

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; annual Transportation Program; electric vehicle

4 supply equipment (EVSE); vehicle incentives; Vermont Association

5 of Snow Travelers (VAST); town highway bridges; off-system

6 bridges; zero-fare public transit; micro transit; Carbon Reduction

7 Program; Transportation Alternatives Grant Program; 2021

8 Transportation Bill; bicyclists; pedestrians; bicycle and pedestrian

9 facilities; Transportation Board; judicial review; on-premises signs;

10 right-of-way permits; 1111 permits; municipal site plan review;

11 Smugglers' Notch; covered bridges; Route 207 Extension; electric

12 vehicle supply equipment fees; technical corrections

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

14 State's annual Transportation Program and make miscellaneous changes to

15 laws related to transportation.

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

17 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 EVSE with a single-phase input voltage range from 208 to 240 volts AC and a
10 maximum output current less than or equal to 80 amperes AC.

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

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

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

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

1 “changes” in the text refer to the project- and program-specific amendments,
2 the aggregate sum of which equals the net “Change” in the applicable table
3 heading.

4 * * * Electric Vehicle Supply Equipment (EVSE) Infrastructure * * *

5 * * * Investments in EVSE * * *

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
17 120 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.

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

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

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

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

17 (2) The Agency of Commerce and Community Development shall
18 allocate the \$10,000,000.00, inclusive of administrative costs allowed under
19 subsection (g) of this section, as follows:

20 (A) not less than 30 percent of the \$10,000,000.00, inclusive of
21 administrative costs allowed under subsection (g) of this section, for grants for

1 level 1 and 2 EVSE at multiunit dwellings, including multiunit affordable
2 housing;

3 (B) not less than 20 percent of the \$10,000,000.00, inclusive of
4 administrative costs allowed under subsection (g) of this section, for grants for
5 level 1 and 2 EVSE at private workplaces;

6 (C) not less than 10 percent of the \$10,000,000.00, inclusive of
7 administrative costs allowed under subsection (g) of this section, for grants for
8 level 1, 2, and 3 EVSE at public venues and attractions, such as parks,
9 downtowns, museums, and ski mountains;

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

16 (E) the balance, 30 percent of the \$10,000,000.00, inclusive of
17 administrative costs allowed under subsection (g) of this section, for the
18 purchase of or grants for EVSE at any eligible location permitted under
19 subdivision (1) of this subsection.

20 (3) Notwithstanding subdivision (2) of this subsection, if the Agency of
21 Commerce and Community Development, in consultation with the EVSE

1 Interagency Workgroup, determines that programmatic funding remains
2 available following the first round of grant awards made pursuant to the
3 allocations in subdivision (2) of this subsection, then the balance of the
4 \$10,000,000.00 shall be used for the purchase of or grants for EVSE at any
5 eligible location permitted under subdivision (1) of this subsection.

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

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

20 (f) Eligibility criteria. Notwithstanding 2020 Acts and Resolves No. 139,
21 Sec. 25; 2021 Acts and Resolves No. 55, Sec. 29; and any prior iterations of

1 funding criteria used to distribute State EVSE grant awards through programs
2 involving the EVSE Interagency Workgroup, the Agencies of Transportation,
3 of Commerce and Community Development, and of Natural Resources may
4 modify eligibility criteria for and programmatic implementation of any existing
5 State EVSE grant programs to ensure that available federal monies are best
6 utilized to build a network of EVSE throughout Vermont so as to support the
7 widespread adoption of plug-in electric vehicles, as defined in 23 V.S.A.
8 § 4(85), amongst Vermonters, including those of low and moderate income,
9 and provide increased access to a reliable network of EVSE to better serve and
10 support the travel, tourism, and hospitality industries.

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

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

19 (1) Notwithstanding any other provision of law and subject to the
20 approval of the Secretary of Administration, appropriations to support the
21 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 EVSE deployment necessary to meet the emissions
6 reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the
7 Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

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

14 * * * EVSE Goals * * *

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

16 Sec. 30. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL
17 MAP

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

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

1 (d) eBike Incentive Program. The Agency is authorized to spend up to
2 \$1,000,000.00 as appropriated in the fiscal year 2023 budget on an eBike
3 Incentive Program to provide incentives for the purchase of electric bicycles,
4 as defined in 23 V.S.A. § 4(46). Incentives shall be available to all
5 Vermonters who self-certify as to having an income at 80 percent of the State
6 median income.

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

13 (f) Purpose.

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

17 (2) The purpose of the expenditures authorized in subsection (e) of this
18 section is to respond to negative economic impacts to the tourism, travel, and
19 hospitality industries caused by the COVID-19 public health emergency and to
20 encourage Vermonters to use all-terrain vehicles and snowmobiles without
21 internal combustion engines as a means to support Vermont’s tourism, travel,

1 and hospitality industries through increased outdoor recreation and the
2 associated benefits to local businesses.

3 (g) Eligibility criteria. Notwithstanding this section; 2019 Acts and
4 Resolves No. 59, Sec. 34, as amended by 2020 Acts and Resolves No. 121,
5 Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves
6 No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Secs. 18, 19, and 21; and
7 2021 Acts and Resolves No. 55, Sec. 27, as amended by Sec. 5 of this act, the
8 Agency may modify the eligibility criteria for and programmatic
9 implementation of the Incentive Program for New PEVs, MileageSmart, the
10 Replace Your Ride Program, and the eBike Incentive Program to ensure that
11 available federal monies are best utilized to encourage Vermonters with low
12 and moderate income to adopt more efficient modes of personal transportation.

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

1 assistance, and translation and interpretation service, community outreach, and
2 education.

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

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

9 (2) Every reasonable effort shall be made to obligate and deploy the
10 monies authorized for expenditure under this section in fiscal year 2023 in
11 order to achieve a pace of plug-in electric vehicle deployment necessary to
12 meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the
13 recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A.
14 § 592.

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

1 * * * Vermont Association of Snow Travelers Authorizations * * *

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

3 AUTHORIZATIONS

4 The Agency of Transportation, through the Department of Motor Vehicles,
5 is authorized to spend:

6 (1) \$50,000.00 in one-time General Fund monies, as appropriated in
7 Sec. B.1100(12)(A) of the fiscal year 2023 budget, in grants to the Vermont
8 Association of Snow Travelers (VAST) to support the Law Enforcement and
9 Safety Program; and

10 (2) \$1,000,000.00 in one-time General Fund monies, as appropriated in
11 Sec. B.1100(12)(B) of the fiscal year 2023 budget, in grants to VAST to
12 support the Equipment Grant-in-Aid Program.

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

14 Sec. 6. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES

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

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

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

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

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

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

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

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

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

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

20 (B) The engineering (PE) and right-of-way (ROW) phases of projects
21 to be funded at 100 percent federal share under subdivision (A) of this

1 subdivision (1) shall continue to be funded at 80 percent federal, 10 percent
2 State, and 10 percent municipal.

3 (2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs,
4 fund the construction phase of off-system covered bridges and off-system
5 historic truss bridges within the Transportation Programs for Town Highway
6 Bridges based on the prioritization of covered bridges and historic truss bridges
7 under the prioritization process outlined in 19 V.S.A. § 10g(1) at 100 percent
8 federal share.

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

13 (c) Secondary implementation. Should funding through the federal Bridge
14 Formula Program remain available following the implementation delineated
15 under subsection (b) of this section, town highway bridges shall be advanced
16 based on the prioritization process outlined in 19 V.S.A. § 10g(1).

17 Sec. 7. REPEAL

18 Sec. 6 (Bridge Formula Program; off-system bridges) of this act is repealed
19 on October 1, 2029, at the conclusion of the authorized implementation period
20 for the IJA.

1 Sec. 8. TOWN HIGHWAY BRIDGE PROGRAM

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

- 6 (1) Clarendon BO 1443(55);
- 7 (2) Hartford BO 1444(60);
- 8 (3) Ludlow Village BO 1443(52);
- 9 (4) Poultney BO 1443(53);
- 10 (5) Stowe BO 1446(37);
- 11 (6) Stowe BO 1446(39);
- 12 (7) Statewide Preservation Easement Paint Program; and
- 13 (8) Statewide Rehabilitation of Covered Bridges.

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

17	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
18	Other	350,000	350,000	0
19	PE	4,294,487	4,294,487	0
20	ROW	355,000	355,000	0
21	Construction	25,314,700	25,314,700	0

1	Total	30,314,187	30,314,187	0
2	<u>Sources of funds</u>			
3	TIB	2,402,455	2,402,455	0
4	State	1,919,899	1,230,817	-689,082
5	Federal	24,251,350	25,529,514	1,278,164
6	Local	1,740,483	1,151,401	-589,082
7	Total	30,314,187	30,314,187	0

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

- 11 (1) Belvidere (Bridge No. 12 on Town Highway 3);
- 12 (2) Charlotte (Bridge No. 27 on Town Highway 9);
- 13 (3) Chelsea (Bridge No. 46 on Town Highway 68);
- 14 (4) Hartland (Bridge No. 22 on Town Highway 15);
- 15 (5) Lyndon (Bridge No. 33 on Town Highway 58);
- 16 (6) Northfield (Bridge No. 10 on Town Highway 3);
- 17 (7) Northfield (Bridge No. 11 on Town Highway 3);
- 18 (8) Northfield (Bridge No. 15 on Town Highway 3);
- 19 (9) Troy (Bridge No. 8 on Town Highway 12); and
- 20 (10) Weathersfield (Bridge No. 83 on Town Highway 65).

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

- 4 (1) Berlin (Bridge No. 27 on Town Highway 61);
- 5 (2) Bridgewater (Bridge No. 26 on Town Highway 34);
- 6 (3) Enosburg (Bridge No. 45 on Town Highway 42);
- 7 (4) Lincoln (Bridge No. 46 on Town Highway 6);
- 8 (5) Moretown (Bridge No. 42 on Town Highway 39);
- 9 (6) Newfane (Bridge No. 49 on Town Highway 26);
- 10 (7) Northfield (Bridge No. 65 on Town Highway 57);
- 11 (8) Royalton (Bridge No. 30 on Town Highway 6); and
- 12 (9) Sheldon (Bridge No. 20 on Town Highway 22).

13 * * * Amendments to Fiscal Year 2023 Authorizations * * *

14 Sec. 9. PROGRAM DEVELOPMENT

15 Within the Agency of Transportation’s Proposed Fiscal Year 2023
16 Transportation Program for Program Development Administration, authorized
17 spending is amended as follows:

18	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
19	Person. Svcs.	23,753,701	23,753,701	0
20	Operat. Exp.	9,039,403	8,985,192	-54,211
21	Grants	286,000	286,000	0

1	Total	33,079,104	33,024,893	-54,211
2	<u>Sources of funds</u>			
3	State	25,074,132	25,019,921	-54,211
4	Federal	7,929,972	7,929,972	0
5	Inter Unit	75,000	75,000	0
6	Total	33,079,104	33,024,893	-54,211

7 Sec. 10. TOWN HIGHWAY AID

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

9 Transportation Program for Town Highway Aid, authorized spending is
10 amended as follows:

11	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
12	Grants	27,783,413	27,837,624	54,211
13	Total	27,783,413	27,837,624	54,211
14	<u>Sources of funds</u>			
15	State	27,783,413	27,837,624	54,211
16	Total	27,783,413	27,837,624	54,211

17 Sec. 11. POLICY AND PLANNING

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

19 Transportation Program for Policy and Planning, authorized spending is
20 amended as follows:

	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Person. Svcs.	4,767,663	4,767,663	0
3	Operat. Exp.	1,035,700	1,035,700	0
4	Grants	7,389,725	10,784,247	3,394,522
5	Total	13,193,088	16,587,610	3,394,522
6	<u>Sources of funds</u>			
7	State	3,217,573	3,217,573	0
8	Federal	9,920,240	13,314,762	3,394,522
9	Inter Unit	55,275	55,275	0
10	Total	13,193,088	16,587,610	3,394,522

11 Sec. 12. TOWN HIGHWAY STRUCTURES

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

13 Transportation Program for Town Highway Structures, authorized spending is
14 amended as follows:

	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15				
16	Grants	6,333,500	7,200,000	866,500
17	Total	6,333,500	7,200,000	866,500
18	<u>Sources of funds</u>			
19	State	6,333,500	7,200,000	866,500
20	Total	6,333,500	7,200,000	866,500

21 Sec. 13. TOWN HIGHWAY CLASS 2 ROADWAY

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

4	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
5	Grants	7,648,750	8,600,000	951,250
6	Total	7,648,750	8,600,000	951,250
7	<u>Sources of funds</u>			
8	State	7,648,750	8,600,000	951,250
9	Total	7,648,750	8,600,000	951,250

10 Sec. 14. HIGHWAY MAINTENANCE

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

14	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
15	Person. Svcs.	44,709,478	44,709,478	0
16	Operat. Exp.	61,554,303	58,325,635	-3,228,668
17	Total	106,263,781	103,035,113	-3,228,668
18	<u>Sources of funds</u>			
19	State	105,517,966	102,289,298	-3,228,668
20	Federal	645,815	645,815	0
21	Inter Unit	100,000	100,000	0

1 Total 106,263,781 103,035,113 -3,228,668

2 * * * Mobility and Transportation Innovation Grant Program * * *

3 Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT
4 PROGRAM

5 (a) Project addition. The following project is added to the Agency of
6 Transportation’s Proposed Fiscal Year 2023 Transportation Program for Public
7 Transit: Mobility and Transportation Innovation (MTI) Grant Program.

8 (b) Authorization. Spending authority for Mobility and Transportation
9 Innovation (MTI) Grant Program is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	0	500,000	500,000
Total	0	500,000	500,000

13 Sources of funds

State	0	500,000	500,000
Total	0	500,000	500,000

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

1 (d) Other funding sources for micro transit. Nothing in this section shall
2 limit the authority of the Agency to fund the implementation or operation of
3 micro-transit programs using other funding sources.

4 (e) Conversion of fixed route service. The Agency may assist public transit
5 providers with converting fixed-route service to micro-transit service,
6 including in the preservation of Federal Transit Administration monies.

7 * * * Zero-Fare Public Transit * * *

8 Sec. 16. ZERO-FARE PUBLIC TRANSIT

9 (a) Project addition. The following project is added to the Agency of
10 Transportation’s Proposed Fiscal Year 2023 Transportation Program for Public
11 Transit: Zero-Fare Public Transit for Fiscal Year 2023.

12 (b) Authorization. Spending authority for Zero-Fare Public Transit for
13 Fiscal Year 2023 is authorized as follows:

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

20 (c) Implementation. The Agency shall ensure that public transit operated
21 by transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C.

1 § 5307 or 5311, or both, in the State shall be operated on a zero-fare basis
2 during fiscal year 2023.

3 (d) **Report. On or before** January 31, 2023, the Agency of Transportation
4 shall file a written report with the House and Senate Committees on
5 Transportation that:

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

9 (2) estimates the amount of funding needed to continue to provide zero-
10 fare service on transit operated by public transit agencies that are eligible to
11 receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out
12 by county and type of service in fiscal year 2024.

13 * * * Proposed Fiscal Year 2024 Transportation Program;

14 Carbon Reduction Program * * *

15 Sec. 17. PROPOSED FISCAL YEAR 2024 TRANSPORTATION

16 PROGRAM

17 The Agency of Transportation, in consultation with the Vermont Climate
18 Council, shall ensure that within the Agency of Transportation’s Proposed
19 Fiscal Year 2024 Transportation Program all federal monies that are available
20 to the State under the Carbon Reduction Program, codified at 23 U.S.C. § 175,
21 in federal fiscal years 2022, 2023, and 2024 are allocated toward projects that

1 align with the recommendations of the Climate Action Plan (CAP) issued
2 under 10 V.S.A. § 592.

3 * * * Transportation Alternatives Grant Program * * *

4 Sec. 18. 19 V.S.A. § 38 is amended to read:

5 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

7 (c) The Transportation Alternatives Grant Program is created. The Grant
8 Program shall be administered by the Agency, and shall be funded in the
9 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
10 Recreational Trails Program. Awards shall be made to eligible entities as
11 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
12 be limited to the activities authorized under federal law and shall not exceed
13 \$300,000.00 per grant allocation.

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

17 * * *

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

1 * * * Amendments to the 2021 Transportation Bill * * *

2 * * * Electric Bicycle Incentives Administrative Costs * * *

3 Sec. 19. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to
4 read:

5 (D) Replace Your Ride Program. Sec. 27 of this act creates a new
6 program to be known as the Replace Your Ride Program, which will be the
7 State’s program to incentivize Vermonters to remove older low-efficiency
8 vehicles from operation and switch to modes of transportation that produce
9 fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~
10 \$1,495,000.00 for incentives under the Program and capped startup and
11 administrative costs.

12 (E) Electric bicycle incentives. Sec. 28 of this act authorizes up to
13 ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric
14 bicycle and capped administrative costs.

15 Sec. 20. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

16 (d) Authorization. In fiscal year 2022, the Agency is authorized to spend
17 up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on
18 the Replace Your Ride Program established under this section, with up to
19 ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for
20 startup costs, outreach education, and costs associated with developing and
21 administering the Replace Your Ride Program.

1 Sec. 21. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

2 (b) Authorization.

3 (1) In fiscal year 2022, the Agency is authorized to spend up to
4 \$50,000.00 in one-time Transportation Fund monies on the electric bicycle
5 incentives and up to \$5,000.00 on the costs associated with developing and
6 administering the electric bicycle incentives.

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

13 * * * EVSE Grant Program * * *

14 Sec. 22. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

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

17 (a) As used in this section:

18 * * *

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

21 * * *

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

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

8 (5) “Electric vehicle supply equipment (EVSE)” includes both level 1
9 chargers, which connect directly into a standard 120-volt AC outlet and supply
10 an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE,
11 and level 2 chargers, which have a single-phase input voltage range from 208
12 to 240 volts AC and a maximum output current less than or equal to 80
13 amperes AC and are also known as level 2 EVSE.

14 (b) The Agency of Transportation shall establish and administer, through a
15 memorandum of understanding with the Department of Housing and
16 Community Development, a pilot program to support the continued buildout of
17 electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing
18 and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the
19 existing ~~VW~~ EVSE Grant Program that the Department of Housing and
20 Community Development has been administering on behalf of the Department
21 of Environmental Conservation.

1 * * *

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

6 * * *

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

11 * * *

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

13 Sec. 23. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION

14 PILOT PROGRAM

15 (a) Establishment. The Agency of Transportation shall establish a pilot
16 program to support the continued development and buildout of bicycle and
17 pedestrian infrastructure. The purpose of the pilot program is to do at least one
18 of the following:

19 (1) ensure alignment and integration of municipal and State bicycle and
20 pedestrian infrastructure deployment and to provide a framework for municipal
21 prioritization of bicycle and pedestrian projects that can be integrated into the

1 VTrans Project Selection and Project Prioritization (VPSP2) process as
2 projects are evaluated for funding through State-sponsored programs, including
3 the Bike and Pedestrian Program, the Transportation Alternatives Program, and
4 the Downtown Transportation Fund; or

5 (2) integrate bicycle and pedestrian elements into Agency-developed
6 projects.

7 (b) Consultation and implementation. The Agency shall work with the
8 State’s Regional Planning Commissions (RPCs) in implementing the pilot
9 program by providing funding through the Transportation Planning Initiative
10 (TPI) for RPCs to develop prioritized municipal bicycle and pedestrian plans
11 or to assist member municipalities in developing prioritized municipal bicycle
12 and pedestrian plans.

13 (c) Report. The Agency of Transportation shall file a written report on the
14 outcomes of the pilot program with the House and Senate Committees on
15 Transportation **on or before** January 15, 2023.

16 * * * Pedestrian Safety Outreach * * *

17 Sec. 24. PEDESTRIAN SAFETY OUTREACH

18 The Agency shall:

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

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

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

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

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

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

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

11 A party to a cause who feels aggrieved by the final order, judgment, or
12 decree of the Board may ~~appeal to a Superior Court under Rule 74 of the~~
13 ~~Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A.
14 § 5(c). However, the Board, before final judgment, may permit an
15 interlocutory appeal to be taken by any party pursuant to a Superior Court
16 19 V.S.A. § 5(c) for determination of questions of law in the same manner as
17 the Supreme Court may by rule provide for appeals before final judgment from
18 a Superior Court. Notwithstanding the provisions of the Vermont Rules of
19 Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time
20 for filing a notice of appeal nor the filing of a notice of appeal, as provided in
21 this section, shall operate as a stay of enforcement of an order of the Board

1 unless the Board or a ~~Superior~~ the Supreme Court grants a stay under the
2 provisions of section 44 of this ~~title~~ chapter.

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

4 ~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or
5 affirm the judgments, orders, or decrees of the Transportation Board and may
6 remand a cause to it with mandates, as law or equity shall require; and the
7 Board shall enter its judgment, order, or decree in accordance with these
8 mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of
9 vacating any judgment, order, or decree of the Board, but the ~~Superior~~
10 Supreme Court, upon notice to interested parties, may suspend execution of a
11 Board judgment under a decree as justice and equity require unless otherwise
12 specifically provided by law.

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

14 (d) The application for a certificate of approval of the site selected shall be
15 in writing and substantially describe the property involved and the general
16 purposes for which it is to be acquired and the manner in which the acquisition
17 is asserted to serve the public interest. The application shall designate the
18 names of all owners or persons known to be interested in lands adjoining the
19 property and their residences, if known, and shall contain such further matter
20 as the Board by rule shall determine. The application shall be supported by
21 documentation showing that the proposed facility has received municipal

1 approval. After evaluating the application, the Board shall issue its order
2 giving notice of the time and place of hearing on the application. The
3 applicant shall give notice of the proceedings to all persons owning or
4 interested in adjoining lands by delivery of a true copy of the application and
5 order for hearing by registered or certified mail to the last known address of
6 each of the persons; the notice to be mailed at least 12 days prior to the date of
7 the hearing. Notice of the hearing and a general statement of the purpose shall
8 be published at least once in a newspaper of common circulation in the town
9 where the property described in the application is situated at least two days
10 before the date of the hearing, and a similar notice shall be posted in a public
11 place at least 12 days before the hearing. Upon compliance by the applicant
12 with the foregoing provisions for notice, the Board shall hear the applicant and
13 all parties interested on the question of approval of the site or sites and shall
14 consider and determine whether in the public interest the application ought to
15 be granted. Whenever the Board makes an order granting or denying a
16 certificate of approval of an airport, or a restricted landing area, approval to use
17 or operate an airport or a restricted landing area or other air navigation facility,
18 an aggrieved person may ~~have the decision reviewed on the record by the~~
19 ~~Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~
20 seek judicial review pursuant to 19 V.S.A. § 5(c).

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

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

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

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

9 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION
10 AND MAINTENANCE; JUDICIAL REVIEW

11 (a) A person ~~or corporation~~ owning or operating a railroad shall construct
12 and maintain farm crossings of the road for the use of the proprietors of lands
13 adjoining the railroad, and cattle guards at all farm and road crossings
14 sufficient to prevent cattle and animals from getting on the railroad. A farm
15 crossing may be temporarily or permanently closed or discontinued by mutual
16 agreement between all parties having an interest therein. If no such mutual
17 agreement can be reached by such interested parties, then a person ~~or~~
18 ~~corporation~~ owning or operating a railroad and desiring to close any farm
19 crossing shall make application to the Transportation Board. The Board shall
20 thereupon give notice to all parties interested, in such manner as the Board
21 may direct, of hearing on the application, the hearing to be in the county where

1 such crossing is located. After the hearing, a person ~~or corporation~~ owning or
2 operating a railroad shall not close such farm crossing without the approval of
3 the Transportation Board. A person aggrieved by the closing of a farm
4 crossing after January 1, 1955 by a person ~~or corporation~~ owning or operating
5 a railroad may notify the Transportation Board by registered or certified mail
6 of the closing, and thereupon the Board shall conduct a hearing. Notice and
7 place of hearing shall be as set forth in this subsection. The Transportation
8 Board may require the reopening of any such crossing and make such other
9 order as is permitted in section 3649 of this title. At any such hearing, the
10 burden of proof shall rest with the person or persons effecting or seeking to
11 effect the closing of such farm crossing. Any person aggrieved by ~~an~~ the final
12 order of the Transportation Board, who was a party to the proceedings, may, ~~in~~
13 ~~accordance with Rule 74 of the Vermont Rules of Civil Procedure,~~ appeal to
14 ~~the Superior Court, whereupon such cause shall be tried as an original action~~
15 ~~brought under the provisions of 12 V.S.A. § 402~~ seek judicial review pursuant
16 to 19 V.S.A. § 5(c).

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

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

2 § 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

3 The order of the Board relating to any matter upon which it may act under
4 the authority of this chapter shall be communicated in writing to the petitioners
5 and to all persons to whom notice of the hearing on such petition was given.

6 Any person aggrieved by such order, who was a party to such proceedings,
7 may ~~appeal from such order to the Superior Court in accordance with Rule 74~~
8 ~~of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to
9 19 V.S.A. § 5(c).

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

11 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

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

14 * * *

15 (h) Within 20 days after any order or decision of the Board authorized
16 under this chapter, any party to the proceeding may apply for a rehearing with
17 respect to any matter determined in the proceeding or covered or included in
18 the order or decision. The application for rehearing shall set forth fully every
19 ground upon which it is claimed that the decision or order complained of is
20 unlawful or unreasonable. No appeal from any order or decision of the Board
21 shall be taken unless the appellant makes an application for rehearing as

1 provided in this subsection, and when the application for rehearing has been
2 made, no ground not set forth in the application shall be urged, relied on, or
3 given any consideration by the Board unless the Board for good cause shown
4 allows the appellant to specify additional grounds. Any party to the
5 proceeding may appeal the final order, including all interlocutory orders or
6 decisions, pursuant to the Superior Court 19 V.S.A. § 5(c) within 30 days after
7 the date the Board rules on the application for reconsideration of the final order
8 or decision. All findings of the Board upon all questions of fact properly
9 before the court shall be prima facie lawful and reasonable. The order or
10 decision appealed from shall not be set aside or vacated except for errors of
11 law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme
12 Court on appeals from orders or decisions by the Board authorized under this
13 title.

14 (i) In cases where the Board finds that a violation of this chapter has
15 occurred or there has been a failure to show good cause under section 4089 or
16 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine
17 reasonable attorney's fees and costs and award them to the prevailing party.

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

19 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

20 (a) General duties and responsibilities; exceptions. The regulatory and
21 quasi-judicial functions relating to transportation shall be vested in the Board,

1 except that the duties and responsibilities of the Commissioner of Motor
2 Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue
3 to be vested in the Commissioner.

4 (b) Naming transportation facilities.

5 (1) Except as otherwise authorized by law, the Board is the sole
6 authority responsible for naming transportation facilities owned, controlled, or
7 maintained by the State, including highways and the bridges thereon, airports,
8 rail facilities, rest areas, and welcome centers. The Board shall exercise its
9 naming authority only upon petition of the legislative body of a municipality of
10 the State, of the head of an Executive Branch agency or department of the
11 State, or of 50 Vermont residents.

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

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

8 (g) Reports to the General Assembly. From time to time, the Board may
9 report to the General Assembly with suggestions of amendment to existing law
10 or of new legislation as it deems necessary and any information concerning the
11 companies, matters, and things under the jurisdiction of the Board and Agency
12 that, in its opinion, will be of interest to the General Assembly.

13 (h) Appeals from the Agency to the Board. Unless otherwise provided by
14 law, when an appeal is allowed from the Agency to the Board, the appeal shall
15 be taken by filing a notice of appeal with the Secretary within 30 days of the
16 date of the Agency decision from which the appeal is taken. The Secretary
17 shall promptly forward the notice of appeal to the Board, together with the
18 Agency's record of decision.

1 private roadway or driveway that leads from a public highway to the advertised
2 activity. For the purposes of this subdivision, premises shall not include land
3 that is separated from the activity by a public highway, or other intervening
4 land use not related to the advertised activity. Undeveloped land or farmland
5 shall not be considered as an intervening land use.

6 * * *

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

8 Sec. 37. 19 V.S.A. § 1112 is amended to read:

9 § 1112. DEFINITIONS; FEES

10 (a) As used in this section:

11 * * *

12 (4) “Subsurface stormwater system” means a stormwater system, as
13 defined in 10 V.S.A. § 1264(b)(15), that is beneath the surface.

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

16 * * *

17 (2) utility installations, including ~~each~~ direct connection to the State
18 highway subsurface stormwater system: \$100.00

19 * * *

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

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

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

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

13 § 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT
14 ROUTE 108; ~~COMMERCIAL~~ VEHICLE OPERATION
15 PROHIBITED

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

19 (b) Vehicle operation prohibition.

20 (1) ~~As used in this subsection, "commercial vehicle" means truck-~~
21 ~~tractor semitrailer combinations and truck tractor trailer combinations.~~

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

4 ~~(3)(2) Either the~~ The operator of a commercial vehicle who violates this
5 subsection, or and the operator's employer, unless they are the same person,
6 shall each be subject to a civil penalty of ~~\$1,000.00. If \$1,500.00~~ or, if the
7 violation results in substantially impeding the flow of traffic on Vermont Route
8 108, ~~the penalty shall be \$2,000.00~~ a civil penalty of \$3,000.00. For a second
9 or subsequent conviction within a three-year period, the applicable penalty or
10 penalties shall be doubled.

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

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

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

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

19 § 313. ~~RESTRICTING USE OF COVERED BRIDGES~~

20 ~~The Agency and the selectmen of the town where a covered bridge is~~
21 ~~located or, if parts of such a bridge are located in more than one town, the~~

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

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

10 § 315. ~~PENALTIES~~

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

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

15 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

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

17 § 1397. WEIGHT LIMIT SIGNS

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

19 § 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

20 The legislative body of a municipality where a covered bridge is located or,
21 if parts of such a bridge are located in more than one municipality, the

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

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

11 § 1398. CERTIFIED STATEMENT TO BE FILED

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

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

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

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

14 (2) Municipal and volunteer fire apparatus and law enforcement motor
15 vehicles.

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

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

19 § 1400d. AGRICULTURAL SERVICE VEHICLES

20 (a) An agricultural service vehicle, as defined in subdivision 4(71) of this
21 title, shall be exempt from the provisions of sections 1400 and 1400a and

1 subsection 1434(c) of this ~~title~~ subchapter if the gross weight does not exceed
2 60,000 pounds.

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

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

8 § 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH
9 LIMITS; PENALTIES

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

18 (b) Permit limits. The operation of a vehicle on a public highway in excess
19 of the legal height, width, or length limits as prescribed in section 1431 or
20 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in
21 conformance with section 1400 of this ~~title~~ subchapter shall be a traffic

1 violation, as defined in section 2302 of this title, and ~~shall be~~ punishable by a
2 civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within
3 a two-year period, and \$800.00 for a third or subsequent offense within a two-
4 year period.

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

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

1 section, the owner or lessee of the vehicle shall be considered the holder of, or
2 applicant for, the permit.

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

4 § 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

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

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

19 § 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY

20 SERVICES

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

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

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

7 Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

8 32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on

9 July 1, ~~2022~~ 2025.

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

11 § 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

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

1 authorized to be relinquished measures approximately 1.7 acres, is
2 approximately 160 feet in width, and starts at a point 200 feet west of the
3 intersection of the U.S. Route 7/Vermont Route 207 centerline of highway
4 project S0297(2); and continues westerly for 463 feet.

5 * * * Codified Law Technical Corrections * * *

6 Sec. 54. REPEAL

7 19 V.S.A. § 22 (fine applicable for a violation of the since repealed
8 19 V.S.A. § 21(c)) is repealed.

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

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

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

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

18 * * * Effective Dates * * *

19 Sec. 57. EFFECTIVE DATES

20 (a) This section and Sec. 51 (amendment to sunset of 32 V.S.A. § 604)
21 shall take effect on passage.

- 1 (b) Notwithstanding 1 V.S.A. § 214, Secs. 19–22 (amendments to the 2021
- 2 Transportation Bill) shall take effect retroactively on July 1, 2021.
- 3 (c) All other sections shall take effect on July 1, 2022.