16 Sec. 9. PEV DEALERS AND SALES FORCE INCENTIVE AND
17 TRAINING PROGRAM

18 (a) To motivate sales of PEVs, the Agency, in consultation with the
19 Vermont Vehicle and Automotive Distributors Association (VADA), shall
20 establish an incentive and training program for auto dealers, as defined in
21 23 V.S.A. § 4(8), and salespersons to become more educated about PEVs and

1 how to effectively promote and sell PEVs. The program shall be known as the
2 PEV Dealers and Sales Force Incentive and Training Program.

3 (b) In fiscal year 2022, the Agency is authorized to spend up to
4 \$250,000.00 in one-time Transportation Fund monies on the PEV Dealers and
5 Sales Force Incentive and Training Program with up to the full \$250,000.00
6 available for the Agency’s public-private partnership with VADA.

7 (c) Not more than \$150,000.00 of the total authorization shall be directed to
8 educating dealers and salespersons on PEVs.

9 (d) The Agency and VADA shall provide incentives for dealers and
10 salespersons based on the number of purchases and leases of PEVs, with larger
11 incentives for BEVs. Incentives shall be apportioned between the dealer and
12 the salesperson using a formula to be determined by the Agency in
13 consultation with VADA, and the total combined incentive shall not to exceed
14 \$400.00 per PEV sold or leased.

15 * * * EVSE Grant Program * * *

16 Sec. 10. GRANT PROGRAMS FOR LEVEL 2 CHARGERS IN MULTI-
17 FAMILY HOUSING

18 (a) The Agency of Transportation shall establish and administer, through a
19 memorandum of understanding with the Department of Housing and
20 Community Development, a program to support the continued buildout of
21 electric vehicle supply equipment in multi-family housing and build upon the

1 existing VW EVSE Grant Program that the Department of Housing and
2 Community Development has been administering on behalf of the Department
3 of Environmental Conservation.

4 (b) In fiscal year 2022, the Agency is authorized to spend up to
5 \$1,000,000.00 in one-time Transportation Fund monies on the Program
6 established in this section.

7 (c) The Department of Housing and Community Development shall consult
8 with an interagency team consisting of the Commissioner of Housing and
9 Community Development or designee, the Commissioner of Environmental
10 Conservation or designee, the Commissioner of Public Service or designee,
11 and the Agency’s Division Director of Policy, Planning, and Intermodal
12 Development or designee on all major decisions regarding the administration
13 of this Program.

14 * * * PEV Electric Distribution Utility Rate Design * * *

15 Sec. 11. PEV ELECTRIC DISTRIBUTION UTILITY RATE DESIGN

16 (a) This section serves to encourage efficient integration of PEVs and
17 EVSE into the electric system and the timely adoption of PEVs and public
18 charging through managed loads or time-differentiated price signals.

19 (b) Not later than June 30, 2024, all State electric distribution utilities shall
20 implement PEV rates for public and private EVSE that encourage:

1 (1) efficient use of PEV loads consistent with objectives of least-cost
2 integrated planning, set out in 30 V.S.A. § 218c, and 30 V.S.A. § 202(b) and

3 (c);

4 (2) participation in the PEV rates;

5 (3) travel by PEV relative to available alternatives; and

6 (4) greater adoption of PEVs.

7 (c) The Public Utility Commission shall approve PEV rates that it finds:

8 (1) support greater adoption of PEVs;

9 (2) adequately compensate PEV operators and owners of EVSE
10 available to the public for the value of grid-related services;

11 (3) adequately compensate the electric distribution utility for all
12 forward-looking or avoidable costs of service that are directly attributable to
13 the delivery of electricity through a PEV rate;

14 (4) include a reasonable contribution to historic or embedded costs
15 required to meet the overall cost of service;

16 (5) do not discourage EVSE available to the public; and

17 (6) do not have an adverse impact, over time, to ratepayers not utilizing
18 the PEV rate.

19 (d) The Public Utility Commission may approve PEV rates that utilize
20 direct load control, third-party managed load control, static or dynamic time-

1 varying rates, or other innovative practices that accomplish the goals set forth
2 in this section.

3 * * * Public Transportation Electrification Plan * * *

4 Sec. 12. PUBLIC TRANSPORTATION ELECTRIFICATION PLAN

5 (a) The Agency of Transportation, in consultation with the State’s public
6 transit providers, shall prepare a long-range plan that outlines the costs,
7 timeline, training, maintenance, and operational actions required to move to a
8 fully electrified public transportation fleet.

9 (b) The Agency shall file the long-range plan required under subsection (a)
10 of this section with the House and Senate Committees on Transportation not
11 later than January 31, 2022.

12 * * * Automated Traffic Law Enforcement System in Work Zones Pilot * * *

13 Sec. 13. DEFINITIONS

14 As used in Secs. 13–16 of this act:

15 (1) “Agency” means an agency of State government that is authorized to
16 issue citations for a violation of State motor vehicle laws or rules.

17 (2) “Automated traffic law enforcement system” means a device with
18 one or more sensors working in conjunction with a speed measuring device to
19 produce recorded images of motor vehicles traveling at more than 10 miles
20 above the speed limit.

1 (3) “Automated traffic law enforcement system pilot” or “pilot” means
2 a pilot program during which automated traffic law enforcement systems are
3 used to issue warnings for motor vehicles that are in violation of a traffic
4 control device.

5 (4) “Owner” means the registered owner of a motor vehicle or a lessee
6 of a motor vehicle under a lease of one year or more.

7 (5) “Recorded image” means a photograph, microphotograph, electronic
8 image, or electronic video that shows the front or rear of the motor vehicle
9 clearly enough to identify the registration number plate of the motor vehicle.

10 (6) “Traffic control device” means any sign, signal, marking,
11 channelizing, or other device that conforms with the Manual on Uniform
12 Traffic Control Devices, which is the standards for all traffic control signs,
13 signals, and markings within the State pursuant to 23 V.S.A. § 1025, and is
14 used to regulate, warn, or guide traffic and placed on, over, or adjacent to a
15 highway, pedestrian facility, or bicycle path by authority of the State or the
16 municipality with jurisdiction over the highway, pedestrian facility, or bicycle
17 path.

18 Sec. 14. FINDINGS

19 The General Assembly finds that:

1 (1) There are times, either because of insufficient staffing or inherent
2 on-site difficulties, where law enforcement personnel cannot practically be
3 utilized in a work zone.

4 (2) The objectives of utilizing an automated traffic law enforcement
5 system in a work zone are improved work crew safety and reduced traffic
6 crashes resulting from an increased adherence to traffic laws achieved by
7 effective deterrence of potential violators, which could not be achieved by
8 traditional law enforcement methods.

9 (3) The use of automated traffic law enforcement systems in work zones
10 is not intended to replace traditional law enforcement personnel, nor is it
11 intended to mitigate problems caused by deficient road design, construction, or
12 maintenance. Rather, it provides deterrence and enforcement at times when
13 and in locations where law enforcement personnel cannot be utilized safely or
14 are needed for other law enforcement activities.

15 (4) An integral part of an automated traffic law enforcement pilot is a
16 community-wide informational campaign directed toward the traveling public.

17 (5) The goal of an automated traffic law enforcement pilot is to reduce
18 crashes in work zones by deterring traffic violations.

19 (6) The issuance of traffic violation complaints and generation of
20 revenue are not the goals of an automated traffic law enforcement system pilot.

1 Sec. 15. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM

2 PILOT

3 (a) Design and implementation.

4 (1) The Agency of Transportation, in consultation with the Department
5 of Public Safety, shall design and implement a one-year automated traffic law
6 enforcement system pilot.

7 (2) The pilot shall be preceded by and not commence until after the
8 Agency of Transportation engages in the necessary planning and contractor
9 procurement and conducts a comprehensive public outreach and informational
10 campaign.

11 (3) The Agency of Transportation may retain one or more contractors to
12 assist in the implementation of the pilot. However, compensation paid to these
13 contractors shall be based on the value of the equipment or the services
14 provided and not the number of warnings issued.

15 (b) Public outreach.

16 (1) The public outreach and informational campaign shall continue
17 throughout the one-year automated traffic law enforcement system pilot.

18 (2) Any agencies utilizing an automated traffic law enforcement system
19 shall maintain a website that lists the locations where automated traffic law
20 enforcement systems are utilized.

1 (c) Location. An automated traffic law enforcement system may only be
2 utilized at a location in the vicinity of a work zone and if the agency with
3 jurisdiction over the location determines, in its sole discretion, that it is
4 impractical or unsafe to utilize traditional law enforcement, or that the use of
5 traditional law enforcement personnel has failed to deter violators, provided
6 that:

7 (1) the agency confirms, through a traffic engineering analysis of the
8 proposed location, that the location meets highway safety standards;

9 (2) the automated traffic law system is not used as a means of combating
10 deficiencies in roadway design or environment;

11 (3) signs notifying members of the traveling public of the use of an
12 automated traffic law enforcement system are in place before any warnings are
13 issued based on recorded images collected by the automated traffic law
14 enforcement system; and

15 (4) the automated traffic law enforcement system is only in operation
16 when workers are present in the work zone.

17 (d) Warnings.

18 (1) If an automated traffic law enforcement system collects a recorded
19 image of a motor vehicle in violation of a traffic control device, the agency
20 with jurisdiction over the location where the automated traffic law enforcement

1 system is utilized shall mail to the owner of the motor vehicle in the recorded
2 image a warning that includes:

3 (A) the name and address of the registered owner of the motor
4 vehicle in the recorded image;

5 (B) the issuing jurisdiction and registration number of the motor
6 vehicle in the recorded image;

7 (C) a copy of the recorded image;

8 (D) the location of the automated law enforcement system that
9 collected the recorded image;

10 (E) the date and time of the recorded image;

11 (F) a signed statement by an employee of the agency that, based on
12 inspection of recorded images, the motor vehicle was being operated in
13 violation of a traffic control device; and

14 (G) a statement that recorded images may be used as evidence of a
15 violation of a traffic control device.

16 (2) A warning issued under this section shall be mailed not later than
17 14 days after the date of the recorded image if the motor vehicle is registered in
18 Vermont and not later than 30 days after the date of the recorded image if the
19 motor vehicle is registered in a jurisdiction outside of Vermont.

20 Notwithstanding 23 V.S.A. § 114, the Department of Motor Vehicles shall
21 provide registration information to agencies and any of the Agency of

1 Transportation’s contractors retained pursuant to subdivision (a)(3) of this
2 section free of charge and pursuant to 23 V.S.A. § 104 and 18 U.S.C.
3 § 2721(b)(1) for purposes of mailing a warning pursuant to this subsection.

4 (e) Limitations on the usage of recorded images.

5 (1) The automated traffic enforcement system shall only be used to
6 collect recorded images of violations of a traffic control device and may not be
7 used for any other surveillance purposes. The restrictions provided in this
8 subsection shall not preclude a court of competent jurisdiction from ordering
9 the release of recorded images and any corresponding data to law enforcement
10 officials, provided that the information is requested solely in connection with a
11 criminal prosecution.

12 (2) Recorded images and any corresponding data collected by an
13 automated traffic enforcement system are exempt from public inspection and
14 copying under the Public Records Act and shall be kept confidential except to
15 the extent necessary to comply with this section.

16 (3) Recorded images and any corresponding data collected by an
17 automated traffic enforcement system shall be destroyed within one year of
18 recording, except that recorded images and any corresponding data collected
19 by an automated traffic enforcement system that is subject to a court order
20 under subdivision (1) of this subsection shall be destroyed within two years
21 after the date of the court order, unless further extended by court order.

1 Sec. 16. REPORTING

2 (a) To the Agency of Transportation by agencies with jurisdiction over a
3 location where an automated traffic law enforcement system is utilized. Not
4 later than two months after the conclusion of the first six months of the
5 automated traffic law enforcement system pilot and not later than two months
6 after the conclusion of the last six months of the pilot, the agencies with
7 jurisdiction over a location where an automated traffic law enforcement system
8 was utilized shall report the following for each location where an automated
9 traffic law enforcement system was utilized to the Agency of Transportation:

- 10 (1) the number of crashes and related serious injuries and fatalities;
11 (2) recorded speed data; and
12 (3) the number of warnings issued.

13 (b) To the General Assembly by the Agency of Transportation.

14 (1) Not later than four months after the conclusion of the automated
15 traffic law enforcement system pilot, the Agency of Transportation shall
16 submit a written report on the use of automated traffic law enforcement
17 systems in work zones in Vermont to the House and Senate Committees on
18 Transportation and to the Joint Transportation Oversight Committee if the
19 General Assembly is not in session.

1 (2) The report shall include the following for each location where an
2 automated traffic law enforcement system was utilized as part of the automated
3 traffic law enforcement:

4 (A) the number of crashes and related serious injuries and fatalities;

5 (B) recorded speed data; and

6 (C) the number of warnings issued.

7 (3) The report shall also include the amount paid under each contract
8 that the Agency of Transportation enters into under Sec. 15(a)(3) of this act.

9 * * * Effective Date * * *

10 Sec. 17. EFFECTIVE DATE

11 This act shall take effect on July 1, 2021.