

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

4 Introduced by Committee on Transportation

5 Date:

6 Subject: Transportation; Transportation Program; annual Transportation
7 Program; Lamoille Valley Rail Trail; public transit; zero fare public
8 transit; Town Highway Aid; Town Highway Structures Program;
9 Class 2 Town Highway Roadway Program; plug-in electric vehicles
10 (PEV); New PEV Incentive Program; Drive Electric Vermont;
11 MileageSmart; emissions repair program; Replace Your Ride
12 Program; motor-assisted bicycles; motor-assisted bicycle incentives;
13 electric vehicle supply equipment (EVSE); multi-unit dwellings; rate
14 setting; public transportation; mass transit; mass transit authority;
15 signs; Section 1111 permits; highway rights-of-way; site plan review;
16 subdivision review; high-use corridor; bicycle; Bicycle Level of
17 Traffic Stress (BLTS); work zone safety; pilot program; automated
18 traffic enforcement system

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

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

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

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

5 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

6 (a) The Agency of Transportation’s Proposed Fiscal Year 2022

7 Transportation Program appended to the Agency of Transportation’s proposed
8 fiscal year 2022 budget, as amended by this act, is adopted to the extent
9 federal, State, and local funds are available.

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

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

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

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

17 (4) “Plug-in electric vehicle (PEV),” “plug-in hybrid electric vehicle
18 (PHEV),” and “battery electric vehicle (BEV)” have the same meanings as in
19 23 V.S.A. § 4(85).

20 (5) “Secretary” means the Secretary of Transportation.

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

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

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

13 *** Inclusion of Maintenance for the Lamoille Valley Rail Trail
14 in the Annual Proposed Transportation Program ***

15 Sec. 2. 19 V.S.A. § 10g(p) is added to read:

16 (p) The Agency shall include the annual maintenance required for the
17 Lamoille Valley Rail Trail (LVRT), running from Swanton to St. Johnsbury, in
18 the Transportation Program it presents to the General Assembly under

1 subsection (a) of this section. The proposed authorization for the maintenance
2 of the LVRT shall be sufficient to cover:

3 (1) maintenance and repair or replacement of any bridges along the
4 LVRT;

5 (2) maintenance and repair of the fencing along the LVRT and any
6 leased lines;

7 (3) maintenance and repair of the complete drainage system for the
8 LVRT;

9 (4) any large-scale surface maintenance required due to dangerous
10 conditions along the LVRT or compromise of the rail bed of the LVRT, or
11 both;

12 (5) resolution of any unauthorized encroachments related to the rail bed,
13 but not the recreational use of the LVRT;

14 (6) any other maintenance obligations required of the Agency under a
15 memorandum of understanding entered into regarding the maintenance of the
16 LVRT; and

17 (7) all maintenance obligations of the Department of Forest, Parks and
18 Recreation related to the LVRT including:

19 (A) maintenance of trail surface, including the filling of minor holes;

20 (B) minor bridge maintenance that does not require the use of heavy
21 equipment; and

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(C) routine brush cutting and tree removal.

PLACEHOLDER FOR LANGUAGE FREEING UP

TRANSPORTATION FUND MONIES IN FY22, PRESUMABLY BY

USING DECEMBER FEDERAL FUNDS FOR PORTIONS OF

PROJECTS THAT ARE PROPOSED TO BE FUNDED WITH

TRANSPORTATION FUND MONIES IN FY22]

*** * * Town Highway Aid * * ***

Sec. 3. TOWN HIGHWAY AID

(a) Notwithstanding 19 V.S.A. § 306(a), the fiscal year 2022 budget increases the annual appropriation for aid to town highways by \$3,000,000.00 in one-time Transportation Fund monies to a total of \$30,105,769.00, which shall be distributed to municipalities in the same apportionments and for the same purposes as prescribed under 19 V.S.A. § 306(a)(3).

(b) The additional \$3,000,000.00 in one-time Transportation Fund monies shall not be included in any subsequent calculations for the annual appropriation for aid to town highways pursuant to 19 V.S.A. § 306(a).

1 * * * Town Highway Structures and
2 Class 2 Town Highway Roadway Programs * * *
3 * * * Fiscal Year 2021 * * *

4 Sec. 4. TOWN HIGHWAY STRUCTURES AND CLASS 2 TOWN
5 HIGHWAY ROADWAY PROGRAMS IN FISCAL YEAR 2021

6 Notwithstanding any other provision of law:

7 (1) In fiscal year 2022, the Agency is authorized to reimburse,
8 subsequent to performance of the work, municipalities for projects awarded a
9 grant under the Town Highway Structures and Class 2 Town Highway
10 Roadway Programs for costs incurred during fiscal year 2021.

11 (2) In fiscal year 2021, the Agency is authorized to execute grant
12 agreements under the Town Highway Structures Program in an amount not to
13 exceed \$6,333,500.00, provided that reimbursements under the grants occur
14 after July 1, 2021.

15 (3) In fiscal year 2021, the Agency is authorized to execute grant
16 agreements under the Class 2 Town Highway Roadway Program in an amount
17 not to exceed \$7,648,750.00, provided that reimbursements under the grants
18 occur after July 1, 2021.

1 * * * Minimum Total Grant Awards; Maximum Grant Award * * *

2 Sec. 5. 19 V.S.A. § 306 is amended to read:

3 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

4 * * *

5 (e) State aid for town highway structures.

6 (1) There shall be an annual appropriation for grants to municipalities
7 for maintenance (including actions to extend life expectancy) and for
8 construction of bridges and culverts; for maintenance and construction of other
9 structures, including causeways and retaining walls, intended to preserve the
10 integrity of the traveled portion of class 1, 2, and 3 town highways; and for
11 alternatives that eliminate the need for a bridge, culvert, or other structure,
12 such as the construction or reconstruction of a highway, the purchase of parcels
13 of land that would be landlocked by closure of a bridge, the payment of
14 damages for loss of highway access, and the substitution of other means of
15 access.

16 (2) Each fiscal year, the Agency shall approve qualifying projects with a
17 total estimated State share cost of ~~\$5,833,500.00~~ \$7,200,000.00 at a minimum
18 as new grants. The Agency's proposed appropriation for the Program shall
19 take into account the estimated amount of qualifying invoices submitted to the
20 Agency with respect to project grants approved in prior years but not yet
21 completed as well as with respect to new project grants to be approved in the

1 fiscal year. In a given fiscal year, should expenditures in the Town Highway
2 Structures Program exceed the amount appropriated, the Agency shall advise
3 the Governor of the need to request a supplemental appropriation from the
4 General Assembly to fund the additional project cost, provided that the Agency
5 has previously committed to completing those projects.

6 * * *

7 (h) Class 2 Town Highway Roadway Program. There shall be an annual
8 appropriation for grants to municipalities for resurfacing, rehabilitation, or
9 reconstruction of paved or unpaved class 2 town highways. However,
10 municipalities that have no State highways or class 1 town highways within
11 their borders may use the grants for such activities with respect to both class 2
12 and class 3 town highways. Each fiscal year, the Agency shall approve
13 qualifying projects with a total estimated State share cost of \$7,648,750.00
14 \$8,600,000.00 at a minimum as new grants. The Agency's proposed
15 appropriation for the Program shall take into account the estimated amount of
16 qualifying invoices submitted to the Agency with respect to project grants
17 approved in prior years but not yet completed as well as with respect to new
18 project grants to be approved in the fiscal year. In a given fiscal year, should
19 expenditures in the Class 2 Town Highway Roadway Program exceed the
20 amount appropriated, the Agency shall advise the Governor of the need to
21 request a supplemental appropriation from the General Assembly to fund the

1 additional project cost, provided that the Agency has previously committed to
2 completing those projects. Funds received as grants for State aid under the
3 Class 2 Town Highway Roadway Program may be used by a municipality to
4 satisfy a portion of the matching requirements for federal earmarks, subject to
5 subsection 309b(c) of this title.

6 * * *

7 Sec. 6. 19 V.S.A. § 309b is amended to read:

8 § 309b. LOCAL MATCH; CERTAIN TOWN HIGHWAY PROGRAMS

9 (a) Notwithstanding subsection 309a(a) of this title, grants provided to
10 towns under the town highway structures program shall be matched by local
11 funds sufficient to cover 20 percent of the project costs, unless the town has
12 adopted road and bridge standards, has completed a network inventory, and has
13 submitted an annual certification of compliance for town road and bridge
14 standards to the ~~secretary~~ Secretary, in which event the local match shall be
15 sufficient to cover 10 percent of the project costs. The ~~secretary~~ Secretary may
16 adopt rules to implement the town highway structures program. Town
17 highway structures projects receiving funds pursuant to this subsection shall be
18 the responsibility of the applicant municipality.

19 (b) Notwithstanding subsection 309a(a) of this title, grants provided to
20 towns under the class 2 town highway roadway program shall be matched by
21 local funds sufficient to cover 30 percent of the project costs, unless the town

1 has adopted road and bridge standards, has completed a network inventory, and
2 has submitted an annual certification of compliance for town road and bridge
3 standards to the ~~secretary~~ Secretary, in which event the local match shall be
4 sufficient to cover 20 percent of the project costs. The ~~secretary~~ Secretary may
5 adopt rules to implement the class 2 town highway roadway program. Class 2
6 town highway roadway projects receiving funds pursuant to this subsection
7 shall be the responsibility of the applicant municipality, and a municipality
8 shall not receive a grant in excess of ~~\$175,000.00~~ \$200,000.00.

9 * * * One-Time Transportation Fund Monies Authorizations for

10 Electrification of the Transportation Sector * * *

11 * * * New PEV Incentive Program; Partnership with Drive Electric * * *

12 Sec. 7. NEW PEV INCENTIVE PROGRAM; PARTNERSHIP WITH
13 DRIVE ELECTRIC VERMONT

14 (a) In fiscal year 2022, the Agency is authorized to spend up to
15 \$3,250,000.00 in one-time Transportation Fund monies on the New PEV
16 Incentive Program established in 2019 Acts and Resolves No. 59, Sec. 34, as
17 amended, and the associated partnership with Drive Electric Vermont with:

18 (1) Up to \$250,000.00 of that \$3,250,000.00 available to continue and
19 expand the Agency's public-private partnership with Drive Electric Vermont to
20 support the expansion of the PEV market in the State.

1 (2) At least \$3,000,000.00 of that \$3,250,000.00 for PEV purchase and
2 lease incentives and administrative costs as allowed under subsection (b) of
3 this section. If less than \$250,000.00 is expended on the public-private
4 partnership with Drive Electric Vermont under subdivision (1) of this
5 subsection, then the balance of that \$250,000.00 shall only be authorized for
6 additional PEV purchase and lease incentives and administrative costs as
7 allowed under subsection (b) of this section.

8 (b) The Agency may use not more than 10 percent of the authorization
9 under subdivision (a)(2) of this section for costs associated with the
10 administration of the Program.

11 Sec. 8. 2019 Acts and Resolves No. 59, Sec. 34(a)(4), as amended by 2020
12 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec.
13 G.112, and 2021 Acts and Resolves No. XXX, Sec. 56, is further amended to
14 read:

15 (4) ~~The Agency shall administer the program described in subsection (b)~~
16 ~~of this section through no-cost contracts with the State's electric distribution~~
17 ~~utilities. [Repealed.]~~

18 * * * MileageSmart * * *

19 Sec. 9. MILEAGESMART

20 In fiscal year 2022, the Agency is authorized to spend up to \$600,000.00 in
21 one-time Transportation Fund monies on MileageSmart, which was established

1 in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to 10 percent
2 of the total amount that is distributed in incentives available for costs
3 associated with administering MileageSmart.

4 * * * Emissions Repair Program * * *

5 Sec. 10. 2019 Acts and Resolves No. 59, Sec. 34(a)(3), as amended by 2020
6 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154,
7 Sec.G.112, and 2021 Acts and Resolves No. XXX, Sec. 56, is further amended
8 to read:

9 (3) Subject to State procurement requirements, the Agency may retain a
10 contractor or contractors to assist with marketing, program development, and
11 administration of the programs. Up to \$150,000.00 of program funding may
12 be set aside for this purpose for the programs described in subsection (c) of this
13 section in fiscal year 2020 and \$50,000.00 of program funding shall be set
14 aside for this purpose for the ~~programs~~ program described in ~~subdivision~~
15 subsection (c)(4) of this section in fiscal year 2021.

16 Sec. 11. 2019 Acts and Resolves No. 59, Sec. 34(a)(5), as amended by 2020
17 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154,
18 Sec.G.112, and 2021 Acts and Resolves No. XXX, Sec. 56, is further amended
19 to read:

20 (5) The Agency shall annually evaluate the programs to gauge
21 effectiveness and submit a written report on the effectiveness of the programs

1 to the House and Senate Committees on Transportation, the House Committee
2 on Energy and Technology, and the Senate Committee on Finance on or before
3 the 31st day of January in each year following a year that an incentive or repair
4 voucher was provided through one of the programs. Notwithstanding 2 V.S.A.
5 § 20(d), the annual report required under this section shall continue to be
6 required if an incentive or repair voucher is provided through one of the
7 programs unless the General Assembly takes specific action to repeal the
8 report requirement.

9 Sec. 12. 2019 Acts and Resolves No. 59, Sec. 34(c), as amended by 2020 Acts
10 and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112,
11 and 2021 Acts and Resolves No. XXX, Sec. 56, is further amended to read:

12 (c) High fuel efficiency vehicle incentive and emissions repair programs
13 program. Used A used high fuel efficiency vehicle purchase incentive and
14 emissions repair programs program for Vermont residents shall structure high
15 fuel efficiency purchase incentive payments and emissions repair vouchers by
16 income to help Vermonters benefit from more efficient driving, including
17 Vermont's most vulnerable. Not less than \$750,000.00 shall be provided in
18 point-of-sale and point-of-repair vouchers.

19 * * *

20 (2) The emissions repair program shall:

1 (A) apply to repairs of certain vehicles that failed the on board
2 diagnostic (OBD) systems inspection;

3 (B) provide point of repair vouchers through the State’s network of
4 community action agencies and base eligibility for voucher on the same criteria
5 used for income qualification for Low Income Home Energy Assistance
6 Program (LIHEAP) through the State’s Economic Services Division within the
7 Department for Children and Families; and

8 (C) provide a point of repair voucher to repair a motor vehicle that
9 was ready for testing, failed the OBD systems inspection, requires repairs that
10 are not under warranty, and will be able to pass the State’s vehicle inspection
11 once the repairs are made provided that the point of repair voucher is
12 commensurate with the fair market value of the vehicle to be repaired and does
13 not exceed \$2,500.00, with \$2,500.00 vouchers only being available to repair
14 vehicles with a fair market value of at least \$5,000.00. [Repealed.]

15 **Sec. 13. EMISSIONS REPAIR PROGRAM**

16 (a) Program creation. The Agency of Transportation and Department of
17 Environmental Conservation shall establish and administer an emissions repair
18 program that shall:

19 (1) apply to repairs of certain vehicles that failed the on board diagnostic
20 (OBD) systems inspection;

1 (2) provide point-of-repair vouchers and base eligibility for voucher on
2 the same criteria used for income qualification for Low Income Home Energy
3 Assistance Program (LIHEAP) through the State’s Economic Services
4 Division within the Department for Children and Families; and

5 (3) provide a point-of-repair voucher to repair a motor vehicle that was
6 ready for testing, failed the OBD systems inspection, requires repairs that are
7 not under warranty, and will be able to pass the State’s vehicle inspection once
8 the repairs are made provided that the point-of-repair voucher is commensurate
9 with the fair market value of the vehicle to be repaired and does not exceed
10 \$2,500.00, with \$2,500.00 vouchers only being available to repair vehicles
11 with a fair market value of at least \$5,000.00.

12 (b) Authorization. In fiscal year 2022, the Agency and Department are
13 authorized to spend up to \$375,000.00 in one-time Transportation Fund monies
14 on the emissions repair program established under this section, with up to
15 \$50,000.00 of that \$375,000.00 authorization available for startup costs and
16 outreach education up to 10 percent of the total amount that is distributed in
17 repair vouchers available for costs associated with developing and
18 administering the emissions repair program.

1 * * * Replace Your Ride Program * * *

2 Sec. 14. REPLACE YOUR RIDE PROGRAM

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

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

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

18 (1) Income eligibility. The following applicants meet the income
19 eligibility requirement:

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

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

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

11 (2) Vehicle removal.

12 (A) In order for an individual or married couple to qualify for an
13 incentive under the Replace Your Ride Program, the individual or married
14 couple must remove an older low-efficiency vehicle from operation and switch
15 to a mode of transportation that produces fewer greenhouse gas emissions.

16 The entity that administers the Replace Your Ride Program **in conjunction**
17 **with the Agency of Transportation** shall establish Program guidelines that
18 specifically provide for how someone can show that the vehicle removal
19 eligibility requirement has been, or will be, met.

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

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

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

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

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

6 (IV) is at least 10 model years old;

7 (V) has an internal combustion engine; and

8 (VI) passed the annual inspection required under 23 V.S.A.
9 § 1222 within the prior year.

10 (ii) Removing the older low-efficiency vehicle from operation
11 must be done by disabling the vehicle’s engine from further use and fully
12 dismantling the vehicle for either donation to a nonprofit organization to be
13 used for parts or destruction.

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

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

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

19 (III) utilizing shared-mobility services or privately operated
20 vehicles for hire.

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

6 * * * Motor-Assisted Bicycle Incentives * * *

7 **Sec. 15. MOTOR-ASSISTED BICYCLE INCENTIVES**

8 (a) Implementation. The Agency of Transportation, in consultation with
9 Vermont electric distribution utilities, shall expand upon the vehicle incentive
10 programs established under 2019 Acts and Resolves No. 59, Sec. 34, as
11 amended, to provide a \$200.00 incentive to 250 individuals who purchase a
12 new motor-assisted bicycle, as defined in 23 V.S.A. § 4(45)(B). Specifically,
13 the Program shall:

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

16 (2) apply to new motor-assisted bicycles, as defined in 23 V.S.A.
17 § 4(45)(B), with any Manufacturer’s Suggested Retail Price (MSRP); and

18 (3) be available to all Vermonters without regard to income.

19 (b) Authorization. In fiscal year 2022, the Agency is authorized to spend
20 up to \$50,000.00 in one-time Transportation Fund monies on the motor-
21 assisted bicycle incentives.

* * * EVSE Grant Program * * *

1
2 Sec. 16. GRANT PROGRAMS FOR LEVEL 2 CHARGERS IN MULTI-
3 **UNIT DWELLINGS; REPORT**

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

11 (b) In fiscal year 2022, the Agency is authorized to spend up to
12 \$1,000,000.00 in one-time Transportation Fund monies on the pilot program
13 established in this section.

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

18 (d) The Department of Housing and Community Development shall consult
19 with an interagency team consisting of the Commissioner of Housing and
20 Community Development or designee, the Commissioner of Environmental
21 Conservation or designee, the Commissioner of Public Service or designee,

1 and the Agency’s Division Director of Policy, Planning, and Intermodal
2 Development or designee regarding the design, award of funding, and
3 administration of this pilot program.

4 (e) The Department of Housing and Community Development shall file a
5 written report on the outcomes of the pilot program with the House and Senate
6 Committees on Transportation not later than January 15, 2022.

7 *** Zero Fare Public Transit in Fiscal Year 2022 ***

8 Sec. 17. ZERO FARE PUBLIC TRANSIT IN FISCAL YEAR 2022

9 (a) Urban public transit. It is the intent of the General Assembly that
10 public transit operated by transit agencies that are eligible to receive grant
11 funds pursuant to 49 U.S.C. § 5307 in the State shall be operated on a zero-fare
12 basis with monies for public transit from the Coronavirus Aid, Relief, and
13 Economic Security Act, Pub. L. No. 116-136 (CARES Act), the Consolidated
14 Appropriations Act, 2021, Pub. L. No. 116-260, and the American Rescue Plan
15 Act of 2021, Pub. L. No. 117-XXX, as practicable, during fiscal year 2022.

16 (b) Rural public transit. It is the intent of the General Assembly that public
17 transit operated by transit agencies that are eligible to receive grant funds
18 pursuant to 49 U.S.C. § 5311 in the State shall be operated on a zero-fare basis
19 with monies for public transit from the Coronavirus Aid, Relief, and Economic
20 Security Act, Pub. L. No. 116-136 (CARES Act) and the Consolidated

1 Appropriations Act, 2021, Pub. L. No. 116-260, as practicable, during fiscal
2 year 2022.

3 * * * Mobility and Transportation Innovation * * *

4 **Sec. 17a. MOBILITY AND TRANSPORTATION INNOVATION**

5 The Agency of Transportation shall provide financial assistance to support
6 innovative strategies and projects that improve both mobility and access to
7 services for transit-dependent Vermonters, reduce the use of single occupancy
8 vehicles, and reduce greenhouse gas emissions, as practicable, during fiscal
9 year 2022. Financial assistance shall be provided with monies the State
10 receives for public transit from the Coronavirus Aid, Relief, and Economic
11 Security Act, Pub. L. No. 116-136 (CARES Act), the Consolidated
12 Appropriations Act, 2021, Pub. L. No. 116-260, and the American Rescue Plan
13 Act of 2021, Pub. L. No. 117-XXX and through the \$793,400.00 authorization
14 for Go! Vermont.

15 * * * PEV Electric Distribution Utility Rate Design * * *

16 **Sec. 18. PEV ELECTRIC DISTRIBUTION UTILITY RATE DESIGN**

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

20 (b) Not later than June 30, 2024, all State electric distribution utilities shall
21 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)
3 and (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 (e) The Public Utility Commission, in consultation with the Department of
4 Public Service and State electric distribution utilities, shall file written reports
5 with the House Committees on Energy and Technology and on Transportation
6 and the Senate Committees on Finance and on Transportation not later than
7 January 15, 2022, January 15, 2023, and January 15, 2024 that provide an
8 update on PEV rate design as required under this section.

9 * * * Public Transportation Electrification Plan * * *

10 Sec. 19. PUBLIC TRANSPORTATION ELECTRIFICATION PLAN

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

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

18 * * * Airport and Rail Signs * * *

19 Sec. 20. 10 V.S.A. § 494 is amended to read:

20 § 494. EXEMPT SIGNS

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

3 * * *

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

- 7 (i) other towns;
- 8 (ii) international airports;
- 9 (iii) postsecondary educational institutions;
- 10 (iv) cultural and recreational destination areas;
- 11 (v) nonprofit diploma-granting educational institutions for ~~people~~
12 persons with disabilities; and
- 13 (vi) official State visitor information centers.

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

- 19 (i) nonprofit museums;
- 20 (ii) cultural and recreational attractions owned by the State or
21 federal government;

- 1 (iii) officially designated scenic byways;
- 2 (iv) park and ride or multimodal centers; and
- 3 (v) fairgrounds or exposition sites.

4 (C) The Agency of Transportation may approve and erect signs,
5 including signs on limited access highways, consistent with the MUTCD,
6 directing persons to State-owned airports and intercity passenger rail stations
7 located within 25 miles of a limited access highway exit.

8 (D) Notwithstanding the limitations of this subdivision (6),
9 supplemental guide signs consistent with the MUTCD for the President Calvin
10 Coolidge State Historic Site may be installed at the following highway
11 interchanges:

12 * * *

13 ~~(D)~~(E) Signs erected under this subdivision (6) shall not exceed a
14 maximum allowable size of 80 square feet.

15 * * *

16 * * * Municipal Development Review; Section 1111 Permit Fees * * *

17 Sec. 21. 24 V.S.A. § 4416 is amended to read:

18 § 4416. SITE PLAN REVIEW

19 * * *

20 (b) Whenever a proposed site plan involves access to a State highway or
21 other work in the State highway right-of-way such as excavation, grading,

1 paving, or utility installation, the application for site plan approval shall
2 include a letter ~~of intent~~ from the Agency of Transportation confirming that the
3 Agency has reviewed the proposed site plan and ~~is prepared to issue an access~~
4 ~~permit under 19 V.S.A. § 1111, and setting~~ determined whether a permit is
5 required under 19 V.S.A. § 1111. If the Agency determines that a permit for
6 the proposed site plan is required under 19 V.S.A. § 1111, then the letter from
7 the Agency shall set out any conditions that the Agency proposes to attach to
8 the ~~section 1111~~ permit required under 19 V.S.A. § 1111.

9 Sec. **22**. 24 V.S.A. § 4463(e) is added to read:

10 (e) Whenever a proposed subdivision is adjacent to a State highway, the
11 application for subdivision approval shall include a letter from the Agency of
12 Transportation confirming that the Agency has reviewed the proposed
13 subdivision and determined whether a permit is required under 19 V.S.A.
14 § 1111. If the Agency determines that a permit for the proposed subdivision is
15 required under 19 V.S.A. § 1111, then the letter from the Agency shall set out
16 any conditions that the Agency proposes to attach to the permit required under
17 19 V.S.A. § 1111.

18 Sec. **23**. 19 V.S.A. § 1112(b) is amended to read:

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

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* * *

(6) permit amendments: \$0.00.

***** Improvement of High-Use Corridor Segments *****

Sec. 24. IMPROVEMENT OF HIGH-USE CORRIDOR SEGMENTS FOR BICYCLISTS

(a) The Agency of Transportation shall ensure that all roadway projects included in the Agency’s Transportation Program spanning high-use corridor segments identified in the On-Road Bicycle Plan prepared in April 2016, or a subsequent update, include the improvement to or maintenance of a Bicycle Level of Traffic Stress (BLTS) classification of 1 or 2, which indicates a corridor that is either welcoming to most types of bicyclists or comfortable for most adult bicyclists, or any other standard that the Agency deems appropriate for the high-use corridor segment.

(b) Improvements may include, as warranted, the installation of roadway sharrows, shoulders, and bike lanes; additional or improved signage; narrowing of travel lanes; lowering of speed limits; and re-location of guardrails, paved shoulders, and bike lanes.

Sec. 25. DEFINITIONS

As used in Secs. 25–28 of this act:

(1) “Agency” means an agency of State government authorized under Vermont law to issue citations for a violation of State motor vehicle laws or

1 rules that employs at least one law enforcement officer certified in automated
2 license plate recognition (ALPR) operation by the Vermont Criminal Justice
3 Council.

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

8 (3) “Automated traffic law enforcement system pilot” or “pilot” means
9 a pilot program during which automated traffic law enforcement systems are
10 deployed in Vermont by an agency.

11 (4) “Recorded image” means a photograph, microphotograph, electronic
12 image, or electronic video that shows the front or rear of the motor vehicle
13 clearly enough to identify the registration number plate of the motor vehicle.

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

1 Sec. 26. FINDINGS

2 The General Assembly finds that:

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

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

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

17 (4) Two integral parts of a temporary automated traffic law enforcement
18 pilot are:

19 (A) a community-wide informational campaign directed toward the
20 traveling public; and

1 (B) the gathering of nonpersonal information—such as aggregate
2 data on the number of motor vehicles traveling through a work zone at more
3 than 10 miles above the speed limit when workers are present and an analysis
4 of the clarity of recorded images—to determine both the possible efficacy of
5 automated traffic law enforcement systems at reducing speeding in work zones
6 and the administrability of using automated traffic law enforcement systems as
7 a means of enforcing Vermont’s motor vehicle laws.

8 (5) The primary goal of a temporary automated traffic law enforcement
9 pilot is to reduce crashes in work zones by deterring traffic violations.

10 (6) The issuance of warnings, traffic violation complaints, and
11 generation of revenue are not the goals of a temporary automated traffic law
12 enforcement system pilot.

13 Sec. 27. TEMPORARY AUTOMATED TRAFFIC LAW ENFORCEMENT
14 SYSTEM PILOT

15 (a) Design and implementation.

16 (1) The Agency of Transportation, in consultation with the Department
17 of Public Safety, shall design and implement a temporary automated traffic law
18 enforcement system pilot that shall deploy automated traffic law enforcement
19 systems in work zones in Vermont for not longer than one year and conclude
20 not later than March 1, 2024. At no point during the temporary pilot shall

1 warnings, traffic violations, or mailings be sent to members of the traveling
2 public.

3 (2) The temporary pilot shall be preceded by and not commence until
4 after the Agency of Transportation engages in the necessary planning and
5 contractor procurement and conducts a comprehensive public outreach and
6 informational campaign.

7 (3) The Agency of Transportation may retain one or more contractors to
8 assist in the implementation of the temporary pilot, and compensation paid to
9 these contractors shall be based on the value of the equipment or the services
10 provided.

11 (4) Except as otherwise provided in this section, automated traffic law
12 enforcement systems shall be regulated as an automated license plate
13 recognition system under 23 V.S.A. §§ 1607 and 1608 during the temporary
14 pilot.

15 (b) Public outreach.

16 (1) The public outreach and informational campaign shall continue
17 throughout the temporary pilot, including whenever automated traffic law
18 enforcement systems are deployed in work zones in Vermont.

19 (2) Any agencies utilizing an automated traffic law enforcement system
20 shall maintain a website that lists the locations where automated traffic law
21 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 **may be**
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 recorded**
13 **images or other data is** collected by the automated traffic law enforcement
14 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) Recorded images.**

18 **(1) If an automated traffic law enforcement system collects a recorded**
19 **image of a motor vehicle, an employee of the agency shall promptly review the**
20 **recorded image to determine if:**

1 (A) the recorded image shows the front or rear of the motor vehicle
2 clearly enough to identify the registration number plate of the motor vehicle;

3 (B) the recorded image clearly shows the operator of the motor
4 vehicle; and

5 (C) whether, based on the recorded image and any other data
6 collected by the automated traffic law enforcement system, it would be
7 possible to determine if the motor vehicle was being operated in violation of a
8 traffic control device.

9 (2) The automated traffic enforcement system shall only be used to
10 collect recorded images of violations of a traffic control device and shall not be
11 used for any other surveillance purposes.

12 (3) All recorded images and copies or backups made of the original
13 recorded images shall be destroyed after 24 hours.

14 (e) Data collected by automated traffic law enforcement systems. Except
15 for recorded images and copies or backups made of original recorded images,
16 data collected by a traffic law enforcement system during the temporary pilot
17 shall be considered data collected under an automated license plate recognition
18 system, as defined under 23 V.S.A. § 1607, and shall only be released pursuant
19 to 23 V.S.A. §§ 1607 and 1608.

1 Sec. 28. 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 temporary automated traffic law enforcement system pilot and not later than
6 two months after the conclusion of the last six months of the temporary pilot,
7 the agencies with jurisdiction over a location where an automated traffic law
8 enforcement system was utilized shall report the following for each location
9 where an automated traffic law enforcement system was utilized to the Agency
10 of Transportation:

11 (1) the number of crashes and related serious injuries and fatalities;

12 (2) recorded speed data; and

13 (3) a summary of the quality of recorded images and whether it was
14 possible to determine if the motor vehicle was being operated in violation of a
15 traffic control device.

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

17 (1) Not later than February 15, 2024, the Agency of Transportation shall
18 submit a written report on the use of automated traffic law enforcement
19 systems in work zones in Vermont to the House and Senate Committees on
20 Judiciary and on Transportation.

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) a summary of the quality of recorded images and whether it was
7 possible to determine if the motor vehicle was being operated in violation of a
8 traffic control device.

9 (3) The report shall also include the amount paid under each contract
10 that the Agency of Transportation enters into under Sec. 27(a)(3) of this act.

11 Sec. 29. REPEAL

12 Secs. 26–28 (temporary work zone pilot) shall be repealed as of five months
13 after the conclusion of the temporary automated traffic law enforcement
14 system pilot.

15 * * * Effective Dates * * *

16 Sec. 30. EFFECTIVE DATES

17 (a) This section and Sec. 4 (Town Highway Structures and Class 2 Town
18 Highway Roadway Programs) shall take effect on passage.

19 (b) Sec. 2 (19 V.S.A. § 10g(p); Lamoille Valley Rail Trail maintenance)
20 shall take effect on July 1, 2021 and apply to Transportation Programs
21 commencing with fiscal year 2023.

1 (c) All other sections shall take effect on July 1, 2021.