

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, up to 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.

13 (1) The purpose of the expenditures authorized in subsections (b) and
14 (d) of this section is to respond to negative economic impacts to the tourism,
15 travel, and hospitality industries caused by the COVID-19 public health
16 emergency.

17 (2) The purpose of the expenditures authorized in subsection (c) 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 or to
20 provide assistance to low- and moderate-income households that were
21 impacted by the COVID-19 public health emergency, or both.

1 (f) Eligibility criteria. Notwithstanding 2020 Acts and Resolves No. 139,
2 Sec. 25; 2021 Acts and Resolves No. 55, Sec. 29; and any prior iterations of
3 funding criteria used to distribute State EVSE grant awards through programs
4 involving the EVSE Interagency Workgroup, the Agencies of Transportation,
5 of Commerce and Community Development, and of Natural Resources may
6 modify eligibility criteria for and programmatic implementation of any existing
7 State EVSE grant programs to ensure that available federal monies are best
8 utilized to build a network of EVSE throughout Vermont so as to support the
9 widespread adoption of plug-in electric vehicles, as defined in 23 V.S.A.
10 § 4(85), amongst Vermonters, including those of low and moderate income,
11 and provide increased access to a reliable network of EVSE to better serve and
12 support the travel, tourism, and hospitality industries.

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

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

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

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

5 (2) ~~50~~ 25 miles of another level 3 EVSE charging port available to the
6 public along a State highway, as defined in 19 V.S.A. § 1(20).

7 (b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall
8 file an up-to-date map showing the locations of all level 3 EVSE available to
9 the public within the State with the House and Senate Committees on
10 Transportation not later than January 15 each year until the goal identified in
11 subsection (a) of this section is met.

12 * * * Vehicle Incentive Programs * * *

13 Sec. 4. VEHICLE INCENTIVE PROGRAMS

14 (a) Incentive Program for New PEVs. The Agency is authorized to spend
15 up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the
16 Incentive Program for New PEVs established in 2019 Acts and Resolves No.
17 59, Sec. 34, as amended.

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

1 (c) Replace Your Ride Program. The Agency is authorized to spend up to
2 \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace
3 Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as
4 amended.

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

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

17 (f) Purpose.

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

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

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

18 (h) Administration expenses. Unless prohibited by federal or State law, the
19 Agency may use up to 15 percent of any single authorization in subsections
20 (a)–(e) and an additional \$2,000,000.00 as appropriated in the fiscal year 2023
21 budget for costs associated with administering and promoting the vehicle

1 incentive programs, including on the Agency’s existing partnership with Drive
2 Electric Vermont, which shall support the expansion of the PEV market in the
3 State through the provision of stakeholder coordination, policy engagement,
4 consumer education and outreach, infrastructure development, and technical
5 assistance, and translation and interpretation service, community outreach, and
6 education.

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

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

13 (2) Every reasonable effort shall be made to obligate and deploy the
14 monies authorized for expenditure under this section in fiscal year 2023 in
15 order to achieve a pace of plug-in electric vehicle deployment necessary to
16 meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the
17 recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A.
18 § 592.

19 (j) Outreach and marketing. The Agency, in consultation with Drive
20 Electric Vermont and the Vermont Vehicle and Automotive Distributors
21 Association, shall ensure that there is sufficient outreach and marketing,

1 including the use of translation and interpretation services, of the Incentive
2 Program for New PEVs, MileageSmart, and Replace Your Ride so that
3 Vermonters who are eligible under one or more of the incentive programs can
4 easily learn how to secure as many incentives as are available.

5 Sec. 5. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts
6 and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112,
7 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55,
8 Sec. 19 is further amended to read:

9 (b) Electric vehicle incentive program. An incentive program for Vermont
10 residents to purchase and lease new PEVs shall structure PEV purchase and
11 lease incentive payments by income to help Vermonters benefit from electric
12 driving, including Vermont’s most vulnerable. The program shall be known as
13 the Incentive Program for New PEVs. Specifically, the Incentive Program for
14 New PEVs shall:

15 * * *

16 (5) apply to manufactured PEVs with a Base Manufacturer’s Suggested
17 Retail Price (MSRP) of ~~\$40,000.00~~ \$45,000.00 or less; and

18 * * *

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

2 Sec. 6. 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. 7. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;

15 **REPEAL**

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

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

20 (2) the Bridge Formula Program funds are to be used for the
21 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 (d) Repeal. This section is repealed on October 1, 2029, at the conclusion
18 of the authorized implementation period 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

1 Sec. 13. TOWN HIGHWAY CLASS 2 ROADWAY

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

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

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

11 Sec. 14. HIGHWAY MAINTENANCE

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

13 Transportation Program for Maintenance, authorized spending is amended as
14 follows:

15	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
16	Person. Svcs.	44,709,478	44,709,478	0
17	Operat. Exp.	61,554,303	58,492,635	-3,061,668
18	Total	106,263,781	103,202,113	-3,061,668
19	<u>Sources of funds</u>			
20	State	105,517,966	102,456,298	-3,061,668
21	Federal	645,815	645,815	0

1	Inter Unit	100,000	100,000	0
2	Total	106,263,781	103,202,113	-3,061,668

3 * * * Mobility and Transportation Innovation Grant Program * * *

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

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

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

11	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
12	Grants	0	500,000	500,000
13	Total	0	500,000	500,000
14	<u>Sources of funds</u>			
15	State	0	500,000	500,000
16	Total	0	500,000	500,000

17 (c) Implementation. The Agency of Transportation shall continue to
18 administer the Mobility and Transportation Innovation (MTI) Grant Program,
19 which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The
20 Program shall continue to support micro-transit projects that improve both

1 mobility and access to services for transit-dependent Vermonters, reduce the
2 use of single-occupancy vehicles, and reduce greenhouse gas emissions.

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

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

9 * * * Zero-Fare Public Transit * * *

10 Sec. 16. ZERO-FARE PUBLIC TRANSIT

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

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

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,433,000	1,433,000
Total	0	1,433,000	1,433,000
<u>Sources of funds</u>			
State	0	1,433,000	1,433,000
Total	0	1,433,000	1,433,000

1 (c) Implementation. The Agency shall ensure that public transit operated
2 by transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C.
3 § 5307 or 5311, or both, in the State on routes other than LINK Express Routes
4 shall be operated on a zero-fare basis during fiscal year 2023.

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

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

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

15 * * * Proposed Fiscal Year 2024 Transportation Program;

16 Carbon Reduction Program * * *

17 Sec. 17. PROPOSED FISCAL YEAR 2024 TRANSPORTATION

18 PROGRAM

19 The Agency of Transportation, in consultation with the Vermont Climate
20 Council, shall ensure that within the Agency of Transportation’s Proposed
21 Fiscal Year 2024 Transportation Program all federal monies that are available

1 to the State under the Carbon Reduction Program, codified at 23 U.S.C. § 175,
2 in federal fiscal years 2022, 2023, and 2024 are allocated toward projects that
3 align with the recommendations of the Climate Action Plan (CAP) issued
4 under 10 V.S.A. § 592.

5 * * * Transportation Alternatives Grant Program * * *

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

7 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

9 (c) The Transportation Alternatives Grant Program is created. The Grant
10 Program shall be administered by the Agency, and shall be funded in the
11 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
12 Recreational Trails Program. Awards shall be made to eligible entities as
13 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
14 be limited to the activities authorized under federal law and shall not exceed
15 \$300,000.00 per grant allocation.

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

19 * * *

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

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

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

14 ~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and~~
15 ~~2021, and the balance of Grant Program funds not reserved for environmental~~
16 ~~mitigation projects in fiscal year 2022 and thereafter, in~~ In evaluating
17 applications for Transportation Alternatives grants, the Agency shall give
18 preferential weighting to projects involving as a primary feature a bicycle or
19 pedestrian facility. The degree of preferential weighting and the circumstantial
20 factors sufficient to overcome the weighting shall be in the complete discretion
21 of the Agency.

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* * *

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

* * * Electric Bicycle Incentives Administrative Costs * * *

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

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

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

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

(d) Authorization. In fiscal year 2022, the Agency is authorized to spend up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on the Replace Your Ride Program established under this section, with up to ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for

1 startup costs, outreach education, and costs associated with developing and
2 administering the Replace Your Ride Program.

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

4 (b) Authorization.

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

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

15 * * * EVSE Grant Program * * *

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

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

19 (a) As used in this section:

20 * * *

1 existing ~~VW~~ EVSE Grant Program that the Department of Housing and
2 Community Development has been administering on behalf of the Department
3 of Environmental Conservation.

4 * * *

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

9 * * *

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

14 * * *

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

16 Sec. 23. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION
17 PILOT PROGRAM

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

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

8 (2) integrate bicycle and pedestrian elements into Agency-developed
9 projects.

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

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

19 * * * Pedestrian Safety Outreach * * *

20 Sec. 24. PEDESTRIAN SAFETY OUTREACH

21 The Agency shall:

1 remand, the Board then in office may consider relevant evidence, including
2 any part of the transcript of testimony in the proceedings prior to appeal.

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

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

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

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

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

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

13 A party to a cause who feels aggrieved by the final order, judgment, or
14 decree of the Board may ~~appeal to a Superior Court under Rule 74 of the~~
15 ~~Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A.
16 § 5(c). However, the Board, before final judgment, may permit an
17 interlocutory appeal to be taken by any party pursuant to a Superior Court
18 19 V.S.A. § 5(c) for determination of questions of law in the same manner as
19 the Supreme Court may by rule provide for appeals before final judgment from
20 a Superior Court. Notwithstanding the provisions of the Vermont Rules of
21 Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time

1 for filing a notice of appeal nor the filing of a notice of appeal, as provided in
2 this section, shall operate as a stay of enforcement of an order of the Board
3 unless the Board or a ~~Superior~~ the Supreme Court grants a stay under the
4 provisions of section 44 of this ~~title~~ chapter.

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

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

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

16 (d) The application for a certificate of approval of the site selected shall be
17 in writing and substantially describe the property involved and the general
18 purposes for which it is to be acquired and the manner in which the acquisition
19 is asserted to serve the public interest. The application shall designate the
20 names of all owners or persons known to be interested in lands adjoining the
21 property and their residences, if known, and shall contain such further matter

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

1 ~~Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~
2 seek judicial review pursuant to 19 V.S.A. § 5(c).

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

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

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

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

11 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION
12 AND MAINTENANCE; JUDICIAL REVIEW

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

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

19 (b) A person ~~or railroad corporation~~ closing any farm crossing in violation
20 of a provision of this section or failing to comply with any such order shall be
21 fined not less than \$50.00 nor more than \$500.00 and any person aggrieved by

1 such violation may recover ~~his or her~~ the person's damages in an action on this
2 statute.

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

4 § 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

5 The order of the Board relating to any matter upon which it may act under
6 the authority of this chapter shall be communicated in writing to the petitioners
7 and to all persons to whom notice of the hearing on such petition was given.
8 Any person aggrieved by such order, who was a party to such proceedings,
9 may ~~appeal from such order to the Superior Court in accordance with Rule 74~~
10 ~~of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to
11 19 V.S.A. § 5(c).

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

13 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

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

16 * * *

17 (h) Within 20 days after any order or decision of the Board authorized
18 under this chapter, any party to the proceeding may apply for a rehearing with
19 respect to any matter determined in the proceeding or covered or included in
20 the order or decision. The application for rehearing shall set forth fully every
21 ground upon which it is claimed that the decision or order complained of is

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

16 (i) In cases where the Board finds that a violation of this chapter has
17 occurred or there has been a failure to show good cause under section 4089 or
18 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine
19 reasonable attorney's fees and costs and award them to the prevailing party.

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

2 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

3 (a) General duties and responsibilities; exceptions. The regulatory and
4 quasi-judicial functions relating to transportation shall be vested in the Board,
5 except that the duties and responsibilities of the Commissioner of Motor
6 Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue
7 to be vested in the Commissioner.

8 (b) Naming transportation facilities.

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

16 (2) The Board shall hold a public hearing for each facility requested to
17 be named. The Board shall adopt rules governing notice and conduct of
18 hearings, the standards to be applied in rendering decisions under this
19 subsection, and any other matter necessary for the just disposition of naming
20 requests. The Board shall issue a decision, which shall be subject to review on
21 the record ~~by a Superior Court pursuant to Rule 74 of the Vermont Rules of~~

1 ~~Civil Procedure~~ subsection (c) of this section. The Board may delegate the
2 responsibility to hold a hearing to a hearing officer or a single Board member,
3 subject to the procedure of subsection (c) of this section, but shall not be bound
4 by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

5 (c) Hearing examiners; report of findings; final orders; judicial review.

6 The Board may delegate the responsibility to hear quasi-judicial matters, and
7 other matters as it may deem appropriate, to a hearing examiner or a single
8 Board member, to hear a case and make findings in accordance with 3 V.S.A.
9 chapter 25, except that highway condemnation proceedings shall be conducted
10 pursuant to the provisions of chapter 5 of this title. A hearing examiner or
11 single Board member so appointed shall report the findings of fact in writing to
12 the Board. Any order resulting from those findings shall be rendered only by a
13 majority of the Board. Final orders of the Board issued pursuant to section 20
14 of this title (small claims against the Agency) may be reviewed on the record
15 by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
16 Procedure. All other final orders of the Board may be reviewed on the record
17 by the Supreme Court.

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

19 * * *

20 (e) Offices and assistance. Suitable offices and office equipment shall be
21 provided by the State for the Board at Montpelier. The Board may employ

1 clerical or other employees and assistants whom it deems necessary in the
2 performance of its duties and in the investigation of matters within its
3 jurisdiction.

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

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

16 (h) Appeals from the Agency to the Board. Unless otherwise provided by
17 law, when an appeal is allowed from the Agency to the Board, the appeal shall
18 be taken by filing a notice of appeal with the Secretary within 30 days of the
19 date of the Agency decision from which the appeal is taken. The Secretary
20 shall promptly forward the notice of appeal to the Board, together with the
21 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.

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~~ EVSE. 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~~ EVSE available to the public. Fees collected under this section

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

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

16 * * * Relinquishment of Vermont Route 207 Extension

17 in the Town of St. Albans * * *

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

19 (a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General
20 Assembly approves the ~~secretary of transportation~~ Secretary of Transportation
21 to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to

1 the ~~town's~~ Town's jurisdiction a segment of ~~state~~ State highway right-of-way
2 in the ~~town~~ Town of St. Albans, which has not been constructed to be a
3 traveled road; and which was to be known as the Vermont Route 207
4 Extension. This authority shall expire on June 30, ~~2022~~ 2032. The segment
5 authorized to be relinquished measures approximately 1.7 acres, is
6 approximately 160 feet in width, and starts at a point 200 feet west of the
7 intersection of the U.S. Route 7/Vermont Route 207 centerline of highway
8 project S0297(2); and continues westerly for 463 feet.

9 * * * Codified Law Technical Corrections * * *

10 Sec. 54. REPEAL

11 19 V.S.A. § 22 (fine applicable for a violation of the since repealed

12 19 V.S.A. § 21(c)) is repealed.

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

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

1 this allocation at the close of a fiscal year shall revert to the Transportation
2 Fund. The Department of Public Safety may periodically recommend to the
3 General Assembly that this allocation be adjusted to reflect market conditions
4 for the vehicles and equipment.

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

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

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* * * Effective Dates * * *

Sec. 57. EFFECTIVE DATES

(a) This section and Secs. 51 (amendment to sunset of 32 V.S.A. § 604) and 53 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 19–22 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

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