

1 H.736

2 Representative Lanpher of Vergennes moves that that the House concur in
3 the Senate proposal of amendment with further proposals of amendment as
4 follows:

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

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

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

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

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

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

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

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

6 and by relettering the remaining subsections to be alphabetically correct

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

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

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

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

19 Sec. 13. TOWN HIGHWAY STRUCTURES

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

| 4 | <u>FY23</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|---|-------------------------|--------------------|-------------------|---------------|
| 5 | Grants | 6,333,500 | 7,200,000 | 866,500 |
| 6 | Total | 6,333,500 | 7,200,000 | 866,500 |
| 7 | <u>Sources of funds</u> | | | |
| 8 | State | 6,333,500 | 7,200,000 | 866,500 |
| 9 | Total | 6,333,500 | 7,200,000 | 866,500 |

10 Sec. 13a. TOWN HIGHWAY CLASS 2 ROADWAY

11 Within the Agency of Transportation’s Proposed Fiscal Year 2023
12 Transportation Program for Town Highway Class 2 Roadway, authorized
13 spending is amended as follows:

| 14 | <u>FY23</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|----|-------------------------|--------------------|-------------------|---------------|
| 15 | Grants | 7,648,750 | 8,600,000 | 951,250 |
| 16 | Total | 7,648,750 | 8,600,000 | 951,250 |
| 17 | <u>Sources of funds</u> | | | |
| 18 | State | 7,648,750 | 8,600,000 | 951,250 |
| 19 | Total | 7,648,750 | 8,600,000 | 951,250 |

1 Sec. 13b. HIGHWAY MAINTENANCE

2 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2023
3 Transportation Program for Maintenance, authorized spending is amended as
4 follows:

| 5 | <u>FY23</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|----|-------------------------|--------------------|-------------------|---------------|
| 6 | Person. Svcs. | 44,709,478 | 44,709,478 | 0 |
| 7 | Operat. Exp. | 61,554,303 | 59,736,553 | -1,817,750 |
| 8 | Total | 106,263,781 | 104,446,031 | -1,817,750 |
| 9 | <u>Sources of funds</u> | | | |
| 10 | State | 105,517,966 | 103,700,216 | -1,817,750 |
| 11 | Federal | 645,815 | 645,815 | 0 |
| 12 | Inter Unit | 100,000 | 100,000 | 0 |
| 13 | Total | 106,263,781 | 104,446,031 | -1,817,750 |

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

19 (1) At the close of State fiscal year 2022, an amount up to \$1,817,750.00
20 of any unencumbered Transportation Fund monies appropriated in 2021 Acts
21 and Resolves No. 74, Secs. B.900–B.922, as amended by 2022 Acts and

1 Resolves No. 83, Secs. 41–45, that would otherwise be authorized to carry
2 forward is reappropriated for the Agency of Transportation’s Proposed Fiscal
3 Year 2023 Transportation Program for Maintenance 30 days after the Agency
4 sends written notification of the request for the unencumbered Transportation
5 Fund monies to be reappropriated to the Joint Transportation Oversight
6 Committee, provided that the Joint Transportation Oversight Committee does
7 not send written objection to the Agency.

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

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

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

19 (c) Implementation. The Agency of Transportation shall, in its sole
20 discretion, distribute the authorization in subsection (b) of this section to transit
21 agencies in the State that are eligible to receive grant funds pursuant to 49

1 U.S.C. § 5307 or 5311, or both. The authorization shall, as practicable and in
2 the sole discretion of the transit agencies in the State, only be used for the
3 following during fiscal year 2023:

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

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

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

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

11 Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING
12 GROUP; REPORT

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

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

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

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

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

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

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

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

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

11 (c) Duties. The Working Group shall:

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

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

1 (3) explore opportunities for regional collaboration regarding the

2 Airport;

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

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

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

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

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

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

16 (e) Meetings.

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

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

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

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

4 * * * Zoning; Municipal Airports; Parking * * *

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

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

9 * * * Transportation Network Companies (TNC);

10 Preemption; Sunset Extension; Report * * *

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

12 § 754. PREEMPTION; SAVINGS CLAUSE

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

16 (b) Subsection (a) of this section shall not apply to a municipal ordinance,
17 resolution, or bylaw regulating transportation network companies adopted by a
18 municipality with a population of more than 35,000 residents based on the
19 2010 census and in effect on July 1, 2017. This subsection shall be repealed on
20 July 1, ~~2022~~ 2025.

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

1 (a) The Commissioner of Motor Vehicles, in consultation with the City of
2 Burlington; the Vermont League of Cities and Towns; and transportation
3 network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing
4 business in Vermont, shall file a written report with recommendations on how,
5 if at all, to amend 23 V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10
6 with the House Committees on Commerce and Economic Development, on
7 Judiciary, and on Transportation and the Senate Committees on Finance, on
8 Judiciary, and on Transportation on or before March 15, 2024.

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

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

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

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

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

21 * * * Effective Dates * * *

1 Sec. 66. EFFECTIVE DATES

2 (a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59
3 (extension of authority to relinquish State highway right-of-way for Vermont
4 Route 207 Extension), 63 (24 V.S.A. § 4413(i)), and 64 (transportation
5 network companies regulation preemption; 23 V.S.A. § 754(b)) shall take
6 effect on passage.

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

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