

**“Short” Section-by-Section Summary of H.736
([Senate Transportation’s Amendment](#))
2022 Transportation Bill (FY23)**

Sec. 1 – Transportation Program. Probably the most important section of the Transportation Bill (T. Bill). Adopts the Agency of Transportation’s (VTrans/Agency/AOT) Proposed Fiscal Year 2023 Transportation Program except as amended in the bill (and provided that funding is available). REMEMBER: This adoption language is why the white binder is “clipped to the back of the T. Bill.”

Sec. 2 – Summary of Transportation Investments. Summarizes transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money (these are in the Proposed Fiscal Year 2023 Transportation Program and the text of the T. Bill itself).

Sec. 3 – Electric Vehicle Supply Equipment (EVSE) Grants. Authorizes \$6,250,000 in State investments in level 3 EVSE along the State highway network. Silent on funding source, but includes a purpose section since \$2,000,000 is State Fiscal Recovery Funds (SFRF/ARPA). *See* Big Bill. Also includes carryforward and expedient deployment language.

Sec. 4 – Electric Vehicle Supply Equipment (EVSE) Goals. Updates the EVSE goals from last year (2021 Acts and Resolves No. 55, Sec. 30) to have a level 3 EVSE within (A) one (as opposed to five) driving miles of every exit of the interstate within the State and (B) 25 (as opposed to 50) driving miles of another level 3 EVSE along the State highway.

Sec. 5 – Vehicle Incentives. Authorizes funding for existing vehicle incentive programs and public-private partnership with Drive Electric Vermont. Also includes carryforward and expedient deployment language.

- \$12,000,000 – Incentive Program for New PEVs;
- \$3,000,000 – MileageSmart;
- \$3,000,000 – Replace Your Ride (existing program, not implemented yet); and
- \$2,000,000 – Existing public-private partnership with Drive Electric Vermont.

Sec. 6 – Base MSRP for Incentive Program for New PEVs. Increases general Base Manufacturer’s Suggested Retail Price (MSRP) of BEVs that are eligible from \$40,000 to \$45,000 and eliminates the Base MSRP cap if the PEV will be issued a special registration plate or predominately used to provide accessible transportation to the grant recipient or a member of the grant recipient’s household). Maintains the \$40,000 Base MSRP cap for PHEVs.

Sec. 7 – Vermont Association of Snow Travelers (VAST) Authorizations. Authorizes the DMV to spend \$50,000 in one-time General Fund monies in grants to VAST to support the Law Enforcement and Safety Program and \$750,000 in one-time General Fund monies in grants to VAST to support the Equipment Grant-in-Aid Program.

Sec. 8 – Bridge Formula Program for Off-System Bridges. Establishes the policy for how increased federal funds, available because of the Infrastructure Investment and Jobs Act (IIJA), for off-system bridges will be used to fully cover construction (but with engineering (PE) and right-of-way (ROW) staying at 80 (federal), 10 (State), and 10 (municipal)) for:

- all off-system bridges in the FY23 Transportation Program for Town Highway Bridges

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that: (1) were not authorized for federal funds for the construction phase prior to the FY23 Transportation Program and (2) are either listed as a front-of-book project or a development and evaluation (D&E) project; and

- all off-system covered bridges and historic truss bridges in FY23 through FY29 based on the statutory prioritization

with the balance of available federal funds going to town highway bridges advanced based on the statutory prioritization.

Sec. 9 – Town Highway Bridge Program (FY23). Makes the necessary changes to the Transportation Program authorizations (“white book”) based on Sec. 8 (changes authorizations in FY23—swap of \$689,082 State and \$589,082 municipal for \$1,278,164 federal—and adds covered bridges and historic truss bridges to the candidate list in Town Highway Bridges.

Sec. 10 – Program Development. Reduction in Program Development (operating expenses as the expenditure and Transportation Fund monies as the source) by \$54,211 to make up for the miscalculation, based on timing, for the minimum Town Highway Aid appropriation/authorization (Sec. 11).

Sec. 11 – Town Highway Aid. Increase in Town Highway Aid (grants as the expenditure and Transportation Fund monies as the source) by \$54,211 to match the statutory appropriation.

Sec. 12 – Policy and Planning. Increase in Policy and Planning (grants as the expenditure and federal (National Electric Vehicle Infrastructure (NEVI)) monies as the source) by \$3,394,522 to cover the full \$4,250,000 for level 3 EVSE along the highways in the Governor’s Recommend.

Sec. 13 – Town Highway Structures and Class 2 Roadway. Directs the Agency to carry forward not less than \$866,500 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway structures program and not less than \$951,250 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway class 2 roadway program so as to meet the statutory minimums, as increased in the 2021 T. Bill.

Sec. 14 – One-Time Appropriation; DMV IT Project. Removes the project from the Transportation Program, since it will not be funded with Transportation Fund monies and will be funded through the Agency of Digital Services, and instead includes a footnote describing the funding source as SFRF/ARPA.

Sec. 15 – Mobility and Transportation Innovation (MTI) Grant Program. Re-funds the Mobility and Transportation Innovation (MTI) Grant Program with \$1,500,000 (\$500,000 in Transportation Fund monies and \$1,000,000 in General Fund monies) with not less than \$1,250,000 going to support microtransit projects.

Sec. 16 – One-Time Public Transit Monies. Authorizes \$1,200,000 (General Fund monies) to allow public transit providers to, as practicable and in the sole discretion of the public transit provider, provide zero-fare public transit on routes other than commuter and LINK Express and

restore service to pre-COVID-19 levels. Also requires a report to House/Senate Committees on Transportation not later than January 15, 2023 on (1) changes in ridership and (2) what is needed to fund zero-fare going forward.

[Sec. 17](#) – **Burlington International Airport Study Committee and Report.** Authorizes \$150,000 (Transportation Fund monies that under the Proposed Fiscal Year 2023 Transportation Program would have been a part of the \$500,000 in Transportation Fund monies used for the nonfederal match for projects at the Burlington International Airport) for a study committee to, with the assistance of an independent third-party consultant with expertise in airport governance, make recommendations on the governance structure of the Airport. Sec. 17 also includes timeline, membership of the Committee, what needs to be reviewed and reported on, and other administrative matters.

[Sec. 18](#) – **Carbon Reduction Program Monies.** Requires the Agency to consult with the Vermont Climate Council and ensure that within the Agency of Transportation’s Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

[Sec. 19](#) – **Plan to Update Vermont State Standards.** Requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets (Vermont State Standards) and related documents to create context sensitive, multimodal projects that support smart growth as recommended in the Revising the Vermont State Standards (VSS) M2D2: Multimodal Development and Delivery Work Plan, March 2015 and budget for the plan to update the Vermont State Standards and related documents in the Proposed Fiscal Year 2024 Transportation Program. Also requires the Agency to make staff available to the House and Senate Committees on Transportation for an oral presentation on the plan beginning on January 15, 2023.

[Sec. 20](#) – **Transportation Alternatives Grant Program.** Deletes some obsolete language (prior fiscal years) and requires that, starting in FY24, 50 percent of Transportation Alternative Grant Program funds (federal program and federal monies, with local match) be reserved for municipalities for environmental mitigation projects related to stormwater and highways, unless eligible applications for environmental mitigation projects accounts for less than 50 percent of the available funds).

[Secs. 21–23](#) – **Amendments to 2021 T. Bill: \$5,000 for EBike Incentive Administration.** Allows up to \$5,000 to be used to administer the EBike Incentive Program by taking up to that amount from administration allowances for Replace Your Ride Program. Effective on July 1, 2021 (retroactive).

[Sec. 24](#) – **Amendment to 2021 T. Bill: EVSE Grant Program for MUDs.** Eliminates existing ambiguity as to what types of EVSE are eligible for grant awards under the EVSE Grant Program that was funded with \$1,000,000 in 2021 Acts and Resolves No. 55, Sec. 29 and

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specifies that grants can be awarded for level 1 and 2 EVSE. Effective on July 1, 2021 (retroactive).

[Sec. 25](#) – **Bicycle and Pedestrian Planning Integration Program.** Establishes a program to support the continued development and buildout of bicycle and pedestrian infrastructure and requires consultation between the Agency and the regional planning commissions (RPCs).

[Secs. 26–34](#) – **Transportation Board (Titles 5 and 9).** Makes conforming revisions to Titles 5 and 9 in response to the amendment to 19 V.S.A. § 5(c), made by [2016 Acts and Resolves No. 167, Sec. 6](#), to provide that in virtually all instances appeals from the Transportation Board go to the Supreme Court.

[Sec. 35](#) – **Transportation Board (Title 19).** Adds clarifying language, including subsection headings, to 19 V.S.A. § 5 (the statute that was amended in 2016, thereby necessitating the conforming revisions in Secs. 26–34).

[Sec. 36](#) – **Repeal of Assessment Language.** Repeals Title 5 chapter 5, which is now obsolete because the common carrier assessment (in 5 V.S.A. § 63) was repealed in 1988 but the balance of the chapter (5 V.S.A. §§ 64–67) with administrative provisions was not.

[Sec. 37](#) – **On-Premises Signs (10 V.S.A. § 493).** Amends 10 V.S.A. § 493(1), and the allowance for on-premises signs, to measure the distance from the on-premises sign to a main entrance based on a straight line, and not a line measured along the centerline of the highway, if the change in elevation from the sign to the main entrance is more than 100 feet.

[Sec. 38](#) – **Right-of-Way (1111) Permit Fees (19 V.S.A. § 1112).** Amends law to only assess the 1111 permit fee for stormwater utility connections that are subsurface, and only for the collective-direct connection to the State highway subsurface stormwater system and not each direct connection individually. This change will make statute align with what VTrans says current practice is.

[Sec. 39](#) – **Site Plan Review (24 V.S.A. § 4416(b)).** Changes “shall” (mandatory) to “may” (permissive) and strikes “any” based on the Agency’s concerns, after a period of implementation of changes made in the last T. Bill, surrounding needing to include all permit conditions in the letter, even ones that are standard and dealt with in the permit itself or not known at the early stage of the site plan review process.

[Sec. 40](#) – **Smugglers’ Notch Restrictions (23 V.S.A. § 1006b).** Makes changes to existing law to have the civil penalty be assessed against the employer of the operator of the vehicle that violates statute and have the vehicle prohibition to be based on length and not type of vehicle.

[Sec. 41](#) – **Repeal of Authority to Restrict the Use of Covered Bridges (19 V.S.A. § 313).** Repeals municipal authority to restrict the use of covered bridges, but added back (in updated form) as 23 V.S.A. § 1397a (Sec. 45).

Sec. 42 – **Repeal of Penalties for Violating Covered Bridges Restrictions (19 V.S.A. § 315).** Repeals fines but added back (in updated form and as civil penalties) as 23 V.S.A. § 1434(c) (Sec. 49).

Secs. 43–44 – **Redesignating Section Headings for Specificity (23 V.S.A. §§ 1396 and 1397).** Adds “weight” or “weight limits” to the section headings for statutes on weight limits and weight limit signs.

Sec. 45 – **Municipal Authority to Set Limits for Covered Bridges (23 V.S.A. § 1397a).** Recodification of language to allow a municipality (or municipalities jointly where the covered bridge connects multiple municipalities), in consultation with VTrans, to establish one or more of the following: weight, height, or width limits on covered bridges. Requires that any limits be permanently posted with signs that conform to the Manual on Uniform Traffic Control Devices (MUTCD), what is referenced in 23 V.S.A. § 1025, in specified locations.

Sec. 46 – **Certified Statement (23 V.S.A. § 1398).** Makes technical corrections and adds in the requirement that a certified statement of limits for covered bridges also be filed with the clerk in the municipality.

Sec. 47 – **Weight Limit Restrictions Exclusions (23 V.S.A. § 1399(b)).** Expands the exclusion for municipal and volunteer fire apparatus that can be operated in excess of weight limitations to also include law enforcement motor vehicles (probably limited applicability).

Sec. 48 – **Agricultural Services Vehicles (23 V.S.A. § 1400d).** Exempts agricultural service vehicles (defined) from prohibition on operating in excess of covered bridges limits.

Sec. 49 – **Operating in Excess of Limits (23 V.S.A. § 1434).** Adds subsection headings and makes technical corrections, but the substantive amendment is the addition of subsection (c), which is what establishes the following civil penalties for operating in violation of posted limits for a covered bridge or general limits for certain types of bridges: \$1,000 for a first violation; \$2,000 for a first violation that substantially impedes the flow of traffic and doubled for a second or subsequent conviction within a three-year period.

Sec. 50 – **Liability for Damages (23 V.S.A. § 1492).** Updates very outdated internal citations and adds subsection 1434(c) to the list of violations that trigger liability for damages to the public highway or bridge (only substantive change).

Sec. 51 – **Repeal of Ability to Recover Expenses for Emergency Services Related to Closed Roads (23 V.S.A. § 1112).** Repeals ability to recover expenses for emergency services related to closed roads but added back as part of 24 V.S.A. § 2296a (Sec. 52).

Sec. 52 – **Recovery for Expenses for Emergency Services (24 V.S.A. § 2296a).** Allows a municipality that deploys rescue services to aid stranded operators or move disabled vehicles to recover from the operator or operator’s employer, provided that the operator was acting during or incidental to the operator’s scope of employment (tracks case law on respondeat superior), the

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costs of providing rescue services.

[Sec. 53](#) – **Filing of Restrictions (23 V.S.A. § 1400b)**. Eliminates the requirement that municipalities file a complete copy of the list of special weight limits for roads in the municipality by February 10 of each year.

[Secs. 54](#) – **Findings (on use of sustainable building components)**. Includes findings on the use of sustainable building components (relates to Secs. 55 and 56).

[Sec. 55](#) – **Repeal of Requirement that Agency of Transportation Use Recycled Asphalt Pavement (RAP) (19 V.S.A. § 10c(m))**. Repeals the statutory requirement that the Agency of Transportation use recycled asphalt pavement (RAP) in certain instances but added back in as 19 V.S.A. § 10m(c) (Sec. 56).

[Sec. 56](#) – **Statement of Policy on Sustainable Building Components (19 V.S.A. § 10m)**. Adds a new section to codified law on the statement of policy surrounding the use of sustainable building components in all maintenance, construction, and improvement projects within the State’s Transportation Program.

[Sec. 57](#) – **Extension of Sunset of 32 V.S.A. § 604**. Pushes out the sunset of 32 V.S.A. § 604 by three more years, to July 1, 2025. Effective on passage.

[Sec. 58](#) – **Authority for State to Collect Fees for Use of State EVSE (32 V.S.A. § 604)**. Makes no changes to existing statutory authority, but requires the Agency of Transportation and the Department of Buildings and General Services to make staff available to standing committees beginning on January 15 each year to give an oral presentation on the State’s efforts to collect fees at State owned/controlled EVSE and any significant national trends with regards to the pricing of EVSE. Must make available a copy of any applicable fee schedule, as applicable, along with an explanation as to whether or not the fee schedule accounts for expenses associated with the EVSE, including electricity, as part of that presentation.

[Sec. 59](#) – **Extension of Authority for Sec. of Transportation to Relinquish Route 207 Ext.** Extends the length of time that the Secretary of Transportation has the authority to enter into an agreement with the Town of St. Albans to relinquish a segment of the State highway right-of-way for what was to be known as the Vermont Route 207 Extension until June 30, 2032. Effective on passage.

[Sec. 60](#) – **Repeal of 19 V.S.A. § 22**. Repeals the fine applicable for a violation of the since repealed 19 V.S.A. § 21(c).

[Sec. 61](#) – **JTOC Appropriation (TF monies for Dept. of Pub. Safety) (19 V.S.A. § 11a(b))**. Deletes provisions related to fiscal year 2017.

[Sec. 62](#) – **Town Road and Bridge Standards (19 V.S.A. § 996(a))**. Deletes a 2011 reporting requirement.

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Sec. 63 – Effective Dates.

Sec. 1. Transportation Program

- **BIG PICTURE: Probably the most important section of the Transportation Bill (T. Bill). Adopts the Agency of Transportation's (VTrans/Agency/AOT) proposed fiscal year 2023 Transportation Program except as amended in the bill (and provided that funding is available). REMEMBER: This adoption language is why the white binder is "clipped to the back of the T. Bill."**
- Subsec. (a): Adopts the proposed Transportation Program except as amended and to the extent that federal, State, and local funds are available.
- Subsec. (b): Definitions (standard (now to include "candidate project," "development and evaluation (D&E) project," and "front-of-book project") plus "electric vehicle supply equipment (EVSE)" with level 3 also defined).
- Effective: July 1, 2022.

Sec. 2. Summary of Transportation Investments

- **BIG PICTURE: Summarizes transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money (these are in the Proposed Fiscal Year 2023 Transportation Program and the text of the T. Bill itself).**
- Effective: July 1, 2022.

Sec. 3. Electric Vehicle Supply Equipment (EVSE) Grants

- **BIG PICTURE: Authorizes \$6,250,000 in State investments in level 3 EVSE along the State highway network. Silent on funding source, but includes a purpose section since \$2,000,000M is State Fiscal Recovery Funds (SFRF/ARPA). Also includes carryforward and expedient deployment language.**
- Subsec. (a): The Agency of Transportation is responsible for this up to \$6,250,000 authorization for level 3 EVSE along the State highway network consistent with the goals established in the last T. Bill, as amended by Sec. 4 of this T. Bill. Can be used to purchase and install, for grants, or to enter into a public-private partnership for the purchase and installation of level 3 EVSE.
 - NOTE: The Big Bill has this authorization split at \$4,250,000.00 nonfederal (Transportation Fund)/federal (National Electric Vehicle Infrastructure (NEVI) Formula Program available through the Infrastructure Investment and Jobs Act (IIJA)) and \$2,000,000 SFRF/ARPA.
- Subsec. (b): Purpose statement to link to SFRF/ARPA eligibility: respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.

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- Subsec. (c): Allows for up to 15 percent of the total authorization in subsection (a) for administrative costs associated with installing level 3 EVSE along the State highway network.
- Subsec. (d): Allows for carryforward with the approval of the Secretary of Administration and requires that every reasonable effort be taken to deploy authorizations in FY23 in order to keep pace with EVSE deployment necessary to meet statutory emission requirements and the goals of the Climate Action Plan (CAP).
- Subsec. (e): Requires outreach and marketing, including through the use of translation and interpretation service, and states that such costs shall be considered administrative costs for purposes of subsection (c).
- Effective: July 1, 2022.

Sec. 4. Electric Vehicle Supply Equipment (EVSE) Goals

- **BIG PICTURE: Updates the EVSE goals from last year (2021 Acts and Resolves No. 55, Sec. 30) to have a level 3 EVSE within (A) one (as opposed to five) driving miles of every exit of the interstate within the State and (B) 25 (as opposed to 50) driving miles of another level 3 EVSE along the State highway.**
- Effective: July 1, 2022.

Sec. 5. Vehicle Incentives

- **BIG PICTURE: Authorizes funding for existing vehicle incentive programs and public-private partnership with Drive Electric Vermont. Also includes carryforward and expedient deployment language.**
- Subsec. (a): The Agency of Transportation is authorized to spend up to \$12,000,000 on the Incentive Program for New PEVs.
- Subsec. (b): The Agency of Transportation is authorized to spend up to \$3,000,000 on MileageSmart.
- Subsec. (c): The Agency of Transportation is authorized to spend up to \$3,000,000 on Replace Your Ride (existing program that has not been implemented yet).
- Subsec. (d): The Agency of Transportation is authorized to spend up to \$2,000,000 on the existing public-private partnership (P3) with Drive Electric Vermont to support the expansion of the PEV market in the State (stakeholder coordination, policy engagement, consumer education and outreach, infrastructure development, and technical assistance).
- Subsec. (e): Allows for up to 15 percent of any single authorization in subsections (a)–(c) to be used for any costs associated with administering and promoting the vehicle incentive programs.
- Subsec. (f): Allows for carryforward with the approval of the Secretary of Administration and requires that every reasonable effort be taken to deploy

authorizations in FY23 in order to keep pace with electric vehicle deployment necessary to meet statutory emission requirements and the goals of the Climate Action Plan (CAP).

- Subsec. (g): Requires outreach and marketing, in consultation with the Vermont Vehicle and Automotive Distributors Association (VADA), including through the use of translation and interpretation service, on the Incentive Program for New PEVs, MileageSmart, and Replace Your Ride in order to ensure that Vermonters who are eligible under one or more incentive programs can easily learn how to secure as many incentives as are available, and states that such costs shall be considered administrative costs for purposes of subsection (e).
- Effective: July 1, 2022.

Sec. 6. Base MSRP for Incentive Program for New PEVs

- **BIG PICTURE: Increases general Base Manufacturer's Suggested Retail Price (MSRP) of BEVs that are eligible from \$40,000 to \$45,000 and eliminates the Base MSRP cap if the PEV will be issued a special registration plate or predominately used to provide accessible transportation to the grant recipient or a member of the grant recipient's household). Maintains the \$40,000 Base MSRP cap for PHEVs.**
- REMEMBER:
 - PEV = Plug-in electric vehicle (both PHEV and BEV);
 - PHEV = Plug-in hybrid electric vehicle (uses gas & electricity); and
 - BEV = Battery electric vehicle (only uses electricity).
- Effective: July 1, 2022.

Sec. 7. Vermont Association of Snow Travelers (VAST) Authorizations

- **BIG PICTURE: Authorizes the DMV to spend \$50,000 in one-time General Fund monies in grants to VAST to support the Law Enforcement and Safety Program and \$750,000 in one-time General Fund monies in grants to VAST to support the Equipment Grant-in-Aid Program.**
- Subsec. (b): Requires VAST to ensure that the equipment grant awards maximize geographic distribution and utilization of equipment and that grant awards go to applicants that have worked with neighboring clubs to groom at least 60 miles of trails and the equipment to be replaced is at least 15 years old.
- Effective: July 1, 2022.

Sec. 8. Bridge Formula Program for Off-System Bridges

- **BIG PICTURE: Establishes the policy for how increased federal funds, available because of the Infrastructure Investment and Jobs Act (IIJA),**

for off-system bridges will be used to fully cover construction (but with engineering (PE) and right-of-way (ROW) staying at 80 (federal), 10 (State), and 10 (municipal)) for:

- all off-system bridges in the FY23 Transportation Program for Town Highway Bridges that: (1) were not authorized for federal funds for the construction phase prior to the FY23 Transportation Program and (2) are either listed as a front-of-book project or a development and evaluation (D&E) project; and
- all off-system covered bridges and historic truss bridges in FY23 through FY29 based on the statutory prioritization

with the balance of available federal funds going to town highway bridges advanced based on the statutory prioritization,

- Subsec. (a): Findings.
- Subsec. (b): Establishes the implementation tiers.
- Subsec. (c): Repeals the section on October 1, 2029, at the conclusion of the authorized implementation period for the Infrastructure Investment and Jobs Act (IIJA).
- Effective: July 1, 2022.

Sec. 9. Town Highway Bridge Program (FY23)

- **BIG PICTURE: Makes the necessary changes to the Transportation Program authorizations (“white book”) based on Sec. 8 (changes authorizations in FY23—swap of \$689,082 State and \$589,082 municipal for \$1,278,164 federal—and adds covered bridges and historic truss bridges to the candidate list in Town Highway Bridges.**
- Subsec. (a): What projects are at 100% federal for construction.
- Subsec. (b): Corresponding changes to the total authorization for Town Highway Bridges sources of funds changes—swap of \$689,082 State and \$589,082 municipal for \$1,278,164 federal.
- Subsec. (c): Addition of covered bridges to the candidate list.
- Subsec. (d): Addition of historic truss bridges to the candidate list.
- Effective: July 1, 2022.

Sec. 10. Program Development

- **BIG PICTURE: Reduction in Program Development (operating expenses as the expenditure and Transportation Fund monies as the source) by \$54,211 to make up for the miscalculation, based on timing, for the minimum Town Highway Aid appropriation/authorization (Sec. 10).**
- Effective: July 1, 2022.

Sec. 11. Town Highway Aid

- **BIG PICTURE: Increase in Town Highway Aid (grants as the expenditure and Transportation Fund monies as the source) by \$54,211 to match the statutory appropriation.**
- Effective: July 1, 2022.

Sec. 12. Policy and Planning

- **BIG PICTURE: Increase in Policy and Planning (grants as the expenditure and federal (National Electric Vehicle Infrastructure (NEVI)) monies as the source) by \$3,394,522 to cover the full \$4,250,000 for level 3 EVSE along the highways in the Governor's Recommend.**
- NOTE: VTrans says that it has already programmed for the 20% State match in Policy and Planning.
- Effective: July 1, 2022.

Sec. 13. Town Highway Structures and Class 2 Roadway

- **BIG PICTURE: Directs the Agency to carry forward not less than \$866,500 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway structures program and not less than \$951,250 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway class 2 roadway program so as to meet the statutory minimums, as increased in the 2021 T. Bill.**
- Effective: July 1, 2022.

Sec. 14. One-Time Appropriation; DMV IT Project

- **BIG PICTURE: Removes the project from the Transportation Program, since it will not be funded with Transportation Fund monies and will be funded through the Agency of Digital Services, and instead includes a footnote describing the funding source as SFRF/ARPA.**

Sec. 15. Mobility and Transportation Innovation (MTI) Grant Program

- **BIG PICTURE: Re-funds the Mobility and Transportation Innovation (MTI) Grant Program with \$1,500,000 with not less than \$1,250,000 going to support microtransit projects.**
- Subsec. (a): Project addition.
- Subsec. (b): Authorization (\$500,000 in Transportation Fund monies and \$1,000,000 in General Fund monies).
- Subsec. (c): Implementation (continue to administer the MTI Grant Program,

which was created pursuant to 2020 T. Bill) with not less than \$1,250,000 going to support microtransit projects.

- Effective: July 1, 2022.

Sec. 16. Zero-Fare Public Transit in FY23

- **BIG PICTURE: Authorizes \$1,200,000 (General Fund monies) to allow public transit providers to, as practicable and in the sole discretion of the public transit provider, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-COVID-19 levels. Also requires a report to House/Senate Committees on Transportation not later than January 15, 2023 on (1) changes in ridership and (2) what is needed to fund zero-fare going forward.**
- Subsec. (a): Project addition.
- Subsec. (b): Authorization (\$1,200,000 in General Fund monies).
- Subsec. (c): Implementation (public transit agencies shall, as practicable and in the sole discretion of the public transit agencies, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-COVID-19 levels.
- Subsec. (d): Report due to the House and Senate Committees on Transportation not later than January 31, 2023 on:
 - changes in ridership by county and type of service in FY20, FY21, FY22, and FY23 (first half); and
 - estimates the amount of funding needed to provide zero-fare public transit.
- Effective: July 1, 2022.

Sec. 17. Burlington International Airport Study Committee and Report

- **BIG PICTURE: Authorizes \$150,000 (Transportation Fund monies that under the Proposed Fiscal Year 2023 Transportation Program would have been a part of the \$500,000 in Transportation Fund monies used for the nonfederal match for projects at the Burlington International Airport) for a study committee to, with the assistance of an independent third-party consultant with expertise in airport governance, make recommendations on the governance structure of the Airport. Sec. 17 also includes timeline, membership of the Committee, what needs to be reviewed and reported on, and other administrative matters.**
- Subsec. (a): Project addition.
- Subsec. (b): Authorization (\$150,000 in Transportation Fund monies) and reduction in \$500,000 authorization (Transportation Fund monies) in the Proposed Fiscal Year 2023 Transportation Program for the nonfederal match for projects at the Burlington International Airport.
- Subsec. (c): Creation of the Burlington International Airport Study Committee.

- Subsec. (d): Membership and appointment/designation process (includes whether members are voting or nonvoting).
- Subsec. (e): Assistance (administrative, technical, and legal, from the Agency of Transportation) and required contracting by the Agency with an independent third-party consultant with expertise in airport governance (contracting process including review by the Committee in subdiv. (2)) and voluntary contracting by the Agency with a neutral facilitator, if needed.
- Subsec (f): Powers and duties of the Committee, includes what needs to be:
 - Subdiv. (1): reviewed (prior reports, with the ones from 2020, 2013, and 1985 named);
 - Subdivs. (2) and (3): examined (advantages and disadvantages of options identified in the 2013 Airport Strategic Planning Committee Recommendations and any additional governance structure options identified by the consultant or a majority of the voting members of the Committee);
 - Subdiv. (4): identified (other issues warranting study that a majority of the voting members determines warrants study); and
 - Subdiv. (5): recommended (options for the governance structure supported by a majority of the voting members of the Committee).
- Subsec. (g): Report due on or before January 15, 2024, with any recommendations addressing “how to ensure that there are not negative financial impacts on the City of Burlington.”
- Subsecs. (h) and (i): Administrative details about meetings and compensation and reimbursement.
- Effective: July 1, 2022.

Sec. 18. Carbon Reduction Program Monies

- **NOTE: THIS SECTION HEADING WILL NEED TO CHANGE (reference to FY24).**
- **BIG PICTURE: Requires the Agency to consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.**
- Effective: July 1, 2022.

Sec. 19. Plan to Update Vermont State Standards

- **BIG PICTURE: Requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets**

(Vermont State Standards) and related documents to create context sensitive, multimodal projects that support smart growth as recommended in the Revising the Vermont State Standards (VSS) M2D2: Multimodal Development and Delivery Work Plan, March 2015 and budget for the plan to update the Vermont State Standards and related documents in the Proposed Fiscal Year 2024 Transportation Program. Also requires the Agency to make staff available to the House and Senate Committees on Transportation for an oral presentation on the plan beginning on January 15, 2023.

- Effective date: July 1, 2022.

Sec. 20. Transportation Alternatives Grant Program

- **BIG PICTURE:** Deletes some obsolete language (prior fiscal years) and requires that, starting in FY24, 50 percent of Transportation Alternative Grant Program funds (federal program and federal monies, with local match) be reserved for municipalities for environmental mitigation projects related to stormwater and highways, unless eligible applications for environmental mitigation projects accounts for less than 50 percent of the available funds).
- Effective: July 1, 2022.

Secs. 21–23. Amendments to 2021 T. Bill: \$5,000 for EBike Incentive Administration

- **BIG PICTURE:** Allows up to \$5,000 to be used to administer the EBike Incentive Program by taking up to that amount from administration allowances for Replace Your Ride Program.
- NOTE: Change is in three places because of the summary section (2021 Acts and Resolves No. 55, Sec. 2), the EBike authorization section (2021 Acts and Resolves No. 55, Sec. 27), and the Replace Your Ride authorization section (2021 Acts and Resolves No. 28)
- Effective: July 1, 2021 (retroactive).

Sec. 24. Amendment to 2021 T. Bill: EVSE Grant Program for MUDs

- **BIG PICTURE:** Eliminates existing ambiguity as to what types of EVSE are eligible for grant awards under the EVSE Grant Program that was funded with \$1,000,000 in 2021 Acts and Resolves No. 55, Sec. 29 and specifies that grants can be awarded for level 1 and 2 EVSE.
- NOTE: Also uses “multiunit” as opposed to “multi-unit” throughout.
- Effective: July 1, 2021 (retroactive).

Sec. 25. Bicycle and Pedestrian Planning Integration Program

- **BIG PICTURE:** Establishes a program to support the continued development and buildout of bicycle and pedestrian infrastructure and requires consultation between the Agency and the regional planning commissions (RPCs).
- Effective: July 1, 2022.

Secs. 26–34. Transportation Board (Titles 5 and 9)

- **BIG PICTURE:** Makes conforming revisions to Titles 5 and 9 in response to the amendment to 19 V.S.A. § 5(c), made by [2016 Acts and Resolves No. 167, Sec. 6](#), to provide that in virtually all instances appeals from the Transportation Board go to the Supreme Court.
- Effective: July 1, 2022.

Sec. 35. Transportation Board (Title 19)

- **BIG PICTURE:** Adds clarifying language, including subsection headings, to 19 V.S.A. § 5 (the statute that was amended in 2016, thereby necessitating the conforming revisions in Secs. 26–34).
- Effective: July 1, 2022.

Sec. 36. Repeal of Assessment Language

- **BIG PICTURE:** Repeals Title 5 chapter 5, which is now obsolete because the common carrier assessment (in 5 V.S.A. § 63) was repealed in 1988 but the balance of the chapter (5 V.S.A. §§ 64–67) with administrative provisions was not.
- NOTE: Addressed in [Fiscal Note](#).
- Effective: July 1, 2022.

Sec. 37. On-Premises Signs (10 V.S.A. § 493)

- **BIG PICTURE:** Amends 10 V.S.A. § 493(1), and the allowance for on-premises signs, to measure the distance from the on-premises sign to a main entrance based on a straight line, and not a line measured along the centerline of the highway, if the change in elevation from the sign to the main entrance is more than 100 feet.
- NOTE: This basically just says that if a business is at the top of or bottom of a really steep hill with a windy road that there can be an on-premises sign at the turn off, example being National Life.
- Effective: July 1, 2022.

Sec. 38. Right-of-Way (1111) Permit Fees (19 V.S.A. § 1112)

- **BIG PICTURE: Amends law to only assess the 1111 permit fee for stormwater utility connections that are subsurface, and only for the collective-direct connection to the State highway subsurface stormwater system and not each direct connection individually. This change will make statute align with what VTrans says current practice is.**
- NOTE: The stormwater system definition that is being incorporated includes: “the storm sewers; outfall sewers; surface drains; manmade wetlands; channels; ditches; wet and dry bottom basins; rain gardens; and other control equipment necessary and appurtenant to the collection, transportation, conveyance, pumping, treatment, disposal, and discharge of regulated stormwater runoff.”
- NOTE: Addressed in [Fiscal Note](#).
- Effective: July 1, 2022.

Sec. 39. Site Plan Review (24 V.S.A. § 4416(b))

- **BIG PICTURE: Changes “shall” (mandatory) to “may” (permissive) and strikes “any” based on the Agency’s concerns, after a period of implementation of changes made in the last T. Bill, surrounding needing to include all permit conditions in the letter, even ones that are standard and dealt with in the permit itself or not known at the early stage of the site plan review process.**
- Effective: July 1, 2022.

Sec. 40. Smugglers’ Notch Restrictions (23 V.S.A. § 1006b)

- **BIG PICTURE: Makes changes to existing law to have the civil penalty be assessed against the employer of the operator of the vehicle that violates statute and have the vehicle prohibition to be based on length and not type of vehicle.**
- Amendments to subsec. (a): Adds a subsection heading.
- Amendments to subsec. (b): Adds a subsection heading; deletes the (no longer necessary) definition of “commercial motor vehicle”; bases the prohibition on length (40 feet for single-frame motor vehicles and 45 feet in total length for tractor units with one or more attached trailers); changes the violation applicability to operator’s employer; and adds an exemption for certain law enforcement/rescue vehicles.
- Amendments to subsec. (c): Adds a subsection heading.
- Effective: July 1, 2022.

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- Sec. 41. Repeal of Authority to Restrict the Use of Covered Bridges (19 V.S.A. § 313)
- **BIG PICTURE: Repeals municipal authority to restrict the use of covered bridges, but added back (in updated form) as 23 V.S.A. § 1397a (Sec. 45).**
 - Effective: July 1, 2022.
- Sec. 42. Repeal of Penalties for Violating Covered Bridges Restrictions (19 V.S.A. § 315)
- **BIG PICTURE: Repeals fines but added back (in updated form and as civil penalties) as 23 V.S.A. § 1434(c) (Sec. 49).**
 - Effective: July 1, 2022.
- Secs. 43–44. Redesignating Section Headings for Specificity (23 V.S.A. §§ 1396 and 1397)
- **BIG PICTURE: Adds “weight” or “weight limits” to the section headings for statutes on weight limits and weight limit signs.**
 - Effective: July 1, 2022.
- Sec. 45. Municipal Authority to Set Limits for Covered Bridges (23 V.S.A. § 1397a)
- **BIG PICTURE: Recodification of language to allow a municipality (or municipalities jointly where the covered bridge connects multiple municipalities), in consultation with VTrans, to establish one or more of the following: weight, height, or width limits on covered bridges. Requires that any limits be permanently posted with signs that conform to the Manual on Uniform Traffic Control Devices (MUTCD), what is referenced in 23 V.S.A. § 1025, in specified locations.**
 - Effective: July 1, 2022.
- Sec. 46. Certified Statement (23 V.S.A. § 1398)
- **BIG PICTURE: Makes technical corrections and adds in the requirement that a certified statement of limits for covered bridges also be filed with the clerk in the municipality.**
 - Effective: July 1, 2022.
- Sec. 47. Weight Limit Restrictions Exclusions (23 V.S.A. § 1399(b))
- **BIG PICTURE: Expands the exclusion for municipal and volunteer fire apparatus that can be operated in excess of weight limitations to also include law enforcement motor vehicles (probably limited applicability).**
 - Effective: July 1, 2022.

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Sec. 48. Agricultural Services Vehicles (23 V.S.A. § 1400d)

- **BIG PICTURE: Exempts agricultural service vehicles (defined) from prohibition on operating in excess of covered bridges limits.**
- Effective: July 1, 2022.

Sec. 49. Operating in Excess of Limits (23 V.S.A. § 1434)

- **BIG PICTURE: Adds subsection headings and makes technical corrections, but the substantive amendment is the addition of subsection (c), which is what establishes the following civil penalties for operating in violation of posted limits for a covered bridge or general limits for certain types of bridges: \$1,000 for a first violation; \$2,000 for a first violation that substantially impedes the flow of traffic and doubled for a second or subsequent conviction within a three-year period.**
- NOTE: Addressed in [Fiscal Note](#).
- Effective: July 1, 2022.

Sec. 50. Liability for Damages (23 V.S.A. § 1492)

- **BIG PICTURE: Updates very outdated internal citations and adds subsection 1434(c) to the list of violations that trigger liability for damages to the public highway or bridge (only substantive change).**
- Effective: July 1, 2022.

Sec. 51. Repeal of Ability to Recover Expenses for Emergency Services Related to Closed Roads (23 V.S.A. § 1112)

- **BIG PICTURE: Repeals ability to recover expenses for emergency services related to closed roads but added back as part of 24 V.S.A. § 2296a (Sec. 52).**
- Effective: July 1, 2022.

Sec. 52. Recovery for Expenses for Emergency Services (24 V.S.A. § 2296a)

- **BIG PICTURE: Allows a municipality that deploys rescue services to aid stranded operators or move disabled vehicles to recover from the operator or operator's employer, provided that the operator was acting during or incidental to the operator's scope of employment (tracks case law on respondeat superior), the costs of providing rescue services.**
- Effective: July 1, 2022.

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Sec. 53. Filing of Restrictions (23 V.S.A. § 1400b)

- **BIG PICTURE: Eliminates the requirement that municipalities file a complete copy of the list of special weight limits for roads in the municipality by February 10 of each year.**
- Effective: July 1, 2022.

Sec. 54. Findings (on use of sustainable building components)

- **BIG PICTURE: Includes findings on the use of sustainable building components (relates to Secs. 55 and 56).**
- Effective: July 1, 2022.

Sec. 55. Repeal of Requirement that Agency of Transportation Use Recycled Asphalt Pavement (RAP) (19 V.S.A. § 10c(m))

- **BIG PICTURE: Repeals the statutory requirement that the Agency of Transportation use recycled asphalt pavement (RAP) in certain instances but added back in as 19 V.S.A. § 10m(c) (Sec. 56).**
- Effective: July 1, 2022.

Sec. 56. Statement of Policy on Sustainable Building Components (19 V.S.A. § 10m)

- **BIG PICTURE: Adds a new section to codified law on the statement of policy surrounding the use of sustainable building components in all maintenance, construction, and improvement projects within the State's Transportation Program.**
- Subsec. (a): Add the policy statement, which states that it shall be the State's policy to use sustainable building components, including recycled materials and manufacturing byproducts, in all maintenance, construction, and improvement projects within the State's Transportation Program to the extent that there are quality sustainable building components available and the use is consistent with producing transportation assets with a demonstrated evidence of long-term durability.
- Subsec. (b): Requires the Agency to define its performance and related specifications and bid documents to allow, as practicable, and encourage the use of sustainable building components.
- Subsec. (c): RAP language that is moved from 19 V.S.A. § 10c(m) (Sec. 55).
- Subsec. (d): Encourages the Agency to continue research, testing, and, wherever practicable, using sustainable building components, pozzolans, and alternatives to Portland Cement as part of construction specifications.
- Subsec. (e): Requires the Agency, in consultation with the Recycled Materials Working Group, to provide an oral report to the House and Senate Committees on Transportation on the use of sustainable building components

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in maintenance, construction, and improvement projects within the State's Transportation Program.

- Effective date: July 1, 2022.

Sec. 57. Extension of Sunset of 32 V.S.A. § 604

- **BIG PICTURE: Pushes out the sunset of 32 V.S.A. § 604 by three more years, to July 1, 2025.**
- NOTE: Addressed in [Fiscal Note](#).
- Effective: On passage.

Sec. 58. Authority for State to Collect Fees for Use of State EVSE (32 V.S.A. § 604)

- **BIG PICTURE: Makes no changes to existing statutory authority, but requires the Agency of Transportation and the Department of Buildings and General Services to make staff available to standing committees beginning on January 15 each year to give an oral presentation on the State's efforts to collect fees at State owned/controlled EVSE and any significant national trends with regards to the pricing of EVSE. Must make available a copy of any applicable fee schedule, as applicable, along with an explanation as to whether or not the fee schedule accounts for expenses associated with the EVSE, including electricity, as part of that presentation.**
- Effective: July 1, 2022.

Sec. 59. Extension of Authority for Sec. of Transportation to Relinquish Route 207 Ext.

- **BIG PICTURE: Extends the length of time that the Secretary of Transportation has the authority to enter into an agreement with the Town of St. Albans to relinquish a segment of the State highway right-of-way for what was to be known as the Vermont Route 207 Extension until June 30, 2032.**
- Effective: On passage.

Sec. 60. Repeal of 19 V.S.A. § 22

- **BIG PICTURE: Repeals the fine applicable for a violation of the since repealed 19 V.S.A. § 21(c).**
- NOTE: Addressed in [Fiscal Note](#).
- Effective: July 1, 2022.

Sec. 61. JTOC Appropriation (TF monies for Dept. of Pub. Safety) (19 V.S.A. § 11a(b))

- **BIG PICTURE: Deletes provisions related to fiscal year 2017.**

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- Effective: July 1, 2022.

Sec. 62. Town Road and Bridge Standards (19 V.S.A. § 996(a))

- **BIG PICTURE: Deletes a 2011 reporting requirement.**
- Effective: July 1, 2022.

Sec. 63. Effective Dates