

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; annual Transportation Program; electric vehicle

4 supply equipment (EVSE); EVSE Grant Program; vehicle incentives;

5 Vermont Association of Snow Travelers (VAST); town highway

6 bridges; off-system bridges; 2021 Transportation Bill; electric bicycle

7 incentives; bicyclists; pedestrians; bicycle and pedestrian facilities;

8 Transportation Board; judicial review; on-premises signs; right-of-

9 way permits; 1111 permits; municipal site plan review; Smugglers’

10 Notch; electric vehicle supply equipment fees; technical corrections

11 Statement of purpose of bill as introduced: This bill proposes to adopt the

12 State’s annual Transportation Program and make miscellaneous changes to

13 laws related to transportation.

14 An act relating to the Transportation Program and miscellaneous changes to

15 laws related to transportation

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

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

3 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

4 (a) The Agency of Transportation’s Proposed Fiscal Year 2023

5 Transportation Program appended to the Agency of Transportation’s proposed
6 fiscal year 2023 budget, as amended by this act, is adopted to the extent
7 federal, State, and local funds are available.

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

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

10 (2) “Candidate project” means a project approved by the General
11 Assembly that is not anticipated to have significant expenditures for
12 preliminary engineering or right-of-way expenditures, or both, during the
13 budget year and funding for construction is not anticipated within a predictable
14 time frame.

15 (3) “Development and evaluation (D&E) project” means a project
16 approved by the General Assembly that is anticipated to have preliminary
17 engineering expenditures or right-of-way expenditures, or both, during the
18 budget year and that the Agency is committed to delivering to construction on
19 a timeline driven by priority and available funding.

20 (4) “Electric vehicle supply equipment (EVSE)” has the same meaning
21 as in 30 V.S.A. § 201.

1 (5) “Front-of-book project” means a project approved by the General
2 Assembly that is anticipated to have construction expenditures during the
3 budget year or the following three years, or both, with expected expenditures
4 shown over four years.

5 (6) “Level 1 charger” or “level 1 EVSE” means EVSE that plugs
6 directly into a standard 120-volt AC outlet and supplies an average output of
7 1.3 to 2.4 kilowatts.

8 (7) “Level 2 charger” or “level 2 EVSE” means galvanically connected
9 electric vehicle supply equipment with a single-phase input voltage range from
10 208 to 240 volts AC and a maximum output current less than or equal to 80
11 amperes AC.

12 (8) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger
13 (DCFC),” means electric vehicle supply equipment that uses dedicated direct
14 current (DC) to provide energy to a plug-in electric vehicle.

15 (9) “Secretary” means the Secretary of Transportation.

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

18 (11) The table heading “As Proposed” means the Proposed
19 Transportation Program referenced in subsection (a) of this section; the table
20 heading “As Amended” means the amendments as made by this act; the table
21 heading “Change” means the difference obtained by subtracting the “As

1 Proposed” figure from the “As Amended” figure; and the terms “change” or
2 “changes” in the text refer to the project- and program-specific amendments,
3 the aggregate sum of which equals the net “Change” in the applicable table
4 heading.

5 * * * Electric Vehicle Supply Equipment Infrastructure * * *

6 Sec. 2. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT
7 INFRASTRUCTURE

8 (a) Definitions. As used in this section:

9 (1) “Area median income” means the county or Metropolitan Statistical
10 Area median income published by the federal Department of Housing and
11 Urban Development.

12 (2) “Multiunit affordable housing” means a multiunit dwelling where:

13 (A) at least 50 percent of the units are or will be occupied by
14 households whose income does not exceed 100 percent of the greater of the
15 State or area median income; or

16 (B) all units are affordable to households earning between 60 and 120
17 percent of area median income.

18 (3) “Multiunit dwelling” means a housing project, such as cooperatives,
19 condominiums, dwellings, or mobile home parks, with three or more units
20 constructed or maintained on a tract or tracts of land.

1 (4) “Multiunit dwelling owned by a nonprofit” means a multiunit dwelling
2 owned by a person that has nonprofit status under Section 501(c)(3) of the U.S.
3 Internal Revenue Code, as amended, and is registered as a nonprofit
4 corporation with the Office of the Secretary of State.

5 (5) “Workplace” means a place where an individual works.

6 (b) State highway network. The Agency of Transportation is authorized to
7 spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to
8 install level 3 EVSE along the State highway network consistent with the goals
9 established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 3
10 of this act. This authorization shall be used by the Agency to purchase and
11 install level 3 EVSE or to provide grants for persons to purchase and install
12 level 3 EVSE, or both.

13 (c) Housing, employers, and public venues and attractions.

14 (1) The Agency of Commerce and Community Development is
15 authorized to spend up to \$10,000,000.00 in total and as appropriated in the
16 fiscal year 2023 budget to establish and administer one or more grant
17 programs, which may build upon the existing EVSE Grant Program, to support
18 the continued buildout of level 1 and 2 EVSE at multiunit dwellings, including
19 multiunit affordable housing, and workplaces and level 1, 2, and 3 EVSE at
20 public venues and attractions, such as parks, downtowns, museums, and ski
21 mountains.

1 (2) The Agency of Commerce and Community Development shall
2 allocate the \$10,000,000.00 as follows:

3 (A) not less than 30 percent of the \$10,000,000.00 for grants for level
4 1 and 2 EVSE at multiunit dwellings, including multiunit affordable housing;

5 (B) not less than 20 percent of the \$10,000,000.00 for grants for level
6 1 and 2 EVSE at private workplaces;

7 (C) not less than 10 percent of the \$10,000,000.00 for grants for level
8 1, 2, and 3 EVSE at public venues and attractions, such as parks, downtowns,
9 museums, and ski mountains;

10 (D) not less than 10 percent of the \$10,000,000.00, combined, for the
11 purchase of or grants for level 1 and 2 EVSE at State workplaces and grants for
12 level 1, 2, and 3 EVSE at public venues and attractions, such as parks,
13 downtowns, museums, and ski mountains that are available to any member or
14 the public; and

15 (E) the balance, 30 percent of the \$10,000,000.00, for the purchase of
16 or grants for EVSE at any eligible location permitted under subdivision (1) of
17 this subsection.

18 (3) Notwithstanding subdivision (2) of this subsection, if the Agency
19 of Commerce and Community Development, in consultation with the
20 interagency team, determines that programmatic funding remains available
21 following the first round of grant awards made pursuant to the allocations in

1 subdivision (2) of this subsection, then the balance of the \$10,000,000.00 shall
2 be used for the purchase of or grants for EVSE at any eligible location
3 permitted under subdivision (1) of this subsection.

4 (d) State parks and fishing access areas. The Agency of Natural
5 Resources is authorized to spend up to \$3,000,000.00 as appropriated in the
6 fiscal year 2023 budget to install level 1 and 2 EVSE at State parks and fishing
7 access areas managed by the State. This authorization shall be used by the
8 Agency of Natural Resources to purchase and install level 1 and 2 EVSE or to
9 provide grants for persons to purchase and install level 1 and 2 EVSE, or both.

10 (e) Purpose. The purpose of the expenditures authorized in subsections
11 (a)–(c) of this section is to respond to negative economic impacts to the
12 tourism, travel, and hospitality industries caused by the COVID-19 public
13 health emergency and to provide assistance to low- and moderate-income
14 households that were impacted by the COVID-19 public health emergency.

15 (f) Eligibility criteria. Notwithstanding 2020 Acts and Resolves No. 139,
16 Sec. 25; 2021 Acts and Resolves No. 55, Sec. 29; and any prior iterations of
17 funding criteria used to distribute State EVSE grant awards through programs
18 involving the EVSE Interagency Workgroup, the Agencies of Transportation,
19 of Commerce and Community Development, and of Natural Resources may
20 modify eligibility criteria for and programmatic implementation of any existing
21 State EVSE grant programs to ensure that available federal monies are best

1 utilized to build a network of EVSE throughout Vermont so as to support the
2 widespread adoption of plug-in electric vehicles, as defined in 23 V.S.A.
3 § 4(85), amongst Vermonters, including those of low and moderate income,
4 and provide increased access to a reliable network of EVSE to better serve and
5 support the travel, tourism, and hospitality industries.

6 (g) Administration expenses. Unless prohibited by federal or State law, the
7 Agencies of Transportation, of Commerce and Community Development, and
8 of Natural Resources may use up to 15 percent of the total amount that is
9 distributed in grant awards under subsections (a)–(c) for costs associated with
10 administering and promoting any State-run electric vehicle supply equipment
11 grant programs, including translation and interpretation service, community
12 outreach, and education.

13 (h) Carryforward; deployment in fiscal year 2023.

14 (1) Notwithstanding any other provision of law and subject to the
15 approval of the Secretary of Administration, appropriations to support the
16 authorizations under this section remaining unexpended on June 30, 2023 shall
17 be carried forward and designated for the same expenditures in the subsequent
18 fiscal year.

19 (2) Every reasonable effort shall be made to obligate and deploy the
20 monies authorized for expenditure under this section in fiscal year 2023 in
21 order to achieve a pace of EVSE deployment necessary to meet the emissions

1 reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the
2 Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

3 (i) Outreach and marketing. The Agencies of Transportation,
4 Commerce and Community Development, and Natural Resources shall ensure
5 that there is sufficient outreach and marketing, including the use of translation
6 and interpretation services, of the EVSE grant programs so that Vermonters
7 who can secure financial assistance under one of the EVSE grant programs can
8 easily learn about and how to apply for an EVSE grant.

9 * * * EVSE Goals * * *

10 Sec. 3. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:

11 Sec. 30. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL

12 MAP

13 (a) It shall be the goal of the State to have, as practicable, a level 3 EVSE
14 charging port available to the public within:

15 (1) ~~five miles~~ one mile of every exit of the Dwight D. Eisenhower
16 National System of Interstate and Defense Highways within the State; and

17 (2) ~~50~~ 25 miles of another level 3 EVSE charging port available to the
18 public along a State highway, as defined in 19 V.S.A. § 1(20).

19 (b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall
20 file an up-to-date map showing the locations of all level 3 EVSE available to
21 the public within the State with the House and Senate Committees on

1 Transportation not later than January 15 each year until the goal identified in
2 subsection (a) of this section is met.

3 * * * Vehicle Incentive Programs * * *

4 Sec. 4. VEHICLE INCENTIVE PROGRAMS

5 (a) Incentive Program for New PEVs. The Agency is authorized to spend
6 up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the
7 Incentive Program for New PEVs established in 2019 Acts and Resolves No.
8 59, Sec. 34, as amended.

9 (b) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00
10 as appropriated in the fiscal year 2023 budget on MileageSmart as established
11 in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

12 (c) Replace Your Ride Program. The Agency is authorized to spend up to
13 \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace
14 Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as
15 amended.

16 (d) eBike Incentive Program. The Agency is authorized to spend up to
17 \$1,000,000.00 as appropriated in the fiscal year 2023 budget on an eBike
18 Incentive Program to provide incentives for the purchase of electric bicycles,
19 as defined in 23 V.S.A. § 4(46). Incentives shall be available to all
20 Vermonters who self-certify as to having an income at 80 percent of the State
21 median income.

1 (e) eRecreation Incentive Program. The Agency is authorized to spend up
2 to \$1,000,000.00 as appropriated in the fiscal year 2023 budget on an
3 eRecreation Incentive Program to provide incentives for the purchase of all-
4 terrain vehicles, as defined in 23 V.S.A. § 3501, and snowmobiles, as defined
5 in 23 V.S.A. § 3201, that do not contain an internal combustion engine as
6 manufactured and sold.

7 (f) Purpose.

8 (1) The purpose of the expenditures authorized in subsections (a)–(d) of
9 this section is to provide assistance to low- and moderate-income households
10 that were impacted by the COVID-19 public health emergency.

11 (2) The purpose of the expenditures authorized in subsection (e) of this
12 section is to respond to negative economic impacts to the tourism, travel, and
13 hospitality industries caused by the COVID-19 public health emergency and to
14 encourage Vermonters to use all-terrain vehicles and snowmobiles without
15 internal combustion engines as a means to support Vermont’s tourism, travel,
16 and hospitality industries through increased outdoor recreation and the
17 associated benefits to local businesses.

18 (g) Eligibility criteria. Notwithstanding this section; 2019 Acts and
19 Resolves No. 59, Sec. 34, as amended by 2020 Acts and Resolves No. 121,
20 Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves
21 No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Secs. 18, 19, and 21; and

1 2021 Acts and Resolves No. 55, Sec. 27, as amended by Sec. 5 of this act, the
2 Agency may modify the eligibility criteria for and programmatic
3 implementation of the Incentive Program for New PEVs, MileageSmart, the
4 Replace Your Ride Program, and the eBike Incentive Program to ensure that
5 available federal monies are best utilized to encourage Vermonters with low
6 and moderate income to adopt more efficient modes of personal transportation.

7 (h) Administration expenses. Unless prohibited by federal or State law, the
8 Agency may use up to 15 percent of any single authorization in subsections
9 (a)–(e) and an additional \$2,000,000.00 as appropriated in the fiscal year 2023
10 budget for costs associated with administering and promoting the vehicle
11 incentive programs, including on the Agency’s existing partnership with Drive
12 Electric Vermont, which shall support the expansion of the PEV market in the
13 State through the provision of stakeholder coordination, policy engagement,
14 consumer education and outreach, infrastructure development, and technical
15 assistance, and translation and interpretation service, community outreach, and
16 education.

17 (i) Carryforward; deployment in fiscal year 2023.

18 (1) Notwithstanding any other provision of law and subject to the
19 approval of the Secretary of Administration, appropriations to support the
20 authorizations under this section remaining unexpended on June 30, 2023 shall

1 be carried forward and designated for the same expenditures in the subsequent
2 fiscal year.

3 (2) Every reasonable effort shall be made to obligate and deploy the
4 monies authorized for expenditure under this section in fiscal year 2023 in
5 order to achieve a pace of plug-in electric vehicle deployment necessary to
6 meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the
7 recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A.
8 § 592.

9 (j) Outreach and marketing. The Agency, in consultation with Drive
10 Electric Vermont and the Vermont Vehicle and Automotive Distributors
11 Association, shall ensure that there is sufficient outreach and marketing,
12 including the use of translation and interpretation services, of the Incentive
13 Program for New PEVs, MileageSmart, and Replace Your Ride so that
14 Vermonters who are eligible under one or more of the incentive programs can
15 easily learn how to secure as many incentives as are available.

16 * * * Vermont Association of Snow Travelers Authorizations * * *

17 Sec. 5. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)

18 AUTHORIZATIONS

19 The Agency of Transportation, through the Department of Motor Vehicles,
20 is authorized to spend:

1 (1) \$50,000.00 in one-time General Fund monies, as appropriated in
2 Sec. B.1100(12)(A) of the fiscal year 2023 budget, in grants to the Vermont
3 Association of Snow Travelers (VAST) to support the Law Enforcement and
4 Safety Program; and

5 (2) \$1,000,000.00 in one-time General Fund monies, as appropriated in
6 Sec. B.1100(12)(B) of the fiscal year 2023 budget, in grants to VAST to
7 support the Equipment Grant-in-Aid Program.

8 * * * Bridge Formula Program; Off-System Bridges * * *

9 Sec. **6**. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES

10 (a) Findings. The General Assembly finds that:

11 (1) the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58
12 (IIJA) provides Vermont with \$225,000,000.00 in Bridge Formula Program
13 funding for federal fiscal years 2022 through 2026;

14 (2) the Bridge Formula Program funds are to be used for the
15 preservation and replacement of bridges;

16 (3) as part of the Bridge Formula Program, states are required to allocate
17 a minimum of 15 percent of the funding to address off-system bridge needs,
18 where off-system bridges are those that are located along roadways off the
19 federal aid system;

20 (4) in Vermont, roadways off the federal aid system are primarily owned
21 and maintained by municipalities; and

1 (5) under the IIJA, the federal share of funding for municipally owned
2 off-system bridges is 100 percent.

3 (b) Priority implementation. In order to implement and allocate the Bridge
4 Formula Program funding, the Agency of Transportation is directed to
5 simultaneously:

6 (1)(A) Fund at 100 percent federal share the construction phase of all
7 off-system bridges in the Fiscal Year 2023 Transportation Program for Town
8 Highway Bridges that:

9 (i) were not authorized for federal funds for the construction phase
10 of the pending project prior to the Fiscal Year 2023 Transportation Program;
11 and

12 (ii) are either listed as a front-of-book project or development and
13 evaluation (D&E) project in the Fiscal Year 2023 Transportation Program.

14 (B) The engineering (PE) and right-of-way (ROW) phases of projects
15 to be funded at 100 percent federal share under subdivision (A) of this
16 subdivision (1) shall continue to be funded at 80 percent federal, 10 percent
17 State, and 10 percent municipal.

18 (2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs,
19 fund the construction phase of off-system covered bridges and off-system
20 historic truss bridges within the Transportation Programs for Town Highway
21 Bridges based on the prioritization of covered bridges and historic truss bridges

1 under the prioritization process outlined in 19 V.S.A. § 10g(l) at 100 percent
2 federal share.

3 (B) The engineering (PE) and right-of-way (ROW) phases of projects
4 to be funded at 100 percent federal share under subdivision (A) of this
5 subdivision (2) shall continue to be funded at 80 percent federal, 10 percent
6 State, and 10 percent municipal.

7 (c) Secondary implementation. Should funding through the federal Bridge
8 Formula Program remain available following the implementation delineated
9 under subsection (b) of this section, town highway bridges shall be advanced
10 based on the prioritization process outlined in 19 V.S.A. § 10g(l).

11 Sec. **7**. REPEAL

12 Sec. **6** (Bridge Formula Program; off-system bridges) of this act is repealed
13 on October 1, 2029, at the conclusion of the authorized implementation period
14 for the IIJA.

15 Sec. **8**. TOWN HIGHWAY BRIDGE PROGRAM

16 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2023
17 Transportation Program for Town Highway Bridges, authorized spending for
18 the construction phase of the following projects is amended to be 100 percent
19 federal pursuant to Sec. 6(b)(1)(A) and (2)(A) of this act:

20 (1) Clarendon BO 1443(55);

21 (2) Hartford BO 1444(60);

- 1 (3) Ludlow Village BO 1443(52);
- 2 (4) Poultney BO 1443(53);
- 3 (5) Stowe BO 1446(37);
- 4 (6) Stowe BO 1446(39);
- 5 (7) Statewide Preservation Easement Paint Program; and
- 6 (8) Statewide Rehabilitation of Covered Bridges.

7 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2023
8 Transportation Program for Town Highway Bridges, authorized spending is
9 amended as follows:

10	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
11	Other	350,000	350,000	0
12	PE	4,294,487	4,294,487	0
13	ROW	355,000	355,000	0
14	Construction	25,314,700	25,314,700	0
15	Total	30,314,187	30,314,187	0
16	<u>Sources of funds</u>			
17	TIB	2,402,455	2,402,455	0
18	State	1,919,899	1,230,817	-689,082
19	Federal	24,251,350	25,529,514	1,278,164
20	Local	1,740,483	1,151,401	-589,082
21	Total	30,314,187	30,314,187	0

1 (c) Within the Agency of Transportation’s Proposed Fiscal Year 2023
2 Transportation Program, the following covered bridges projects are added to
3 the candidate list for Town Highway Bridges:

4 (1) Belvidere (Bridge No. 12 on Town Highway 3);

5 (2) Charlotte (Bridge No. 27 on Town Highway 9);

6 (3) Chelsea (Bridge No. 46 on Town Highway 68);

7 (4) Hartland (Bridge No. 22 on Town Highway 15);

8 (5) Lyndon (Bridge No. 33 on Town Highway 58);

9 (6) Northfield (Bridge No. 10 on Town Highway 3);

10 (7) Northfield (Bridge No. 11 on Town Highway 3);

11 (8) Northfield (Bridge No. 15 on Town Highway 3);

12 (9) Troy (Bridge No. 8 on Town Highway 12); and

13 (10) Weathersfield (Bridge No. 83 on Town Highway 65).

14 (d) Within the Agency of Transportation’s Proposed Fiscal Year 2023
15 Transportation Program, the following metal truss bridges projects are added to
16 the candidate list for Town Highway Bridges:

17 (1) Berlin (Bridge No. 27 on Town Highway 61);

18 (2) Bridgewater (Bridge No. 26 on Town Highway 34);

19 (3) Enosburg (Bridge No. 45 on Town Highway 42);

20 (4) Lincoln (Bridge No. 46 on Town Highway 6);

21 (5) Moretown (Bridge No. 42 on Town Highway 39);

- 1 (6) Newfane (Bridge No. 49 on Town Highway 26);
- 2 (7) Northfield (Bridge No. 65 on Town Highway 57);
- 3 (8) Royalton (Bridge No. 30 on Town Highway 6); and
- 4 (9) Sheldon (Bridge No. 20 on Town Highway 22).

5 * * * Amendments to Fiscal Year 2023 Authorizations * * *

6 Sec. **9**. PROGRAM DEVELOPMENT

7 Within the Agency of Transportation’s Proposed Fiscal Year 2023
8 Transportation Program for Program Development Administration, authorized
9 spending is amended as follows:

10	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
11	Person. Svcs.	23,753,701	23,753,701	0
12	Operat. Exp.	9,039,403	8,985,192	-54,211
13	Grants	286,000	286,000	0
14	Total	33,079,104	33,024,893	-54,211
15	<u>Sources of funds</u>			
16	State	25,074,132	25,019,921	-54,211
17	Federal	7,929,972	7,929,972	0
18	Inter Unit	75,000	75,000	0
19	Total	33,079,104	33,024,893	-54,211

20 Sec. **10**. TOWN HIGHWAY AID

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

4	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
5	Grants	27,783,413	27,837,624	54,211
6	Total	27,783,413	27,837,624	54,211
7	<u>Sources of funds</u>			
8	State	27,783,413	27,837,624	54,211
9	Total	27,783,413	27,837,624	54,211

10 Sec. **11**. POLICY AND PLANNING

11 Within the Agency of Transportation’s Proposed Fiscal Year 2023
12 Transportation Program for Policy and Planning, authorized spending is
13 amended as follows:

14	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Person. Svcs.	4,767,663	4,767,663	0
16	Operat. Exp.	1,035,700	1,035,700	0
17	Grants	7,389,725	10,784,247	3,394,522
18	Total	13,193,088	16,587,610	3,394,522
19	<u>Sources of funds</u>			
20	State	3,217,573	3,217,573	0
21	Federal	9,920,240	13,314,762	3,394,522

1	Inter Unit	55,275	55,275	0
2	Total	13,193,088	16,587,610	3,394,522

3 Sec. 12. TOWN HIGHWAY STRUCTURES

4 Within the Agency of Transportation’s Proposed Fiscal Year 2023

5 Transportation Program for Town Highway Structures, authorized spending is
6 amended as follows:

7	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	Grants	6,333,500	7,200,000	866,500
9	Total	6,333,500	7,200,000	866,500
10	<u>Sources of funds</u>			
11	State	6,333,500	7,200,000	866,500
12	Total	6,333,500	7,200,000	866,500

13 Sec. 13. TOWN HIGHWAY CLASS 2 ROADWAY

14 Within the Agency of Transportation’s Proposed Fiscal Year 2023

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

17	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18	Grants	7,648,750	8,600,000	951,250
19	Total	7,648,750	8,600,000	951,250
20	<u>Sources of funds</u>			
21	State	7,648,750	8,600,000	951,250

1 Total 7,648,750 8,600,000 951,250

2 Sec. 14. HIGHWAY MAINTENANCE

3 Within the Agency of Transportation’s Proposed Fiscal Year 2023

4 Transportation Program for Maintenance, authorized spending is amended as

5 follows:

6	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
7	Person. Svcs.	44,709,478	44,709,478	0
8	Operat. Exp.	61,554,303	58,325,635	-3,228,668
9	Total	106,263,781	103,035,113	-3,228,668

10 Sources of funds

11	State	105,517,966	102,289,298	-3,228,668
12	Federal	645,815	645,815	0
13	Inter Unit	100,000	100,000	0
14	Total	106,263,781	103,035,113	-3,228,668

1 * * * Proposed Fiscal Year 2024 Transportation Program;

2 Carbon Reduction Program * * *

3 **Sec. 15. PROPOSED FISCAL YEAR 2024 TRANSPORTATION**

4 **PROGRAM**

5 The Agency of Transportation, in consultation with the Vermont Climate
6 Council, shall ensure that within the Agency of Transportation’s Proposed
7 Fiscal Year 2024 Transportation Program all federal monies that are available
8 to the State under the Carbon Reduction Program, codified at 23 U.S.C. § 175,
9 in federal fiscal years 2022, 2023, and 2024 are allocated toward projects that
10 align with the recommendations of the Climate Action Plan (CAP) issued
11 under 10 V.S.A. § 592.

12 * * * Transportation Alternatives Grant Program * * *

13 **Sec. 16. 19 V.S.A. § 38 is amended to read:**

14 **§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM**

15 (a), (b) [Repealed.]

16 (c) The Transportation Alternatives Grant Program is created. The Grant
17 Program shall be administered by the Agency, and shall be funded in the
18 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
19 Recreational Trails Program. Awards shall be made to eligible entities as
20 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall

1 be limited to the activities authorized under federal law and shall not exceed
2 \$300,000.00 per grant allocation.

3 (d) Eligible entities awarded a grant must provide all funds required to
4 match federal funds awarded for a Transportation Alternatives project. All
5 grant awards shall be decided and awarded by the Agency.

6 * * *

7 (f)(1) ~~In fiscal years 2018 and 2019, all Grant Program funds shall be~~
8 ~~reserved for municipalities for environmental mitigation projects relating to~~
9 ~~stormwater and highways, including eligible salt and sand shed projects.~~

10 ~~(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded~~
11 ~~for any eligible activity and in accordance with the priorities established in~~
12 ~~subdivision (4) of this subsection.~~

13 ~~(3)~~ In fiscal year ~~2022~~ 2024 and thereafter, \$1,100,000.00 50 percent of
14 Grant Program funds, or such lesser sum if all eligible applications amount to
15 less than \$1,100,000.00 50 percent of Grant Program funds, shall be reserved
16 for municipalities for environmental mitigation projects relating to stormwater
17 and highways, including eligible salt and sand shed projects and the balance of
18 Grant Program funds shall be awarded for any eligible activity and in
19 accordance with the priorities established in subdivision (2) of this subsection.

20 ~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and~~
21 ~~2021, and the balance of Grant Program funds not reserved for environmental~~

1 ~~mitigation projects in fiscal year 2022 and thereafter, in~~ In evaluating
2 applications for Transportation Alternatives grants, the Agency shall give
3 preferential weighting to projects involving as a primary feature a bicycle or
4 pedestrian facility. The degree of preferential weighting and the circumstantial
5 factors sufficient to overcome the weighting shall be in the complete discretion
6 of the Agency.

7 * * *

8 * * * Amendments to the 2021 Transportation Bill * * *

9 * * * Electric Bicycle Incentives Administrative Costs * * *

10 Sec. 17. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to
11 read:

12 (D) Replace Your Ride Program. Sec. 27 of this act creates a new
13 program to be known as the Replace Your Ride Program, which will be the
14 State's program to incentivize Vermonters to remove older low-efficiency
15 vehicles from operation and switch to modes of transportation that produce
16 fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~
17 \$1,495,000.00 for incentives under the Program and capped startup and
18 administrative costs.

19 (E) Electric bicycle incentives. Sec. 28 of this act authorizes up to
20 ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric
21 bicycle and capped administrative costs.

1 Sec. 18. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

2 (d) Authorization. In fiscal year 2022, the Agency is authorized to spend
3 up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on
4 the Replace Your Ride Program established under this section, with up to
5 ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for
6 startup costs, outreach education, and costs associated with developing and
7 administering the Replace Your Ride Program.

8 Sec. 19. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

9 (b) Authorization.

10 (1) In fiscal year 2022, the Agency is authorized to spend up to
11 \$50,000.00 in one-time Transportation Fund monies on the electric bicycle
12 incentives and up to \$5,000.00 on the costs associated with developing and
13 administering the electric bicycle incentives.

14 (2) If less than \$5,000.00 is expended on administrative costs associated
15 with developing and administering the electric bicycle incentives under
16 subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only
17 be authorized for startup costs, outreach education, and costs associated with
18 developing and administering the Replace Your Ride Program in addition to
19 the authorization in Sec. 27(d) of this act.

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* * * EVSE Grant Program * * *

Sec. 20. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

Sec. 29. GRANT PROGRAMS FOR ~~LEVEL 2 CHARGERS~~ EVSE IN MULTI-UNIT MULTIUNIT DWELLINGS; REPORT

(a) As used in this section:

* * *

(2) “~~Multi-unit Multiunit~~ affordable housing” means a ~~multi-unit multiunit~~ dwelling where:

* * *

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

(4) “~~Multi-unit Multiunit~~ dwelling owned by a nonprofit” means a ~~multi-unit multiunit~~ dwelling owned by a person that has nonprofit status under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is registered as a nonprofit corporation with the Office of the Secretary of State.

(5) “Electric vehicle supply equipment (EVSE)” includes both level 1 chargers, which connect directly into a standard 120-volt AC outlet and supply an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE, and level 2 chargers, which have a single-phase input voltage range from 208

1 to 240 volts AC and a maximum output current less than or equal to 80
2 amperes AC and are also known as level 2 EVSE.

3 (b) The Agency of Transportation shall establish and administer, through a
4 memorandum of understanding with the Department of Housing and
5 Community Development, a pilot program to support the continued buildout of
6 electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing
7 and ~~multi-unit~~ multiunit dwellings owned by a nonprofit 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 * * *

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

16 * * *

17 (f) If the Agency of Transportation, in consultation with the interagency
18 team, determines that programmatic funding remains available following the
19 first round of grant awards, then the pilot program shall be opened up and
20 made available to any ~~multi-unit~~ multiunit dwelling.

21 * * *

1 * * * Mobility and Transportation Innovation Grant Program * * *

2 Sec. 21. MOBILITY AND TRANSPORTATION INNOVATION GRANT
3 PROGRAM

4 (a) Implementation. The Agency of Transportation shall continue to
5 administer the Mobility and Transportation Innovation (MTI) Grant Program,
6 which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The
7 Program shall continue to support micro-transit projects that improve both
8 mobility and access to services for transit-dependent Vermonters, reduce the
9 use of single-occupancy vehicles, and reduce greenhouse gas emissions.

10 (b) Authorization. The Agency is authorized to spend \$500,000.00 for the
11 purpose of implementing subsection (a) of this section.

12 (c) Other funding sources for micro transit. Nothing in this section shall
13 limit the authority of the Agency to fund the implementation or operation of
14 micro-transit programs using other funding sources.

15 (d) Conversion of fixed route service. The Agency shall assist public
16 transit providers with converting fixed-route service to micro-transit service,
17 including in the preservation of Federal Transit Administration monies.

18 * * * Zero-Fare Public Transit * * *

19 Sec. 22. ZERO-FARE PUBLIC TRANSIT

1 (a) The following project is added to the Agency of Transportation’s
2 Proposed Fiscal Year 2023 Transportation Program for Public Transit: Zero-
3 Fare Public Transit for Fiscal Year 2023.

4 (b) Spending authority for Zero-Fare Public Transit for Fiscal Year 2023 is
5 authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
<u>Other</u>	<u>0</u>	<u>1,600,000</u>	<u>1,600,000</u>
<u>Total</u>	<u>0</u>	<u>1,600,000</u>	<u>1,600,000</u>

9 Sources of funds

<u>State</u>	<u>0</u>	<u>1,600,000</u>	<u>1,600,000</u>
<u>Total</u>	<u>0</u>	<u>1,600,000</u>	<u>1,600,000</u>

12 (c) The Agency shall ensure that public transit operated by transit agencies
13 that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or
14 both, in the State shall be operated on a zero-fare basis during fiscal year 2023.

15 (d) Not later than January 31, 2023, the Agency of Transportation shall file
16 a written report with the House and Senate Committees on Transportation that:

17 (1) shows changes in public transit ridership, by county and type of
18 service, in fiscal years 2020, 2021, and 2022 and in fiscal year 2023 through
19 the end of the second quarter; and

20 (2) estimates the amount of funding needed to continue to provide zero-
21 fare service on transit operated by public transit agencies that are eligible to

1 receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out
2 by county and type of service in fiscal year 2024.

3 * * * Bicycle and Pedestrian Planning Integration Pilot Program; Report * * *

4 Sec. 23. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION

5 PILOT PROGRAM

6 (a) Establishment. The Agency of Transportation shall establish a pilot
7 program to support the continued development and buildout of bicycle and
8 pedestrian infrastructure. The purpose of the pilot program is to do at least one
9 of the following:

10 (1) ensure alignment and integration of municipal and State bicycle and
11 pedestrian infrastructure deployment and to provide a framework for municipal
12 prioritization of bicycle and pedestrian projects that can be integrated into the
13 VTrans Project Selection and Project Prioritization (VPSP2) process as
14 projects are evaluated for funding through State-sponsored programs, including
15 the Bike and Pedestrian Program, the Transportation Alternatives Program, and
16 the Downtown Transportation Fund; or

17 (2) integrate bicycle and pedestrian elements into Agency-developed
18 projects.

19 (b) Consultation and implementation. The Agency shall work with the
20 State's Regional Planning Commissions (RPCs) in implementing the pilot
21 program by providing funding through the Transportation Planning Initiative

1 (TPI) for RPCs to develop prioritized municipal bicycle and pedestrian plans
2 or to assist member municipalities in developing prioritized municipal bicycle
3 and pedestrian plans.

4 (c) Report. The Agency of Transportation shall file a written report on the
5 outcomes of the pilot program with the House and Senate Committees on
6 Transportation not later than January 15, 2023.

7 * * * Pedestrian Safety Outreach * * *

8 **Sec. 24. PEDESTRIAN SAFETY OUTREACH**

9 The Agency shall:

10 (1) develop outreach information regarding pedestrian safety funding
11 and programs available to communities; and

12 (2) disseminate that outreach information to communities in
13 coordination with Vermont’s regional planning commissions and through the
14 annual Transportation Planning Initiative Program and through Local Motion.

15 * * * Transportation Board * * *

16 Sec. 25. 5 V.S.A. chapter 3 is redesignated to read:

17 **CHAPTER 3. PROCEEDINGS BY THE BOARD; ~~APPEAL TO SUPERIOR~~**
18 **COURT JUDICIAL REVIEW**

19 Sec. 26. 5 V.S.A. § 37 is amended to read:

20 § 37. MEMBERS; TERMS; RETIREMENT; APPEAL

1 (a) When a Board member who hears all or a substantial part of a case
2 retires from office before the case is completed, ~~he or she~~ that individual shall
3 remain a member of the Board for the purpose of concluding and deciding the
4 case, and signing the findings, orders, decrees, and judgments of the case. A
5 retiring chair shall also remain a member for the purpose of certifying
6 questions of law if appeal is taken.

7 (b) A case shall be deemed completed when the Board enters a final order
8 even though ~~the order is appealed to a Superior Court and~~ judicial review is
9 sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board. Upon
10 remand, the Board then in office may consider relevant evidence, including
11 any part of the transcript of testimony in the proceedings prior to appeal.

12 Sec. 27. 5 V.S.A. § 40 is amended to read:

13 § 40. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT

14 (a) The forms, pleadings, and rules of practice and procedure before the
15 Board shall be prescribed by the Board.

16 (b) The Board shall hear all matters within its jurisdiction and make
17 findings of fact. It shall state its rulings of law when required. Upon ~~appeal to~~
18 ~~a Superior Court~~ judicial review pursuant to 19 V.S.A. § 5(c), the Board's
19 findings of fact shall be accepted unless clearly erroneous.

20 Sec. 28. 5 V.S.A. §§ 43 and 44 are amended to read:

21 § 43. ~~REVIEW BY SUPERIOR COURT~~ JUDICIAL REVIEW

1 A party to a cause who feels aggrieved by the final order, judgment, or
2 decree of the Board may ~~appeal to a Superior Court under Rule 74 of the~~
3 ~~Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A.
4 § 5(c). However, the Board, before final judgment, may permit an
5 interlocutory appeal to be taken by any party ~~pursuant to a Superior Court~~ 19
6 V.S.A. § 5(c) for determination of questions of law in the same manner as the
7 Supreme Court may by rule provide for appeals before final judgment from a
8 Superior Court. Notwithstanding the provisions of the Vermont Rules of Civil
9 Procedure or the Vermont Rules of Appellate Procedure, neither the time for
10 filing a notice of appeal nor the filing of a notice of appeal, as provided in this
11 section, shall operate as a stay of enforcement of an order of the Board unless
12 the Board or ~~a Superior~~ the Supreme Court grants a stay under the provisions
13 of section 44 of this ~~title~~ chapter.

14 § 44. POWERS OF ~~SUPERIOR~~ THE SUPREME COURT

15 ~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or
16 affirm the judgments, orders, or decrees of the Transportation Board and may
17 remand a cause to it with mandates, as law or equity shall require; and the
18 Board shall enter its judgment, order, or decree in accordance with these
19 mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of
20 vacating any judgment, order, or decree of the Board, but the ~~Superior~~
21 Supreme Court, upon notice to interested parties, may suspend execution of a

1 Board judgment under a decree as justice and equity require unless otherwise
2 specifically provided by law.

3 Sec. 29. 5 V.S.A. § 207(d) is amended to read:

4 (d) The application for a certificate of approval of the site selected shall be
5 in writing and substantially describe the property involved and the general
6 purposes for which it is to be acquired and the manner in which the acquisition
7 is asserted to serve the public interest. The application shall designate the
8 names of all owners or persons known to be interested in lands adjoining the
9 property and their residences, if known, and shall contain such further matter
10 as the Board by rule shall determine. The application shall be supported by
11 documentation showing that the proposed facility has received municipal
12 approval. After evaluating the application, the Board shall issue its order
13 giving notice of the time and place of hearing on the application. The
14 applicant shall give notice of the proceedings to all persons owning or
15 interested in adjoining lands by delivery of a true copy of the application and
16 order for hearing by registered or certified mail to the last known address of
17 each of the persons; the notice to be mailed at least 12 days prior to the date of
18 the hearing. Notice of the hearing and a general statement of the purpose shall
19 be published at least once in a newspaper of common circulation in the town
20 where the property described in the application is situated at least two days
21 before the date of the hearing, and a similar notice shall be posted in a public

1 place at least 12 days before the hearing. Upon compliance by the applicant
2 with the foregoing provisions for notice, the Board shall hear the applicant and
3 all parties interested on the question of approval of the site or sites and shall
4 consider and determine whether in the public interest the application ought to
5 be granted. Whenever the Board makes an order granting or denying a
6 certificate of approval of an airport, or a restricted landing area, approval to use
7 or operate an airport or a restricted landing area or other air navigation facility,
8 an aggrieved person may ~~have the decision reviewed on the record by the~~
9 ~~Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~
10 seek judicial review pursuant to 19 V.S.A. § 5(c).

11 Sec. 30. 5 V.S.A. § 652 is amended to read:

12 § 652. ~~SUPERIOR COURT~~ JUDICIAL REVIEW

13 The Secretary of Transportation or the legislative body of a municipality, as
14 defined in 24 V.S.A. § 2001, or the committee representing two or more
15 municipalities, when authorized by vote of their legislative bodies, may
16 proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as
17 otherwise provided in this subchapter.

18 Sec. 31. 5 V.S.A. § 3639 is amended to read:

19 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION
20 AND MAINTENANCE; JUDICIAL REVIEW

1 (a) A person ~~or corporation~~ owning or operating a railroad shall construct
2 and maintain farm crossings of the road for the use of the proprietors of lands
3 adjoining the railroad, and cattle guards at all farm and road crossings
4 sufficient to prevent cattle and animals from getting on the railroad. A farm
5 crossing may be temporarily or permanently closed or discontinued by mutual
6 agreement between all parties having an interest therein. If no such mutual
7 agreement can be reached by such interested parties, then a person ~~or~~
8 ~~corporation~~ owning or operating a railroad and desiring to close any farm
9 crossing shall make application to the Transportation Board. The Board shall
10 thereupon give notice to all parties interested, in such manner as the Board
11 may direct, of hearing on the application, the hearing to be in the county where
12 such crossing is located. After the hearing, a person ~~or corporation~~ owning or
13 operating a railroad shall not close such farm crossing without the approval of
14 the Transportation Board. A person aggrieved by the closing of a farm
15 crossing after January 1, 1955 by a person ~~or corporation~~ owning or operating
16 a railroad may notify the Transportation Board by registered or certified mail
17 of the closing, and thereupon the Board shall conduct a hearing. Notice and
18 place of hearing shall be as set forth in this subsection. The Transportation
19 Board may require the reopening of any such crossing and make such other
20 order as is permitted in section 3649 of this title. At any such hearing, the
21 burden of proof shall rest with the person or persons effecting or seeking to

1 effect the closing of such farm crossing. Any person aggrieved by ~~an~~ the final
2 order of the Transportation Board, who was a party to the proceedings, may, ~~in~~
3 ~~accordance with Rule 74 of the Vermont Rules of Civil Procedure~~, appeal to
4 ~~the Superior Court, whereupon such cause shall be tried as an original action~~
5 ~~brought under the provisions of 12 V.S.A. § 402~~ seek judicial review pursuant
6 to 19 V.S.A. § 5(c).

7 (b) A person ~~or railroad corporation~~ closing any farm crossing in violation
8 of a provision of this section or failing to comply with any such order shall be
9 fined not less than \$50.00 nor more than \$500.00 and any person aggrieved by
10 such violation may recover ~~his or her~~ the person's damages in an action on this
11 statute.

12 Sec. 32. 5 V.S.A. § 3788 is amended to read:

13 § 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

14 The order of the Board relating to any matter upon which it may act under
15 the authority of this chapter shall be communicated in writing to the petitioners
16 and to all persons to whom notice of the hearing on such petition was given.
17 Any person aggrieved by such order, who was a party to such proceedings,
18 may ~~appeal from such order to the Superior Court in accordance with Rule 74~~
19 ~~of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19
20 V.S.A. § 5(c).

21 Sec. 33. 9 V.S.A. § 4100b is amended to read:

1 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

2 (a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the
3 provisions of this chapter.

4 * * *

5 (h) Within 20 days after any order or decision of the Board authorized
6 under this chapter, any party to the proceeding may apply for a rehearing with
7 respect to any matter determined in the proceeding or covered or included in
8 the order or decision. The application for rehearing shall set forth fully every
9 ground upon which it is claimed that the decision or order complained of is
10 unlawful or unreasonable. No appeal from any order or decision of the Board
11 shall be taken unless the appellant makes an application for rehearing as
12 provided in this subsection, and when the application for rehearing has been
13 made, no ground not set forth in the application shall be urged, relied on, or
14 given any consideration by the Board unless the Board for good cause shown
15 allows the appellant to specify additional grounds. Any party to the
16 proceeding may appeal the final order, including all interlocutory orders or
17 decisions, pursuant to the Superior Court 19 V.S.A. § 5(c) within 30 days after
18 the date the Board rules on the application for reconsideration of the final order
19 or decision. All findings of the Board upon all questions of fact properly
20 before the court shall be prima facie lawful and reasonable. The order or
21 decision appealed from shall not be set aside or vacated except for errors of

1 law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme
2 Court on appeals from orders or decisions by the Board authorized under this
3 title.

4 (i) In cases where the Board finds that a violation of this chapter has
5 occurred or there has been a failure to show good cause under section 4089 or
6 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine
7 reasonable attorney’s fees and costs and award them to the prevailing party.

8 Sec. 34. 19 V.S.A. § 5 is amended to read:

9 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

10 (a) General duties and responsibilities; exceptions. The regulatory and
11 quasi-judicial functions relating to transportation shall be vested in the Board,
12 except that the duties and responsibilities of the Commissioner of Motor
13 Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue
14 to be vested in the Commissioner.

15 (b) Naming transportation facilities.

16 (1) Except as otherwise authorized by law, the Board is the sole
17 authority responsible for naming transportation facilities owned, controlled, or
18 maintained by the State, including highways and the bridges thereon, airports,
19 rail facilities, rest areas, and welcome centers. The Board shall exercise its
20 naming authority only upon petition of the legislative body of a municipality of

1 the State, of the head of an Executive Branch agency or department of the
2 State, or of 50 Vermont residents.

3 (2) The Board shall hold a public hearing for each facility requested to
4 be named. The Board shall adopt rules governing notice and conduct of
5 hearings, the standards to be applied in rendering decisions under this
6 subsection, and any other matter necessary for the just disposition of naming
7 requests. The Board shall issue a decision, which shall be subject to review on
8 the record ~~by a Superior Court pursuant to Rule 74 of the Vermont Rules of~~
9 ~~Civil Procedure~~ subsection (c) of this section. The Board may delegate the
10 responsibility to hold a hearing to a hearing officer or a single Board member,
11 subject to the procedure of subsection (c) of this section, but shall not be bound
12 by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

13 (c) Hearing examiners; report of findings; final orders; judicial review.
14 The Board may delegate the responsibility to hear quasi-judicial matters, and
15 other matters as it may deem appropriate, to a hearing examiner or a single
16 Board member, to hear a case and make findings in accordance with 3 V.S.A.
17 chapter 25, except that highway condemnation proceedings shall be conducted
18 pursuant to the provisions of chapter 5 of this title. A hearing examiner or
19 single Board member so appointed shall report the findings of fact in writing to
20 the Board. Any order resulting from those findings shall be rendered only by a
21 majority of the Board. Final orders of the Board issued pursuant to section 20

1 of this title (small claims against the Agency) may be reviewed on the record
2 by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
3 Procedure. All other final orders of the Board may be reviewed on the record
4 by the Supreme Court.

5 (d) Specific duties and responsibilities. The Board shall:

6 * * *

7 (e) Offices and assistance. Suitable offices and office equipment shall be
8 provided by the State for the Board at Montpelier. The Board may employ
9 clerical or other employees and assistants whom it deems necessary in the
10 performance of its duties and in the investigation of matters within its
11 jurisdiction.

12 (f) Jurisdiction; subpoenas; witness fees. The Board shall have the power
13 to determine and adjudicate all matters over which it is given jurisdiction. It
14 may render judgments and make orders and decrees. Whenever the Board is
15 sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of
16 witnesses or the production of evidence. The fees for travel and attendance of
17 witnesses shall be the same as for witnesses and officers appearing before a
18 Civil Division of the Superior Court.

19 (g) Reports to the General Assembly. From time to time, the Board may
20 report to the General Assembly with suggestions of amendment to existing law
21 or of new legislation as it deems necessary and any information concerning the

1 companies, matters, and things under the jurisdiction of the Board and Agency
2 that, in its opinion, will be of interest to the General Assembly.

3 (h) Appeals from the Agency to the Board. Unless otherwise provided by
4 law, when an appeal is allowed from the Agency to the Board, the appeal shall
5 be taken by filing a notice of appeal with the Secretary within 30 days of the
6 date of the Agency decision from which the appeal is taken. The Secretary
7 shall promptly forward the notice of appeal to the Board, together with the
8 Agency's record of decision.

9 * * * Repeal of 5 V.S.A. Chapter 5 * * *

10 Sec. 35. REPEAL

11 5 V.S.A. chapter 5 (assessments to support Agency of Transportation and
12 Transportation Board) is repealed.

13 * * * On-Premises Signs * * *

14 Sec. 36. 10 V.S.A. § 493 is amended to read:

15 § 493. ON-PREMISES SIGNS

16 Owners or occupants of real property may erect and maintain on the
17 property; on-premises signs advertising the sale or lease of the property or
18 activities being conducted on the property. Those signs shall be subject to the
19 regulations set forth below.

20 (1) On-premises signs may be erected or maintained, with a total area of
21 not more than 150 square feet, advertising activities being conducted on the

1 same premises. However, this limitation does not apply to signs existing on
2 May 1, 1971, or attached to or part of the building in which the activities are
3 being carried on. An on-premises sign shall not be located more than 1,500
4 feet from a main entrance from the highway to the activity or premises
5 advertised. The 1,500-foot distance shall be measured along the centerline of
6 the highway or highways between the sign and a main entrance or a straight
7 line, but only if the difference in elevation between the on-premises sign and a
8 main entrance is more than 100 feet. A main entrance shall be a principal,
9 private roadway or driveway that leads from a public highway to the advertised
10 activity. For the purposes of this subdivision, premises shall not include land
11 that is separated from the activity by a public highway, or other intervening
12 land use not related to the advertised activity. Undeveloped land or farmland
13 shall not be considered as an intervening land use.

14 * * *

15 * * * Right-of-Way Permits; 1111 Permits; Municipal Site Plan Review * * *

16 Sec. 37. 19 V.S.A. § 1112(b) is amended to read:

17 (b) The Secretary shall collect the following fees for each application for
18 the following types of permits issued pursuant to section 1111 of this title:

19 * * *

20 (2) utility installations, including ~~each~~ direct connection to the State

21 highway subsurface stormwater system: \$100.00

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Sec. 38. 24 V.S.A. § 4416(b) is amended to read:

(b) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency shall may set out ~~any~~ conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

* * * Smugglers' Notch Motor Vehicle Limitations * * *

Sec. 39. 23 V.S.A. § 1006b is amended to read:

§ 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT
ROUTE 108; ~~COMMERCIAL~~ VEHICLE OPERATION
PROHIBITED

(a) Winter closure. The Agency of Transportation may close the Smugglers' Notch segment of Vermont Route 108 during periods of winter weather.

(b) Vehicle operation prohibition.

1 (1) ~~As used in this subsection, “commercial vehicle” means truck-~~
2 ~~tractor-semitrailer combinations and truck tractor trailer combinations.~~

3 (2) ~~Commercial~~ Single-unit motor vehicles over 40 feet in length and
4 combination vehicles over 45 feet in total length are prohibited from operating
5 on the Smugglers’ Notch segment of Vermont Route 108.

6 (3)(2) ~~Either the~~ The operator of a ~~commercial~~ vehicle who violates this
7 subsection, ~~or~~ and the operator’s employer, unless they are the same person,
8 shall each be subject to a civil penalty of ~~\$1,000.00. If \$1,500.00 or, if the~~
9 violation results in substantially impeding the flow of traffic on Vermont Route
10 108, ~~the penalty shall be \$2,000.00~~ a civil penalty of \$3,000.00. For a second
11 or subsequent conviction within a three-year period, the applicable penalty or
12 penalties shall be doubled.

13 (3) The prohibition in subdivision (1) of this subsection shall not apply
14 to law enforcement, fire, emergency medical services, and search and rescue
15 vehicles involved in training or responding to real world incidents.

16 (c) Required signage. The Agency shall erect signs conforming to the
17 standards established by section 1025 of this title to indicate the closures and
18 restrictions authorized under this section.

19 *** Municipal Restrictions; Covered Bridges; Damages and Expenses ***

20 Sec. 40. 19 V.S.A. § 313 is amended to read:

21 § 313. RESTRICTING USE OF COVERED BRIDGES

1 ~~The Agency and the selectmen of the town where a covered bridge is~~
2 ~~located or, if parts of such a bridge are located in more than one town, the~~
3 ~~selectmen of the towns acting jointly, may restrict the use of the bridge to~~
4 ~~vehicles that are within limits as to weight, height, and width as they shall~~
5 ~~establish. The limitation shall be plainly posted at the approaches to the bridge~~
6 ~~at approximately 100 feet from each end of the bridge, and at intersections as~~
7 ~~may be required to enable operators of restricted vehicles to proceed by the~~
8 ~~most direct alternate unrestricted route. Posting shall be by means of~~
9 ~~permanent signs of a standard size of at least 24 inches by 24 inches, and with~~
10 ~~lettering not less than three inches high. [Repealed.]~~

11 Sec. 41. 19 V.S.A. § 315 is amended to read:

12 § 315. PENALTIES

13 ~~A person who operates a vehicle exceeding the limit prescribed on a bridge~~
14 ~~thus restricted shall be fined not more than \$200.00 for the first offense and not~~
15 ~~more than \$300.00 for each subsequent offense. [Repealed.]~~

16 Sec. 42. 23 V.S.A. § 1396 is redesignated to read:

17 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

18 Sec. 43. 23 V.S.A. § 1397 is redesignated to read:

19 § 1397. WEIGHT LIMIT SIGNS

20 Sec. 44. 23 V.S.A. § 1397a is added to read:

21 § 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

1 The legislative body of a municipality where a covered bridge is located or,
2 if parts of such a bridge are located in more than one municipality, the
3 legislative bodies of the municipalities where a covered bridge is located acting
4 jointly may, after consultation with the Agency of Transportation, restrict the
5 use of the bridge to vehicles that are within limits as to one or more of the
6 following, as they shall establish: weight, height, or width. Any limitation
7 shall be permanently posted by the municipality, with signs that conform to the
8 standards established by section 1025 of this title, approximately 100 feet from
9 the approaches to the bridge and at intersections as may be required to enable
10 operators of restricted vehicles to proceed by the most direct alternate
11 unrestricted route.

12 Sec. 45. 23 V.S.A. § 1398 is amended to read:

13 § 1398. CERTIFIED STATEMENT TO BE FILED

14 A certified statement shall be filed with the clerk in each ~~town, village, or~~
15 city municipality in which ~~the a~~ posting ~~occurs~~, as provided in ~~section~~ sections
16 1397 and 1397a of this title ~~subchapter~~, ~~stating~~ occurs that states the location
17 of the highway or bridge posted, the legal ~~load~~ limit or limits to which ~~such~~ the
18 highway or bridge is restricted, and the date of posting. If ~~such~~ a restriction is
19 removed at any time by the Secretary of Transportation, ~~selectboard, trustees,~~
20 ~~or city council,~~ or legislative body of the municipality, or both, a similar

1 certified statement of the removal shall be filed with the clerk of the ~~town,~~
2 ~~village, or city as the case may be~~ municipality.

3 Sec. 46. 23 V.S.A. § 1399(b) is amended to read:

4 (b) Nothing contained in sections 1391–1398 of this ~~title~~ subchapter shall
5 restrict the weight of:

6 (1) Snow plows, road machines, oilers, traction engines, tractors, rollers,
7 power shovels, dump wagons, trucks, or other construction or maintenance
8 equipment when used by any town, incorporated village, city, or the State in
9 the construction or the maintenance of any highway, provided that such
10 construction or maintenance is performed by persons employed by or under
11 contract with such town, incorporated village, city, or the State for this
12 purpose. However, any operation of motorized highway building equipment or
13 road making appliances used in construction work contracted by a town,
14 incorporated village, city, or the State shall be unrestricted as to weight only
15 within a construction area.

16 (2) Municipal and volunteer fire apparatus and law enforcement motor
17 vehicles.

18 (3) Heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower
19 System of Interstate and Defense Highways.

20 Sec. 47. 23 V.S.A. § 1400d is amended to read:

21 § 1400d. AGRICULTURAL SERVICE VEHICLES

1 (a) An agricultural service vehicle, as defined in subdivision 4(71) of this
2 title, shall be exempt from the provisions of sections 1400 and 1400a and
3 subsection 1434(c) of this title subchapter if the gross weight does not exceed
4 60,000 pounds.

5 (b) Municipalities shall not be liable for injuries or damages to agricultural
6 service vehicles or their operators that result from crossing a posted bridge
7 with an agricultural service vehicle that weighs more than the posted weight
8 limit.

9 Sec. 48. 23 V.S.A. § 1434 is amended to read:

10 § 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH

11 LIMITS; PENALTIES

12 (a) General limits. The operation of a vehicle on a public highway in
13 excess of the legal height, width, or length limits as prescribed in section 1431
14 or 1432 of this ~~title~~ subchapter without first obtaining a permit to operate the
15 vehicle, whether or not a permit is available, shall be a traffic violation, as
16 defined in section 2302 of this title. ~~A violation shall be, and~~ punishable by a
17 civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within
18 a two-year period, and \$800.00 for a third or subsequent offense within a two-
19 year period.

20 (b) Permit limits. The operation of a vehicle on a public highway in excess
21 of the legal height, width, or length limits as prescribed in section 1431 or

1 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in
2 conformance with section 1400 of this ~~title~~ subchapter shall be a traffic
3 violation, as defined in section 2302 of this title, and ~~shall be~~ punishable by a
4 civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within
5 a two-year period, and \$800.00 for a third or subsequent offense within a two-
6 year period.

7 (c) Covered bridges. The operation of a vehicle on a public highway in
8 excess of the legal limits designated for a covered bridge under section 1397a
9 of this subchapter or applicable under subdivisions 1392(1) and (2) of this
10 subchapter shall be a traffic violation, as defined in section 2302 of this title,
11 and punishable by a civil penalty of \$1,500.00 or, if the violation results in
12 substantially impeding the flow of traffic, \$2,000.00. For a second or
13 subsequent conviction within a three-year period, the applicable penalty shall
14 be doubled.

15 (d) Refusal to issue a permit. In the case of a violation under subsection (a)
16 of this section, the Commissioner may refuse to issue a permit to the violator
17 under section 1400 of this ~~title~~ subchapter for a period not to exceed three
18 months, if the owner or lessee commits four or more violations within a two-
19 year period. If the holder of a permit commits four or more violations under
20 subsection (b) of this section within a two-year period, the Commissioner may
21 suspend, for a period not to exceed three months, any permit issued to the

1 violator under section 1400 of this ~~title~~ subchapter. For the purposes of this
2 section, the owner or lessee of the vehicle shall be considered the holder of, or
3 applicant for, the permit.

4 Sec. 49. 23 V.S.A. § 1492 is amended to read:

5 § 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

6 The owner, driver, operator, or mover of any motor truck, tractor, trailer,
7 wagon, cart, carriage, or other object or contrivance ~~which~~ that is moved or
8 operated on any highway in violation of any of the provisions of sections ~~1098,~~
9 ~~1145~~ 1083, 1092, 1302, 1305, and 1431 and subsection 1434(c) of this ~~title,~~
10 ~~subchapter~~; such portion of ~~section 1141~~ sections 1003 and 1081 of this ~~title~~
11 ~~subchapter~~ as pertains to trucks and buses; and such portion of section 1391 of
12 this ~~title~~ subchapter as relates to weight in relation to tire surface, shall be
13 liable to the State or municipal corporation in which the act is committed for
14 damages to a public highway or bridge occasioned by such moving or
15 operating, to be recovered in a civil action, in the name of the State or
16 municipal corporation, or in an action on the bond provided in this chapter in
17 connection with the issuance of permits, provided the action is brought within
18 two years after such act is committed.

1 Sec. 50. 24 V.S.A. § 2296a is added to read:

2 § 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY

3 SERVICES

4 A municipality that deploys police, fire, ambulance, rescue, or other
5 services to aid stranded operators of vehicles or to move disabled vehicles may
6 recover from the operator or the operator’s employer the costs of providing the
7 services.

8 * * * Fees for State Electric Vehicle Supply Equipment; Sunset * * *

9 Sec. 51. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

10 Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

11 32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on
12 July 1, ~~2022~~ 2025.

13 Sec. 52. 32 V.S.A. § 604 is amended to read:

14 § 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

15 (a) Notwithstanding any other provision of this subchapter, any agency or
16 department that owns or controls electric vehicle supply equipment (EVSE), as
17 defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of
18 that electric vehicle supply equipment. The agency or department may
19 establish fees for electric vehicle charging at less than its costs, to cover its
20 costs, or equal to the retail rate charged for the use of electric vehicle supply
21 equipment available to the public. Fees collected under this section shall be

1 deposited in the same fund or account within a fund from which the electric
2 operating expense for the electric vehicle supply equipment originated.

3 (b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation, in
4 consultation with the Department of Buildings and General Services, shall file
5 an annual written report with the **House Committees on Transportation and on**
6 **Ways and Means and the Senate Committees on Finance and on Transportation**
7 not later than January 15 that provides an update on the State's efforts to
8 collect fees for the use of EVSE that is owned or controlled by the State
9 pursuant to subsection (a) of this section and any significant national trends
10 with regards to the pricing of EVSE. As part of that report, the Agency of
11 Transportation shall include a copy of any applicable fee schedules, along with
12 an explanation as to whether or not the fee schedule accounts for expenses
13 associated with the EVSE, including electricity costs.

14 * * * Relinquishment of Vermont Route 207 Extension

15 in the Town of St. Albans * * *

16 Sec. 53. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:

17 (a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General
18 Assembly approves the ~~secretary of transportation~~ Secretary of Transportation
19 to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to
20 the ~~town's~~ Town's jurisdiction a segment of ~~state~~ State highway right-of-way
21 in the ~~town~~ Town of St. Albans, which has not been constructed to be a

1 traveled road, and which was to be known as the Vermont Route 207
2 Extension. This authority shall expire on June 30, ~~2022~~ 2032. The segment
3 authorized to be relinquished measures approximately 1.7 acres, is
4 approximately 160 feet in width, and starts at a point 200 feet west of the
5 intersection of the U.S. Route 7/Vermont Route 207 centerline of highway
6 project S0297(2); and continues westerly for 463 feet.

7 * * * Codified Law Technical Corrections * * *

8 Sec. 54. REPEAL

9 19 V.S.A. § 22 (fine applicable for a violation of the since repealed 19
10 V.S.A. § 21(c)) is repealed.

11 Sec. 55. 19 V.S.A. § 11a(b) is amended to read:

12 (b) ~~In fiscal year 2017, of the funds appropriated to the Department of~~
13 ~~Public Safety pursuant to subsection (a) of this section, the amount of~~
14 ~~\$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment,~~
15 ~~and disposal of State Police vehicles. In fiscal year 2018 and in succeeding~~
16 ~~fiscal years, of the funds appropriated to the Department of Public Safety~~
17 ~~pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is~~
18 ~~allocated exclusively for the purchase, outfitting, assignment, and disposal of~~
19 ~~State Police vehicles. Any unexpended and unencumbered funds remaining in~~
20 ~~this allocation at the close of a fiscal year shall revert to the Transportation~~
21 ~~Fund. The Department of Public Safety may periodically recommend to the~~

1 General Assembly that this allocation be adjusted to reflect market conditions
2 for the vehicles and equipment.

3 Sec. 56. 19 V.S.A. § 996(a) is amended to read:

4 (a) The Agency of Transportation shall work with municipal
5 representatives to revise the Agency of Transportation’s Town Road and
6 Bridge Standards in order to incorporate a suite of practical and cost-effective
7 best management practices, as approved by the Agency of Natural Resources,
8 for the construction, maintenance, and repair of all existing and future State
9 and town highways. These best management practices shall address activities
10 that have a potential for causing pollutants to enter the groundwater and waters
11 of the State, including stormwater runoff and direct discharges to State waters.
12 The best management practices shall not supersede any requirements for
13 stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that
14 apply to State and town highways. ~~The Agency of Transportation shall report~~
15 ~~to the House and Senate committees on Transportation, the house committee~~
16 ~~on fish, wildlife and water resources, and the Senate Committee on Natural~~
17 ~~Resources and Energy by January 15, 2011, on the best management practices~~
18 ~~to be incorporated into the Agency of Transportation’s Town Road and Bridge~~
19 ~~Standards.~~

20 * * * Effective Dates * * *

21 Sec. 57. EFFECTIVE DATES

1 (a) This section and Sec. 51 (amendment to sunset of 32 V.S.A. § 604)

2 shall take effect on passage.

3 (b) Notwithstanding 1 V.S.A. § 214, Secs. 17–20 (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.