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H.433

Introduced by Committee on Transportation

Date:

Subject: Transportation; Transportation Program; annual Transportation Program; Lamoille Valley Rail Trail; maintenance; Town Highway Aid; Town Highway Structures Program; Class 2 Town Highway Roadway Program; plug-in electric vehicles (PEV); New PEV Incentive Program; Drive Electric Vermont; MileageSmart; emissions repair program; Replace Your Ride Program; electric bicycles; electric bicycle incentives; electric vehicle supply equipment (EVSE); multi-unit dwellings; public transit; zero-fare public transit; public transportation; mass transit; rate setting; rate design; electric distribution utilities; Public Utility Commission; signs; Section 1111 permits; highway rights-of-way; site plan review; subdivision review; high-use corridor; work zone safety; automated traffic enforcement system

Statement of purpose of bill as introduced: This bill proposes to adopt the State's annual Transportation Program and make miscellaneous changes to 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
19 subsection (a) of this section. The proposed authorization for the maintenance
20 of the LVRT shall be sufficient to cover:

- 1 (1) maintenance and repair or replacement of any bridges along the
2 LVRT;
- 3 (2) maintenance and repair of the fencing along the LVRT and any
4 leased lines;
- 5 (3) maintenance and repair of the stormwater systems for the LVRT;
- 6 (4) any large-scale surface maintenance required due to dangerous
7 conditions along the LVRT or compromise of the rail bed of the LVRT, or
8 both;
- 9 (5) resolution of any unauthorized encroachments related to the rail bed,
10 but not the recreational use of the LVRT;
- 11 (6) any other maintenance obligations required of the Agency under a
12 memorandum of understanding entered into regarding the maintenance of the
13 LVRT; and
- 14 (7) the cost of all ongoing maintenance of the LVRT by the Department
15 of Forests, Parks and Recreation at such time as the Agency enters into a lease
16 and maintenance agreement with the Department of Forests, Parks and
17 Recreation for the LVRT.

18 * * * Highway Maintenance * * *

19 Sec. 3. HIGHWAY MAINTENANCE

20 Within the Agency of Transportation's Proposed Fiscal Year 2022

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

	<u>FY22</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Personal	45,339,790	45,339,790	0
3	Services			
4	Operating	57,902,709	57,902,709	0
5	Expenses			
6	Grants	277,000	277,000	0
7	Total	103,519,499	103,519,499	0
8	<u>Sources of funds</u>			
9	State	92,516,712	87,741,712	-4,775,000
10	Federal	10,902,787	15,677,787	4,775,000
11	Interdepartmental			
12	Transfer	100,000	100,000	0
13	Total	103,519,499	103,519,499	0

14 * * * Town Highway Aid * * *

15 Sec. 4. TOWN HIGHWAY AID

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

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

4 * * * Town Highway Structures and

5 Class 2 Town Highway Roadway Programs * * *

6 * * * Fiscal Year 2021 * * *

7 Sec. 5. TOWN HIGHWAY STRUCTURES AND CLASS 2 TOWN

8 HIGHWAY ROADWAY PROGRAMS IN FISCAL YEAR 2021

9 Notwithstanding any other provision of law, in fiscal year 2022, the Agency
10 is authorized to reimburse, subsequent to performance of the work,
11 municipalities for projects awarded a grant under the Town Highway
12 Structures and Class 2 Town Highway Roadway Programs for costs incurred
13 during fiscal year 2021.

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

15 Sec. 6. 19 V.S.A. § 306 is amended to read:

16 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

17 * * *

18 (e) State aid for town highway structures.

19 (1) There shall be an annual appropriation for grants to municipalities
20 for maintenance (including actions to extend life expectancy) and for
21 construction of bridges and culverts; for maintenance and construction of other

1 structures, including causeways and retaining walls, intended to preserve the
2 integrity of the traveled portion of class 1, 2, and 3 town highways; and for
3 alternatives that eliminate the need for a bridge, culvert, or other structure,
4 such as the construction or reconstruction of a highway, the purchase of parcels
5 of land that would be landlocked by closure of a bridge, the payment of
6 damages for loss of highway access, and the substitution of other means of
7 access.

8 (2) Each fiscal year, the Agency shall approve qualifying projects with a
9 total estimated State share cost of ~~\$5,833,500.00~~ \$7,200,000.00 at a minimum
10 as new grants. The Agency's proposed appropriation for the Program shall
11 take into account the estimated amount of qualifying invoices submitted to the
12 Agency with respect to project grants approved in prior years but not yet
13 completed as well as with respect to new project grants to be approved in the
14 fiscal year. In a given fiscal year, should expenditures in the Town Highway
15 Structures Program exceed the amount appropriated, the Agency shall advise
16 the Governor of the need to request a supplemental appropriation from the
17 General Assembly to fund the additional project cost, provided that the Agency
18 has previously committed to completing those projects.

19 * * *

20 (h) Class 2 Town Highway Roadway Program. There shall be an annual
21 appropriation for grants to municipalities for resurfacing, rehabilitation, or

1 reconstruction of paved or unpaved class 2 town highways. However,
2 municipalities that have no State highways or class 1 town highways within
3 their borders may use the grants for such activities with respect to both class 2
4 and class 3 town highways. Each fiscal year, the Agency shall approve
5 qualifying projects with a total estimated State share cost of ~~\$7,648,750.00~~
6 \$8,600,000.00 at a minimum as new grants. The Agency's proposed
7 appropriation for the Program shall take into account the estimated amount of
8 qualifying invoices submitted to the Agency with respect to project grants
9 approved in prior years but not yet completed as well as with respect to new
10 project grants to be approved in the fiscal year. In a given fiscal year, should
11 expenditures in the Class 2 Town Highway Roadway Program exceed the
12 amount appropriated, the Agency shall advise the Governor of the need to
13 request a supplemental appropriation from the General Assembly to fund the
14 additional project cost, provided that the Agency has previously committed to
15 completing those projects. Funds received as grants for State aid under the
16 Class 2 Town Highway Roadway Program may be used by a municipality to
17 satisfy a portion of the matching requirements for federal earmarks, subject to
18 subsection 309b(c) of this title.

19 * * *

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

2 § 309b. LOCAL MATCH; CERTAIN TOWN HIGHWAY PROGRAMS

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

13 (b) Notwithstanding subsection 309a(a) of this title, grants provided to
14 towns under the class 2 town highway roadway program shall be matched by
15 local funds sufficient to cover 30 percent of the project costs, unless the town
16 has adopted road and bridge standards, has completed a network inventory, and
17 has submitted an annual certification of compliance for town road and bridge
18 standards to the ~~secretary~~ Secretary, in which event the local match shall be
19 sufficient to cover 20 percent of the project costs. The ~~secretary~~ Secretary may
20 adopt rules to implement the class 2 town highway roadway program. Class 2
21 town highway roadway projects receiving funds pursuant to this subsection

1 shall be the responsibility of the applicant municipality, and a municipality
2 shall not receive a grant in excess of ~~\$175,000.00~~ \$200,000.00.

3 * * *

4 * * * One-Time Transportation Fund Monies Authorizations for
5 Electrification of the Transportation Sector * * *

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

7 Sec. 8. NEW PEV INCENTIVE PROGRAM; PARTNERSHIP WITH
8 DRIVE ELECTRIC VERMONT

9 (a) In fiscal year 2022, the Agency is authorized to spend up to
10 \$3,250,000.00 in one-time Transportation Fund monies on the New PEV
11 Incentive Program established in 2019 Acts and Resolves No. 59, Sec. 34, as
12 amended, and its partnership with Drive Electric Vermont with:

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

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

1 additional PEV purchase and lease incentives and administrative costs as
2 allowed under subsection (b) of this section.

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

6 Sec. 9. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts
7 and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112,
8 and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

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

15 * * *

16 (2) provide not more than one incentive of \$1,500.00 for a PHEV or
17 \$2,500.00 for a BEV to:

18 (A) an individual domiciled in the State whose federal income tax
19 filing status is single or head of household with an adjusted gross income
20 under the laws of the United States greater than \$50,000.00 and at or below
21 \$100,000.00;

1 (B) an individual domiciled in the State whose federal income tax
2 filing status is surviving spouse with an adjusted gross income under the laws
3 of the United States greater than ~~\$50,000.00~~ \$75,000.00 and at or below
4 \$125,000.00;

5 (C) a married couple with at least one spouse domiciled in the State
6 whose federal income tax filing status is married filing jointly with an adjusted
7 gross income under the laws of the United States greater than ~~\$50,000.00~~
8 \$75,000.00 and at or below \$125,000.00; or

9 (D) a married couple with at least one spouse domiciled in the State
10 and at least one spouse whose federal income tax filing status is married filing
11 separately with an adjusted gross income under the laws of the United States
12 greater than \$50,000.00 and at or below \$100,000.00;

13 (3) provide not more than one incentive of \$3,000.00 for a PHEV or
14 \$4,000.00 for a BEV to:

15 (A) an individual domiciled in the State whose federal income tax
16 filing status is single, or head of household, ~~or surviving spouse~~ with an
17 adjusted gross income under the laws of the United States at or below
18 \$50,000.00;

19 (B) an individual domiciled in the State whose federal income tax
20 filing status is surviving spouse with an adjusted gross income under the laws
21 of the United States at or below \$75,000.00;

1 of the total amount that is distributed in incentives available for costs
2 associated with administering MileageSmart.

3 * * * Emissions Repair Program * * *

4 Sec. 12. 2019 Acts and Resolves No. 59, Sec. 34(a)(3), as amended by 2020
5 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154,
6 Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to
7 read:

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

15 Sec. 13. 2019 Acts and Resolves No. 59, Sec. 34(a)(5), as amended by 2020
16 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154,
17 Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to
18 read:

19 (5) The Agency shall annually evaluate the programs to gauge
20 effectiveness and submit a written report on the effectiveness of the programs
21 to the House and Senate Committees on Transportation, the House Committee

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

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

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

18 * * *

19 (2) ~~The emissions repair program shall:~~

20 (A) ~~apply to repairs of certain vehicles that failed the on-board~~
21 ~~diagnostic (OBD) systems inspection;~~

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

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

13 Sec. 15. EMISSIONS REPAIR PROGRAM

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

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

19 (2) provide point-of-repair vouchers and base eligibility for voucher on
20 the same criteria used for income qualification for Low Income Home Energy

1 Assistance Program (LIHEAP) through the State's Economic Services

2 Division within the Department for Children and Families; and

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

10 (b) Authorization. In fiscal year 2022, the Agency and Department are
11 authorized to spend up to \$375,000.00 in one-time Transportation Fund monies
12 on the emissions repair program established under this section, with up to
13 \$50,000.00 of that \$375,000.00 authorization available for start-up costs and
14 outreach education and up to \$32,500.00 of that \$375,000.00 authorization
15 available for costs associated with developing and administering the emissions
16 repair program.

17 * * * Replace Your Ride Program * * *

18 Sec. 16. REPLACE YOUR RIDE PROGRAM

19 (a) Program creation. The Agency of Transportation, in consultation with
20 the Departments of Environmental Conservation and of Public Service, shall
21 expand upon the vehicle incentive programs established under 2019 Acts and

1 Resolves No. 59, Sec. 34, as amended, to provide additional incentives for
2 Vermonters with low income through a program to be known as the Replace
3 Your Ride Program.

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

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

13 (1) Income eligibility. The following applicants meet the income
14 eligibility requirement:

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

18 (B) an individual domiciled in the State whose federal income tax
19 filing status is surviving spouse with an adjusted gross income under the laws
20 of the United States at or below \$75,000.00;

1 (C) a married couple with at least one spouse domiciled in the State
2 whose federal income tax filing status is married filing jointly with an adjusted
3 gross income under the laws of the United States at or below \$75,000.00;

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

8 (E) an individual or married couple who qualifies for an incentive
9 under MileageSmart, which is based on the same criteria used for income
10 qualification for weatherization services through the Weatherization Program.

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 startup costs, outreach education, and costs
5 associated with developing and administering the Replace Your Ride Program.

6 * * * Electric Bicycle Incentives * * *

7 Sec. 17. ELECTRIC 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), that contains
13 an electric motor. Specifically, 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), that contain an electric motor with any Manufacturer's Suggested
18 Retail Price (MSRP); and

19 (3) be available to all Vermonters who self-certify as to meeting any
20 incentive tier under the income eligibility criteria for the New PEV Incentive
21 Program.

1 (b) Authorization. In fiscal year 2022, the Agency is authorized to spend
2 up to \$50,000.00 in one-time Transportation Fund monies on the electric
3 bicycle incentives.

4 * * * EVSE Grant Program * * *

5 Sec. 18. GRANT PROGRAMS FOR LEVEL 2 CHARGERS IN MULTI-
6 UNIT DWELLINGS; REPORT

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

14 (b) In fiscal year 2022, the Agency is authorized to spend up to
15 \$1,000,000.00 in one-time Transportation Fund monies on the pilot program
16 established in this section.

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

1 (d) The Department of Housing and Community Development shall consult
2 with an interagency team consisting of the Commissioner of Housing and
3 Community Development or designee, the Commissioner of Environmental
4 Conservation or designee, the Commissioner of Public Service or designee,
5 and the Agency's Division Director of Policy, Planning, and Intermodal
6 Development or designee regarding the design, award of funding, and
7 administration of this pilot program.

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

11 * * * Zero-Fare Public Transit in Fiscal Year 2022 * * *

12 Sec. 19. ZERO-FARE PUBLIC TRANSIT IN FISCAL YEAR 2022

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

20 (b) Rural public transit. It is the intent of the General Assembly that public
21 transit operated by transit agencies that are eligible to receive grant funds

1 pursuant to 49 U.S.C. § 5311 in the State shall be operated on a zero-fare basis
2 with monies for public transit from the Coronavirus Aid, Relief, and Economic
3 Security Act, Pub. L. No. 116-136 (CARES Act) and the Consolidated
4 Appropriations Act, 2021, Pub. L. No. 116-260, as practicable, during fiscal
5 year 2022.

6 * * * Coordinated Intermodal Connections Review * * *

7 Sec. 20. COORDINATED INTERMODAL CONNECTIONS REVIEW

8 The Agency, in coordination with public transit, passenger rail, and other
9 transportation service providers, shall review and implement coordinated
10 intermodal connections, to the extent practicable, to ensure efficient and
11 accessible intermodal transportation opportunities in Vermont. The Agency
12 shall also work with transportation service providers to support the cross
13 promotion of intermodal connections.

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

15 Sec. 21. 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) Unless an extension is granted pursuant to subsection (e) of this section,
20 all State electric distribution utilities shall implement PEV rates, which may
21 include rates for electricity sales to an entire customer premises, for public and

1 private EVSE not later than June 30, 2024. These rates shall, pursuant to 30
2 V.S.A. § 225, be filed for review and approval by the Public Utility

3 Commission and encourage:

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

7 (2) participation in the PEV rates;

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

9 (4) greater adoption of PEVs.

10 (c) PEV rates approved by the Public Utility Commission under
11 subdivisions (1) and (2) of this subsection comply with subsection (b) of this
12 section.

13 (1) The Public Utility Commission shall approve PEV rates that it finds,
14 at a minimum:

15 (A) support greater adoption of PEVs;

16 (B) adequately compensate PEV operators and owners of EVSE
17 available to the public for the value of grid-related services, including costs
18 avoided through peak management;

19 (C) adequately compensate the electric distribution utility and its
20 customers for the additional costs that are directly attributable to the delivery
21 of electricity through a PEV rate;

1 (D) include a reasonable contribution to historic or embedded costs
2 required to meet the overall cost of service;

3 (E) do not discourage EVSE available to the public; and

4 (F) do not have an adverse impact to ratepayers not utilizing the PEV
5 rate.

6 (2) The Public Utility Commission may approve PEV rates that utilize
7 direct load control, third-party managed load control, static or dynamic time-
8 varying rates, or other innovative practices that accomplish the goals set forth
9 in subsection (a) of this section.

10 (d) Electric distribution utilities with PEV rates approved by the Public
11 Utility Commission prior to July 1, 2021 currently implemented as tariffs by
12 those electric distribution utilities are exempt from subsection (b) of this
13 section for the relevant rate classes, market segments, or customer segments in
14 which the PEV rates are offered.

15 (e) The Public Utility Commission may grant a petitioning electric
16 distribution utility an extension of the June 30, 2024 implementation deadline.
17 An extension may only be granted in response to a petition if the Public Utility
18 Commission finds that the electric distribution utility's inability to meet the
19 June 30, 2024 implementation deadline is due to a technical inability to
20 implement a PEV rate, adverse economic impacts to ratepayers that would
21 result from the implementation of a PEV rate, or other good cause

1 demonstrated. The length of the extension shall be directly related to the
2 demonstrated need for the extension.

3 (f) 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 that address the
7 goals delineated in subdivisions (c)(1)(A)–(F) of this section, as applicable,
8 and any progress barriers towards the goals contained in subsections (a) and
9 (b) of this section not later than January 15, 2022, January 15, 2023, January
10 15, 2024, and January 15, 2025.

11 * * * Public Transportation Electrification Plan * * *

12 Sec. 22. PUBLIC TRANSPORTATION ELECTRIFICATION PLAN

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

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

1 * * * Airport and Rail Signs * * *

2 Sec. 23. 10 V.S.A. § 494 is amended to read:

3 § 494. EXEMPT SIGNS

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

6 * * *

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

- 10 (i) other towns;
- 11 (ii) international airports;
- 12 (iii) postsecondary educational institutions;
- 13 (iv) cultural and recreational destination areas;
- 14 (v) nonprofit diploma-granting educational institutions for ~~people~~
15 persons with disabilities; and

16 (vi) official State visitor information centers.

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

- 1 (i) nonprofit museums;
- 2 (ii) cultural and recreational attractions owned by the State or
- 3 federal government;
- 4 (iii) officially designated scenic byways;
- 5 (iv) park and ride or multimodal centers; and
- 6 (v) fairgrounds or exposition sites.

7 (C) The Agency of Transportation may approve and erect signs,

8 including signs on limited access highways, consistent with the MUTCD,

9 directing persons to State-owned airports and intercity passenger rail stations

10 located within 25 miles of a limited access highway exit.

11 (D) Notwithstanding the limitations of this subdivision (6),

12 supplemental guide signs consistent with the MUTCD for the President Calvin

13 Coolidge State Historic Site may be installed at the following highway

14 interchanges:

15 * * *

16 ~~(D)~~(E) Signs erected under this subdivision (6) shall not exceed a

17 maximum allowable size of 80 square feet.

18 * * *

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

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

3 § 4416. SITE PLAN REVIEW

4 * * *

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

15 Sec. 25. 24 V.S.A. § 4463(e) is added to read:

16 (e) Whenever a proposed subdivision is adjacent to a State highway, the
17 application for subdivision approval shall include a letter from the Agency of
18 Transportation confirming that the Agency has reviewed the proposed
19 subdivision and determined whether a permit is required under 19 V.S.A.
20 § 1111. If the Agency determines that a permit for the proposed subdivision is
21 required under 19 V.S.A. § 1111, then the letter from the Agency shall set out

1 any conditions that the Agency proposes to attach to the permit required under
2 19 V.S.A. § 1111.

3 Sec. 26. 19 V.S.A. § 1112(b) is amended to read:

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

7 * * *

8 (6) permit amendments: \$0.00.

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

10 Sec. 27. IMPROVEMENT OF HIGH-USE CORRIDOR SEGMENTS FOR
11 BICYCLISTS

12 (a) The Agency of Transportation shall continue to improve highways
13 consistent with 19 V.S.A. § 2310 in order to enhance safety and accessibility
14 on highways, and in particular for high-use corridor segments identified in the
15 On-Road Bicycle Plan prepared in April 2016, or a subsequent update.

16 (b) The Agency shall consider traffic volumes, the scope of the project, and
17 other factors such as environmental or right-of-way impacts when making
18 improvements.

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* * * Work Zone Highway Safety

Automated Traffic Law Enforcement Study and Report * * *

Sec. 28. WORK ZONE HIGHWAY SAFETY AUTOMATED TRAFFIC
LAW ENFORCEMENT STUDY AND REPORT

(a) Findings. The General Assembly finds that:

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

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

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

1 **(b) Definitions. As used in this section:**

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

7 **(2) “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 or**
10 **that shows the front of the motor vehicle clearly enough to identify the**
11 **registration number plate of the motor vehicle and shows the operator of the**
12 **motor vehicle.**

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

1 (c) Study. The Agency of Transportation shall, in consultation with at least
2 the Department of Public Safety and the Associated General Contractors of
3 Vermont, study the feasibility of implementing automated traffic law
4 enforcement systems in work zones in Vermont and make specific
5 recommendations on whether to pursue a program that utilizes automated
6 traffic law enforcement systems within work zones in Vermont, with a specific
7 focus on affecting driver behavior. At a minimum, the Agency shall:

8 (1) research the cost to procure equipment and services to assist in the
9 implementation of a program that utilizes automated traffic law enforcement
10 systems within work zones in Vermont;

11 (2) research how images are collected, stored, accessed, used, and
12 disposed of; by whom; and under what timeline or timelines when automated
13 traffic law enforcement systems are used to collect a recorded image of a
14 motor vehicle in violation of a traffic control device in a work zone;

15 (3) make recommendations on how images should be collected, stored,
16 accessed, used, and disposed of; by whom; and under what timeline or
17 timelines if a pilot program that utilizes automated traffic law enforcement
18 systems within work zones in Vermont is implemented; and

19 (4) define the system components needed to implement a program that
20 utilizes automated traffic law enforcement systems within work zones in
21 Vermont.

1 (d) Report. On or before January 15, 2022, the Agency shall submit a
2 written report to the House and Senate Committees on Judiciary and on
3 Transportation with its findings and any proposals for implementation.

4 * * * Effective Dates * * *

5 Sec. 29. EFFECTIVE DATES

6 (a) This section and Sec. 5 (Town Highway Structures and Class 2 Town
7 Highway Roadway Programs) shall take effect on passage.

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

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