

1 H.736

2 Representatives **XXX** move that that the House concur in the Senate  
3 proposal of amendment with further proposals of amendment as follows:

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

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

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

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

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

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

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

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

4        and by relettering the remaining subsections to be alphabetically correct

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

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

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

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

18       Within the Agency of Transportation’s Proposed Fiscal Year 2023  
19       Transportation Program for Town Highway Structures, authorized spending is  
20       amended as follows:

1	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
2	Grants	6,333,500	7,200,000	866,500
3	Total	6,333,500	7,200,000	866,500
4	<u>Sources of funds</u>			
5	State	6,333,500	7,200,000	866,500
6	Total	6,333,500	7,200,000	866,500

7 Sec. 13a. TOWN HIGHWAY CLASS 2 ROADWAY

8 Within the Agency of Transportation's Proposed Fiscal Year 2023

9 Transportation Program for Town Highway Class 2 Roadway, authorized  
10 spending is amended as follows:

11	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
12	Grants	7,648,750	8,600,000	951,250
13	Total	7,648,750	8,600,000	951,250
14	<u>Sources of funds</u>			
15	State	7,648,750	8,600,000	951,250
16	Total	7,648,750	8,600,000	951,250

17 Sec. 13b. HIGHWAY MAINTENANCE

18 (a) Within the Agency of Transportation's Proposed Fiscal Year 2023

19 Transportation Program for Maintenance, authorized spending is amended as  
20 follows:

	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Person. Svcs.	44,709,478	44,709,478	0
3	Operat. Exp.	61,554,303	59,736,553	-1,817,750
4	Total	106,263,781	104,446,031	-1,817,750
5	<u>Sources of funds</u>			
6	State	105,517,966	103,700,216	-1,817,750
7	Federal	645,815	645,815	0
8	Inter Unit	100,000	100,000	0
9	Total	106,263,781	104,446,031	-1,817,750

10 (b) Restoring the fiscal year 2023 Maintenance Program appropriation and  
11 authorization to the level included in the Agency of Transportation’s Proposed  
12 Fiscal Year 2023 Transportation Program shall be the Agency’s top priority if  
13 there is unexpended State fiscal year 2022 appropriations of Transportation  
14 Fund Monies. Accordingly:

15 (1) At the close of State fiscal year 2022, an amount up to \$1,817,750.00  
16 of any unencumbered Transportation Fund monies appropriated in 2021 Acts  
17 and Resolves No. 74, Secs. B.900–B.922, as amended by 2022 Acts and  
18 Resolves No. 83, Secs. 41–45, that would otherwise be authorized to carry  
19 forward is reappropriated for the Agency of Transportation’s Proposed Fiscal  
20 Year 2023 Transportation Program for Maintenance 30 days after the Agency  
21 sends written notification of the request for the unencumbered Transportation

1 Fund monies to be reappropriated to the Joint Transportation Oversight  
2 Committee, provided that the Joint Transportation Oversight Committee does  
3 not send written objection to the Agency.

4 (2) If any unencumbered Transportation Fund monies are reappropriated  
5 pursuant to subdivision (1) of this subsection, then, within the Agency of  
6 Transportation’s Proposed Fiscal Year 2023 Transportation Program for  
7 Maintenance, authorized spending is further amended to increase operating  
8 expenses by not more than \$1,817,750.00 in Transportation Fund monies.

9 (3) Notwithstanding subdivisions (1) and (2) of this subsection, the  
10 Agency may request further amendments to the Agency of Transportation’s  
11 Proposed Fiscal Year 2023 Transportation Program for Maintenance through  
12 the State fiscal year budget adjustment act.

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

15 (c) Implementation. The Agency of Transportation shall, in its sole  
16 discretion, distribute the authorization in subsection (b) of this section to transit  
17 agencies in the State that are eligible to receive grant funds pursuant to 49  
18 U.S.C. § 5307 or 5311, or both. The authorization shall, as practicable and in  
19 the sole discretion of the transit agencies in the State, only be used for the  
20 following during fiscal year 2023:

1           (1) operate routes other than commuter and LINK Express on a zero-  
2           fare basis; and

3           (2) provide service at pre-COVID-19 levels.

4           **Eleventh:** In Sec. 17, Burlington International Airport Study Committee;  
5           report, by striking out subdivision (b)(2) in its entirety and inserting in lieu  
6           thereof the following:

7           (2) Spending authority for Statewide (Aviation Operations &  
8           Maintenance) is amended as follows:

9	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10	Other	1,216,303	1,201,303	-15,000
11	Total	1,216,303	1,201,303	-15,000
12	<u>Sources of funds</u>			
13	State	1,216,303	1,201,303	-15,000
14	Total	1,216,303	1,201,303	-15,000

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

17           \* \* \* Relinquishment of Vermont Route 36 in the Town of St. Albans \* \* \*

18           Sec. 59a. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN  
19           OF ST. ALBANS

20           (a) Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly approves the  
21           Secretary of Transportation to enter into an agreement with the Town of St.

1 Albans to relinquish to the Town’s jurisdiction a segment of the State highway  
2 in the Town of St. Albans known as Vermont Route 36. The authority shall  
3 expire on June 30, 2032. The segment authorized to be relinquished begins at  
4 the 0.000 mile marker, just east of the “Black Bridge” (B2), and continues  
5 14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where  
6 Vermont Route 36 meets the boundary of the City of St. Albans, and includes  
7 the 0.106 mile westbound section of Vermont Route 36 and approaches at the  
8 entrance to the St. Albans Bay Town Park.

9 (b) Following relinquishment, control of the segment of highway shall be  
10 under the jurisdiction of the Town of St. Albans, but the Town shall not own  
11 any of the land or easements within the highway right-of-way.

12 (c) The town of St. Albans shall not sell or abandon any portion of the  
13 relinquished segment or allow any encroachments within the relinquished  
14 segment without written permission of the Secretary of Transportation.

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

18 \* \* \* Zoning; Municipal Airports; Parking \* \* \*

19 Sec. 63. 24 V.S.A. § 4413(i) is added to read:

1        (i) Notwithstanding 1 V.S.A. § 213, no bylaw adopted under this chapter  
2        shall regulate the location of parking facilities at a municipally owned and  
3        operated airport.

4                                \* \* \* Transportation Network Companies (TNC);

5                                Preemption; Sunset Extension; Report \* \* \*

6        Sec. 64. 23 V.S.A. § 754 is amended to read:

7        § 754. PREEMPTION; SAVINGS CLAUSE

8        (a) Municipal ordinances, resolutions, or bylaws regulating transportation  
9        network companies are preempted to the extent they are inconsistent with the  
10       provisions of this chapter.

11       (b) Subsection (a) of this section shall not apply to a municipal ordinance,  
12       resolution, or bylaw regulating transportation network companies adopted by a  
13       municipality with a population of more than 35,000 residents based on the  
14       2010 census and in effect on July 1, 2017. This subsection shall be repealed on  
15       July 1, ~~2022~~ 2025.

16       Sec. 65. TRANSPORTATION NETWORK COMPANIES (TNC) REPORT

17       (a) The Commissioner of Motor Vehicles, in consultation with the City of  
18       Burlington; the Vermont League of Cities and Towns; and transportation  
19       network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing  
20       business in Vermont, shall file a written report with recommendations on how,  
21       if at all, to amend 23 V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10



1 with the House Committees on Commerce and Economic Development, on  
2 Judiciary, and on Transportation and the Senate Committees on Finance, on  
3 Judiciary, and on Transportation on or before March 15, 2024.

4 (b) In preparing the report, the Commissioner of Motor Vehicles shall  
5 review the following related to TNCs:

6 (1) changes in ridership and consumer practices for calendar years 2018  
7 to 2023, including market penetration across the State;

8 (2) the results of and process for audits conducted on a State or  
9 municipal level;

10 (3) an analysis prepared by the City of Burlington and TNCs of the  
11 differences between the State’s regulatory scheme and the City of Burlington’s  
12 regulatory scheme, including whether allowing those inconsistencies is or will  
13 be detrimental or beneficial to any of the following: the State, the traveling  
14 public, TNCs, the City of Burlington, or other municipalities; and

15 (4) significant regulatory changes on a national level.

16 \* \* \* Effective Dates \* \* \*

17 Sec. 66. EFFECTIVE DATES

18 (a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59  
19 (extension of authority to relinquish State highway right-of-way for Vermont  
20 Route 207 Extension), 63 (24 V.S.A. § 4413(i)), and 64 (transportation

1 network companies regulation preemption; 23 V.S.A. § 754(b)) shall take  
2 effect on passage.

3 (b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021  
4 Transportation Bill) shall take effect retroactively on July 1, 2021.

5 (c) All other sections shall take effect on July 1, 2022.