

H.552 (as introduced)	DR 22-0029 – draft 2.2	Climate Action Plan
Sec. 1. SHORT TITLE	NOT ADDRESSED	NOT ADDRESSED
Sec. 2. LEGISLATIVE FINDINGS	NOT ADDRESSED	NOT ADDRESSED
<p>Sec. 3. INTENT AND PURPOSE</p> <p><i>LC/JFO NOTE: Subsection (e) states that “[i]t is the intent of the General Assembly that, to the extent possible, monies for the appropriations contained in this act shall come from the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58. If the Agency of Transportation is able to secure competitive grant funding or in any way utilize federal funds in lieu of monies in the Transportation Fund, then it is authorized to make such a swap provided that:” [tracks language in 2021 Acts and Resolves No. 55 (T. Bill), Sec. 12(c) and requires that grants be accepted pursuant to 32 V.S.A. § 5].</i></p>	NOT ADDRESSED	NOT ADDRESSED
Sec. 4. DEFINITIONS	SOME INCLUDED IN SEC. 1(b)	NOT ADDRESSED
<p>Sec. 5. 23 V.S.A. § 4(87) and (88) are added to read:</p> <p><i>LC/JFO NOTE: Would add to codified law (so applicable not just for this bill) definitions of “fuel cell electric vehicle (FCEV)” and “zero-emission vehicle (ZEV).”</i></p>	NOT ADDRESSED	NOT ADDRESSED

<p>Sec. 6. MUNICIPAL GRANT PROGRAMS</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$10M in Transportation Fund dollars to the Agency of Commerce and Community Development for the Better Connections program. - \$3M in Transportation Fund dollars to the Agency of Commerce and Community Development for the Better Places program. - POTENTIAL FEDERAL ELIGIBILITY: Surface Transportation Block Grant (STBG) (F)¹; Congestion Mitigation and Air Quality Improvement Program (CMAQ) (F); Carbon Reduction Program (F); Healthy Streets Program (C)²; and Transportation Access Pilot Program (C). 	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 7. INCENTIVE PROGRAMS AND ADMINISTRATION COSTS</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$15M in Transportation Fund dollars for the Incentive Program for New PEVs (10 percent available for administration costs). 	<p>Sec. 3. VEHICLE INCENTIVE PROGRAMS</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$12M in [REDACTED]³ for the Incentive Program for New PEVs (15 percent available for administration costs). - \$2M for existing partnership with Drive Electric Vermont. 	<p>Transportation Pathway 1, Strategy 2, Priority Actions a and b (Initial Vermont Climate Action Plan pp. 73-75)</p>

¹ (F) Designates formula funding.

² (C) Designates competitive grant funding.

³ All of the vehicle incentive program authorizations in this draft of the Transportation Bill are silent on funding source, instead providing that it is “as appropriated in the fiscal year 2023 budget.” However, the Governor’s recommended budget has the funding source for all these authorizations coming from American Rescue Plan Act of 2021 (ARPA), State and Local Fiscal Recovery Funds (SLFRF). See [FY23 Proposed ARPA Budget, January 18, 2022](#).

<ul style="list-style-type: none"> - \$2M in Transportation Fund dollars for MileageSmart (15 percent available for administration costs). - \$375k in Transportation Fund dollars for emissions repair vouchers (\$125k for administration costs). - \$4M in Transportation Fund dollars for Replace Your Ride (15 percent available for administration costs). - \$250k in Transportation Fund dollars for e-bike incentives (gradation in incentive amount based on income tiers for the Incentive Program for New PEVs). - NO CARRY FORWARD LANGUAGE. - POTENTIAL FEDERAL ELIGIBILITY: Carbon Reduction Program (F); and American Rescue Plan Act of 2021 (ARPA), State and Local Fiscal Recovery Funds (SLFRF) (F). 	<ul style="list-style-type: none"> - \$3M in [REDACTED] for MileageSmart (15 percent available for administration costs). - \$3M in [REDACTED] for Replace Your Ride (15 percent available for administration costs). - \$1M in [REDACTED] for e-bike portion of the eRecreation Program (15 percent available for administration costs). - \$1M for electric ATV and electric snowmobile portion of the eRecreation Program (15 percent available for administration costs). - NO CARRY FORWARD LANGUAGE.⁴ 	
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⁴ Testimony from Michele Boomhower on February 9, 2022 indicated that these investments were to be expended by December 31, 2026, as allowed under the guidelines for the use of SLFRF. See [31 C.F.R. § 35.5\(c\)](#) (“A recipient must return any funds not obligated by December 31, 2024. A recipient must also return funds obligated by December 31, 2024 but not expended by December 31, 2026.”). We expect that this will be addressed in the Budget Bill.

<p>Sec. 8. ZERO-FARE PUBLIC TRANSIT; APPROPRIATION</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$2.7M in Transportation Fund dollars to operate public transit on a zero-fare basis. - POTENTIAL FEDERAL ELIGIBILITY: Federal Transit Program (F). 	<p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - Total public transit funding increased \$1.7M (4%) over FY22. - Proposed Transportation Program funds zero-fare public transit on non-urbanized routes using COVID-relief funds. 	<p>NOT ADDRESSED</p>
<p>Sec. 9. ZERO-EMISSION VEHICLE SCHOOL BUS AND PUBLIC TRANSIT GRANT PROGRAM; APPROPRIATION</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$16M in Transportation Fund dollars split 50/50 in grants for zero-emission vehicle school buses and in grants for zero-emission vehicles used for fixed route public transit. - POTENTIAL FEDERAL ELIGIBILITY: CMAQ (F); Carbon Reduction Program (F); Clean School Bus Program (C); Federal Transit Program (includes bus formula grants) (F); and Low or No Emission Vehicle Program (C). 	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>

<p>Secs. 10 and 11. 29 V.S.A. § 903(g) is amended to read:</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - <i>Effective July 1, 2022, all State fleet vehicles would need to be ZEVs, with at least 50 percent BEVs or FCEVs (so not PHEVs).</i> - <i>Effective July 1, 2027, all State fleet vehicles would need to be BEVs or FCEVs (so no PHEVs).</i> - <i>Exception if there is no viable alternative, with reporting required.</i> 	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 12. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:</p> <p><i>LC/JFO NOTE: Would modify the required annual mapping of EVSE to show level 2 chargers in addition to level 3 chargers and also require reporting on how “charging infrastructure was deployed in communities that are underserved or disadvantage and how grants deployed through the EVSE Grant Program advanced the State’s goals.”</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 13. 21 V.S.A. chapter 24 is added to read:</p> <p><i>LC/JFO NOTE: Would require certain employers to have level 2 chargers at not less than six percent of parking spaces available to employees.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>

<p>Sec. 14. GRANT PROGRAM FOR LEVEL 2 CHARGERS⁵</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$11M in Transportation Fund dollars—supplanted by Surface Transportation Block Grant Program funds under 23 U.S.C. § 133, as amended by the IIJA or any other federal funds, as practicable—for the EVSE Grant Program where: <ol style="list-style-type: none"> (1) program funding is distributed in the form of grants where the recipient is responsible for the full match required to secure federal funding match requirements; (2) grant awards are based on an application that addresses equity by giving priority to projects that provide the greatest benefit to the greatest number of individuals within a community that is underserved or disadvantaged (defined in Sec. 4(2)); and (3) grant awards are equally distributed under the following categories with the following maximum grant amount: <table border="1" data-bbox="209 1084 943 1140"> <tr> <td>Municipalities with a portion of the municipality designated</td> <td>Level 2: Up to \$5k/port for 2–10 ports, maximum grant</td> </tr> </table>	Municipalities with a portion of the municipality designated	Level 2: Up to \$5k/port for 2–10 ports, maximum grant	<p>Sec. 2. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT INFRASTRUCTURE</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$6.25M in [redacted] to the Agency of Transportation to install and/or offer grants for level 3 EVSE along the State highway network consistent with the goals established in 2021 Acts and Resolves No. 55, Sec. 30.⁶ - \$10M in [redacted] to the Agency of Commerce and Community Development to offer grants for level 1 and 2 EVSE at MUDs, including multi-unit affordable housing, and workplaces and level 1, 2, and 3 EVSE at community attractions. - \$3M in [redacted] to the Agency of Natural Resources to install and/or offer grants for level 1 and 2 EVSE at State parks and fishing access areas managed by the State. - NO CARRY FORWARD LANGUAGE.⁷ 	<p>Transportation Pathway 1, Strategy 3, Priority Action a (Initial Vermont Climate Action Plan pp. 77-78)</p>
Municipalities with a portion of the municipality designated	Level 2: Up to \$5k/port for 2–10 ports, maximum grant			

⁵ LC/JFO Note: This should have **not** been limited to “level 2 chargers” as grants are also available for level 3 chargers.

⁶ All of the authorizations in this draft of the Transportation Bill are silent on funding source, instead providing that it is as appropriated in the fiscal year 2023 budget.” However, the Governor’s recommended budget has the funding source for the \$6.25M as \$4.25 Federal Highway Administration (FHWA) and \$2M SLFRF, and the funding source for the \$10M (housing, workplaces, and community attractions) and \$3M (State parks and fishing areas) fully SLFRF. See [FY23 Proposed ARPA Budget, January 18, 2022](#).

⁷ Same as note 4.

<p><i>pursuant to 24 V.S.A. chapter 76A</i></p>	<p><i>amount of up to 75% of the project cost</i></p> <p><i>Level 3: Up to \$40k for up to 5 chargers, maximum grant amount of up to 50% of the project cost</i></p>		
<p><i>Employers that are required to provide level 2 chargers pursuant to 21 V.S.A. § 1902 as added by Sec. 13</i></p>	<p><i>Level 2: Up to \$5k/port for 2–10 ports, maximum grant amount of up to 75% of the project cost</i></p> <p><i>Level 3: Up to \$40k for up to 5 chargers, maximum grant amount of up to 50% of the project cost</i></p>		
<p><i>Multi-unit affordable housing and multi-unit dwellings owned by a nonprofit</i></p>	<p><i>Level 2: Up to \$5k/port for 2–4 ports, maximum grant amount of up to 100% of the project cost</i></p> <p><i>Level 3: Up to \$40k for up to 5 chargers, maximum grant amount of up to 50% of the project cost</i></p>		
<p><i>Multi-unit dwellings that are not owned by a nonprofit or multi-unit affordable housing</i></p>	<p><i>Level 2: Up to \$5k/port for 2–10 ports, maximum grant amount of up to 75% of the project cost</i></p> <p><i>Level 3: Up to \$40k for up to 5 chargers, maximum grant amount of up to 50% of the project cost</i></p>		

<p>Persons that operate fleets of vehicle</p>	<p>Level 2: Up to \$5k/port for 2–10 ports, maximum grant amount of up to 75% of the project cost</p>	<ul style="list-style-type: none"> - Fee schedule must be provided; consultation amongst the EVSE Interagency Workgroup; and report requirement. - EVSE Interagency Workgroup shall ensure that applicants for grants are notified of the existence of federal charging and fueling infrastructure grant funding that is available under the IIJA, Sec. 11401, and to, as practicable, provide assistance to applicants who are interested in pursuing a grant award under the federal program - NO CARRY FORWARD LANGUAGE. - POTENTIAL FEDERAL ELIGIBILITY: STBG (F); CMAQ (F); National Electric Vehicle Formula Program (F); Charging and Fueling Infrastructure Grants (C); SLFRF (F). 	
<p>State agencies and departments</p>	<p>Level 2: Up to \$10k/port for 2–4 ports, maximum grant amount of up to 100% of the project cost</p>		
<p>Public and independent schools, as defined in 16 V.S.A. § 11(7) and (8), and postsecondary schools, as defined in 16 V.S.A. § 176(b)(1)</p>	<p>Level 2: Up to \$5k/port for 2–10 ports, maximum grant amount of up to 100% of the project cost</p>		

<p>Sec. 15. 21 V.S.A. chapter 26 is added to read:</p> <p><i>LC/JFO NOTE: Would require certain employers to have a transportation demand management (TDM) plan.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 16. MOBILITY AND TRANSPORTATION INNOVATION GRANT PROGRAM; APPROPRIATION; REPORT</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - \$10M in Transportation Fund dollars with a grant cap of \$250k or \$2M (but only for four recipients that will operate micro-transit programs). - POTENTIAL FEDERAL ELIGIBILITY: STBG (F); Carbon Reduction Program (F); Federal Transit Program (F); and Transportation Access Pilot Program (C). 	<p>NOT ADDRESSED</p>	<p>Transportation Pathway 1, Strategy 2, Priority Action b (Initial Vermont Climate Action Plan pp. 74–75)</p>
<p>Sec. 17. NEW POSITIONS</p> <p><i>LC/JFO NOTE: Would create the following three positions with a FY23 Transportation Fund appropriation of \$402k for personal services and \$10k for operating expenses:</i></p> <ul style="list-style-type: none"> - Director of Transportation Innovation; - Clean Transportation Incentive Program Administrator; and - Manager of Community Planning. 	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>

<p style="text-align: center;">* * * Complete Streets and Sprawl * * *</p> <p>Sec. 18. 19 V.S.A. § 10b(c) is amended to read:</p> <p>Sec. 19. 19 V.S.A. § 309d is amended to read:</p> <p>Sec. 20. 10 V.S.A. § 6086(a) is amended to read:</p> <p><i>LC/JFO NOTE: Would change when Complete Streets principles need to be followed and Act 250 criterion 5.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 21. PEDESTRIAN AND BICYCLE ACCES TO BE PROVIDED NOT LATER THAN DECEMBER 1, 2022</p> <p><i>LC/JFO NOTE: Would require certain improvements to shoulders by December 31, 2022.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 22. 23 V.S.A. § 1139 is amended to read:</p> <p><i>LC/JFO NOTE: Would amend codified law to prohibit riding abreast in most circumstances.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>

<p>Sec. 23.⁸ PEDESTRIAN SAFETY PILOT PROGRAM; REPORT</p> <p><i>LC/JFO NOTE:</i></p> <ul style="list-style-type: none"> - Would create a pilot program for municipal pedestrian safety projects with an appropriation of \$250k and a required report. - POTENTIAL FEDERAL ELIGIBILITY: <i>Highway Safety Improvement Program (HSIP) (F).</i> 	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 24. 23 V.S.A. § 1030 is added to read:</p> <p><i>LC/JFO NOTE: Would add to codified law that municipalities may install in-street pedestrian crossing signs in certain crosswalks from May 1 until October 15.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 25. 23 V.S.A. § 1007(b) is amended to read:</p> <p><i>LC/JFO NOTE: Would amend codified law to allow a municipality with a designated downtown development district, village center, or new town center to establish a speed limit of 25 miles per hour on non-limited access highways within the designated area.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>

⁸ LC/JFO Note: Secs. 23–26 are the same as [H.126](#), which was referred to House Transportation

<p>Sec. 26. MUNICIPAL REQUESTS TO CHANGE THE SPEED LIMIT ON A STATE HIGHWAY</p> <p><i>LC/JFO NOTE: Would express the intent of the General Assembly that when the Traffic Committee receives a request from a municipality to lower the speed limit on a non-limited access highway that the Traffic Committee does not then increase the speed limit, which should only be done if an engineering and traffic investigation indicates that not doing so will create a greater safety hazard for the traveling public.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 27. COMMUTER RAIL FEASIBILITY STUDY</p> <p><i>LC/JFO NOTE: Would require a study and written report on having commuter rail service on the following corridors:</i></p> <ul style="list-style-type: none"> - <i>between St. Albans, Vermont; Essex Junction, Vermont; and Montpelier, Vermont, with connecting service to Burlington, Vermont;</i> - <i>between Middlebury, Vermont, and Burlington, Vermont; and</i> - <i>between Montpelier, Vermont, and Barre, Vermont.</i> 	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>

<p>Sec. 28. REPORT ON MASS TRANSIT AUTHORITIES</p> <p><i>LC/JFO NOTE: Would require the Public Transit Advisory Council to study and report/make recommendations on how best to encourage and expand the use of mass transit authorities in Vermont and establish/structure a State transit authority.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 29.⁹ 30 V.S.A. § 8005(a)(3) is amended to read:</p> <p><i>LC/JFO NOTE: Would amend codified law to only allow an electric distribution utility to get prorated tier III energy credits for programs that overlap with State-created or -funded programs.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 30. 23 V.S.A. § 383 is added to read:</p> <p><i>LC/JFO NOTE: Would add a section to codified law to establish a system of efficiency fees and rebates (known as feebates) for new light trucks, passenger automobiles, and new sport utility vehicles (which have the same definitions as in the Code of Federal Regulations) that assesses an efficiency fee or entitles the registrant to an efficiency rebate at the time of first registration. The feebate system shall:</i></p> <ul style="list-style-type: none"> - have at least five tiers within each vehicle class; 	<p>NOT ADDRESSED</p>	<p>Transportation Pathway 1, Strategy 2, Priority Action c (Initial Vermont Climate Action Plan pp. 75–76)</p>

⁹ This section is the same as [H.459](#), which was referred to the Committee on Energy and Technology.

<ul style="list-style-type: none"> - be designed to be revenue neutral and collect a fee for the low efficiency vehicles and provide a rebate for the high efficiency vehicles; - be recalculated on an annual basis; - apply to the purchase and lease of new vehicles (but can differ between the two); and - have the efficiency fees/rebates prominently displayed on the DMV's website and at all register dealer locations and websites. 		
<p>Sec. 31. EFFICIENCY FEES AND REBATES TASK FORCE</p> <p><i>LC/JFO NOTE: Would create an Efficiency Fees and Rebates Task Force to formulate a method for calculating the initial and recalculating the subsequent efficiency fees/rebates and make recommendations that are consistent with the Climate Action Plan. The Efficiency Fees and Rebates Task Force would be required to file a report and proposed legislation.</i></p>	NOT ADDRESSED	NOT ADDRESSED
<p>Sec. 32. 23 V.S.A. § 383(d) is added to read:</p> <p><i>LC/JFO NOTE: Would add a subsection of codified law that provides vehicle efficiency fees/rebates that is ONLY effective if the General Assembly has not enacted legislation providing for alternative efficiency fees/rebates based in whole or in part on the recommendations from the Efficiency Fees and Rebates Task Force.</i></p>	NOT ADDRESSED	NOT ADDRESSED

<p>Sec. 33. OUTREACH ON EFFICIENCY FEES AND REBATES' APPROPRIATION</p> <p><i>LC/JFO NOTE: Would appropriate \$20k in Transportation Fund monies to expand the Agency of Transportation's public-private partnership with Drive Electric Vermont to provide marketing and outreach efforts on motor vehicle efficiency fees/rebates in the fourth quarter of fiscal year 2023 (in advance of Sec. 30 taking effect).</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>
<p>Sec. 34. ANNUAL FEEBATE REPORT</p> <p><i>LC/JFO NOTE: Would require the Agency of Transportation to annually evaluate the vehicle efficiency fees/rebates system.</i></p>	<p>NOT ADDRESSED</p>	<p>NOT ADDRESSED</p>