



Act 250 Proposed Language for Transportation Projects

SENATE NATURAL RESOURCES COMMITTEE
APRIL 19, 2021
MICHELE BOOMHOWER, VT AGENCY OF TRANSPORTATION



VTrans proposes to:

- Continue its in-depth environmental review of projects
- Modify its means for calculating jurisdictional threshold under Act 250
- Minimize redundancy
- Minimize project delays

Proposal

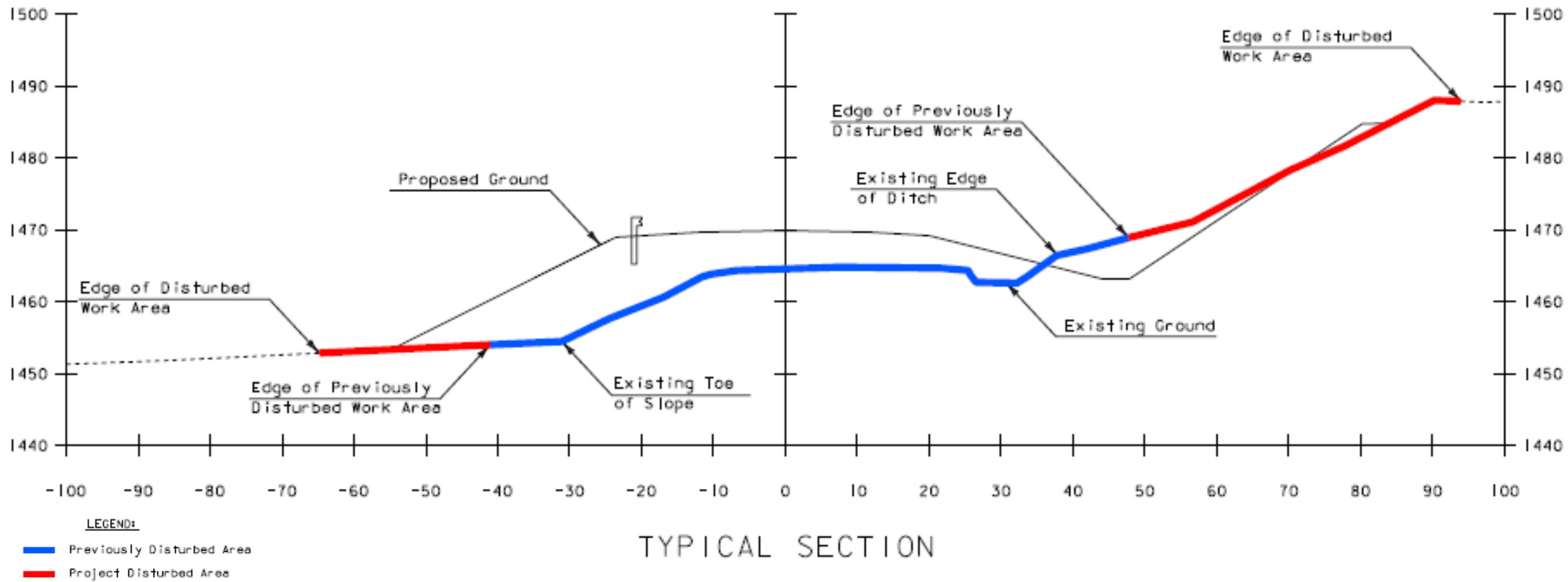


Project Environmental Milestones:

- Resource ID
- NEPA (National Environmental Policy Act)
- Permitting
- NEPA Re-Evaluation

Environmental Review of Projects

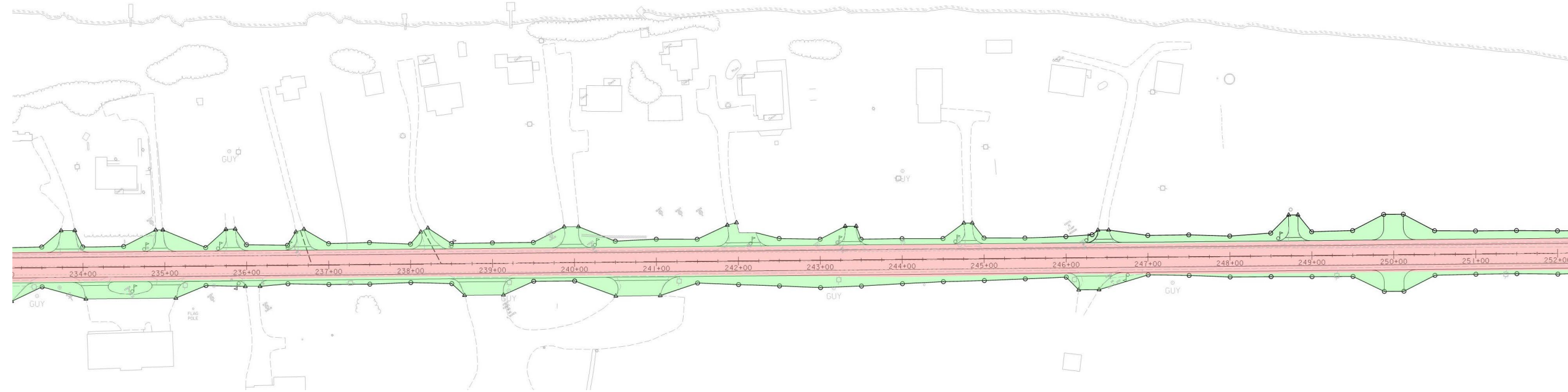




CALCULATION - EXAMPLE ROADWAY CROSS SECTION

blue = previously disturbed area to be excluded from jurisdictional calculation

red = newly disturbed to be included in jurisdictional calculation



- Disturbed area calculated to be approximately 24.0 acres via current practice (depicted within the bounds of green and red shading)
- All but approximately 10.6 acres of that (green shading) is on what would be considered previously disturbed soil (red shading).

CALCULATION - EXAMPLE ROADWAY PLAN VIEW

red = previously disturbed area to be excluded from jurisdictional calculation

green = newly disturbed to be included in jurisdictional calculation

AOT projects with 10 acres or more of new disturbance
will continue to fall under Act 250

- Projects which result in land use changes such as
 - corridor projects with new climbing lanes or additional turning lanes,
 - major realignments,
 - new interstate exits

Example Projects - Champlain Parkway; Pittsford/Brandon;
Cabot/Danville; Exit 12B South Burlington

WHAT REMAINS UNDER ACT 250 JURISDICTION?



AOT projects with 10 acres or less of new disturbance
will not be subject to Act 250 jurisdiction

➤ Reconstruction and upgrades of existing infrastructure
such as

- reconstruction of roads on existing alignment,
- intersection updates,
- upgrades to sidewalks, pathway, etc.

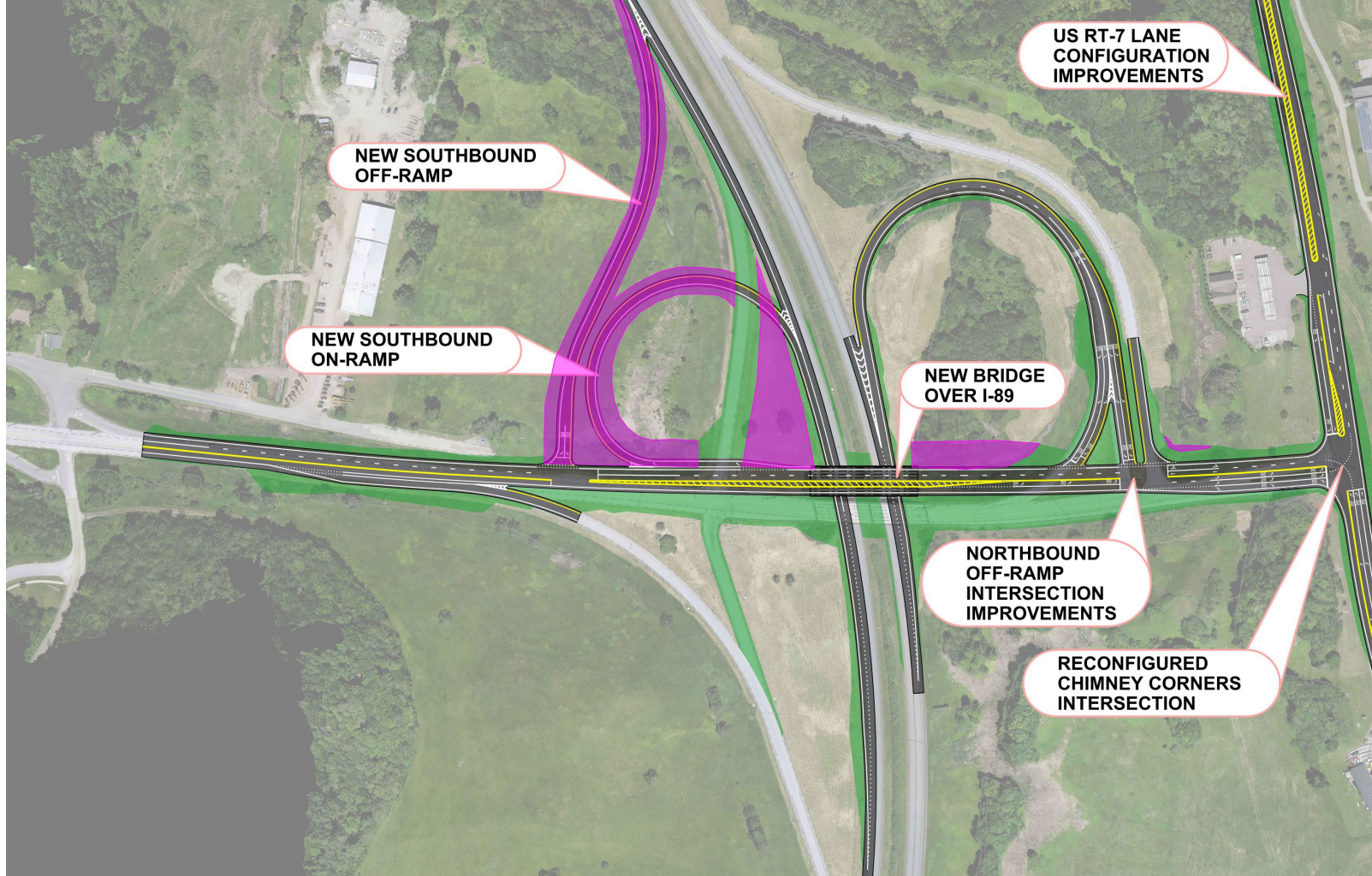
Example Project – Colchester Exit 17

WHAT CHANGES?



Project	Current Jurisdiction		Proposed Jurisdiction		Project Length (miles)	Comments
	Calc (acres)	Permit Req	Calc (acres)	Permit Req		
Charlotte Route 7	42.2	Yes	5.9	N	2.9	The existing roadway was wide and new disturbance was related mostly to temporary impacts associated with lane shifts to allow for two-way traffic during construction.
Colchester Exit 16 DDI	17.7	Yes	2	N	1.1	Project has been delayed due to hearings related to appeals by interested party. The proceedings have added substantial time and money to the project.
Colchester Exit 17	21.6	Yes	3.5	N	Non-Linear 2.5 miles including US Route 2, I-89, I-89 ramps, and US Route 7	It is the opinion of VTrans that this project does not represent a substantial change to a pre-existing development; however, the Commission did not agree.
Cabot Danville	20.3	Yes	5	Y	1.4	This is part of a corridor project constructed in Contracts. The analysis was for one of four contracts so the total for all 4 would surely be > 10 acres; thus, fall under jurisdiction of the newly proposed language.
Pittsford Brandon	21.8	Y	4.75	Y	1.4	Similar to Cabot Danville; this project was evaluated as only one of several segments of a corridor. The total project would surely include > 10 acres of new disturbance; thus, fall under jurisdiction of the proposed language.
Brattleboro Interstate Bridges	>10	No	N/A for this exercise	Unknown	Non-Linear	Jurisdictional Opinion written to determine the project did not constitute a substantial change and thus Act 250 did not apply.
Swanton	24	Yes	10.6	?	5.7	It is the opinion of VTrans that this project does not represent a substantial change and will seek a JO from the commission.

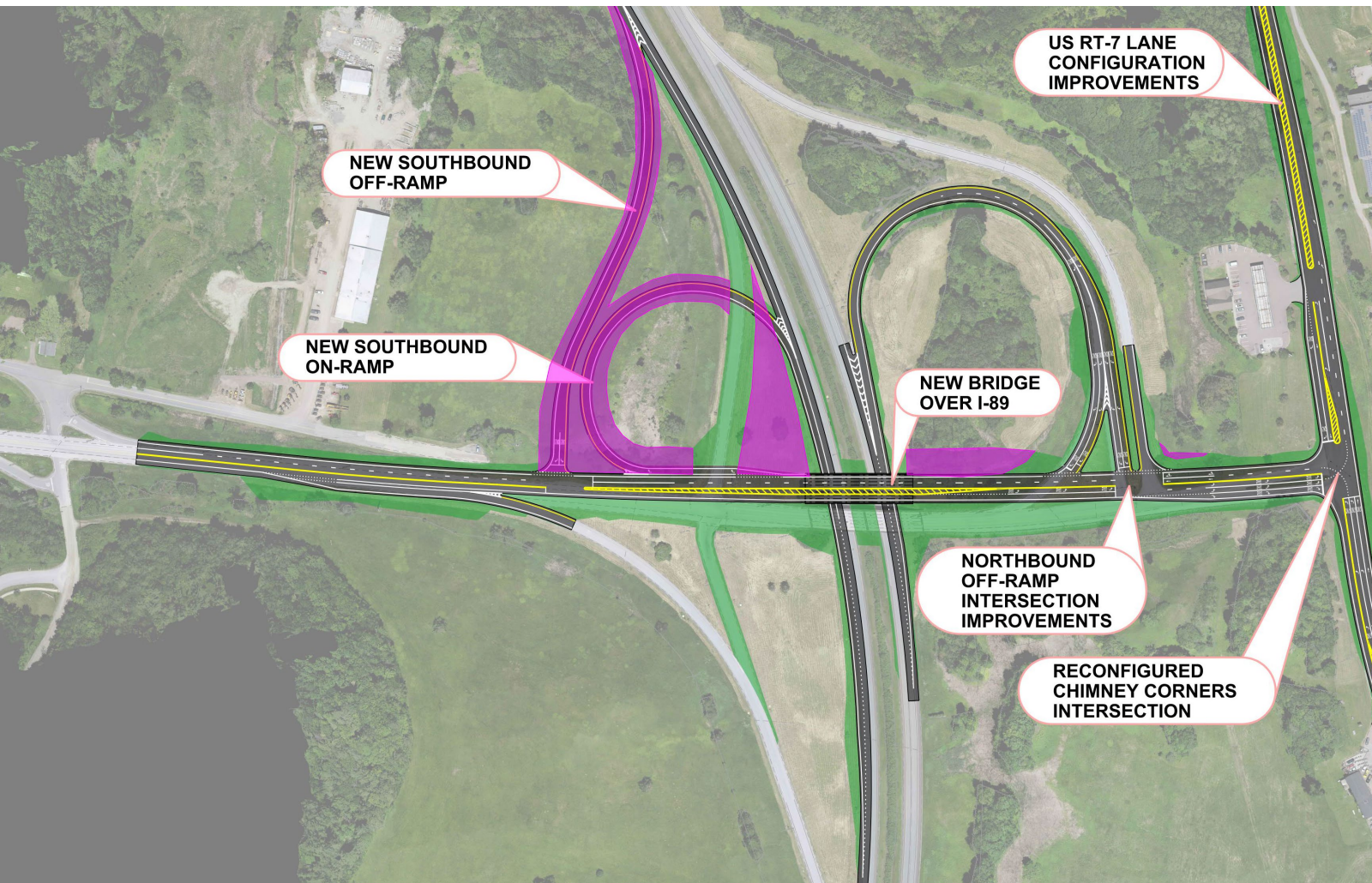
JURISDICTIONAL DIFFERENCES



EXAMPLE PROJECT

green shading = previously disturbed area to be excluded from jurisdictional calculation

red shading = newly disturbed to be included in jurisdictional calculation



- Project schedule and cost impact
- Redundant permit conditions
- No change to the project

EXAMPLE PROJECT

Efficiency and Redundancy



INTER-OFFICE MEMORANDUM

AOT - PDB - ENVIRONMENTAL SECTION

PERMITTING & CLEARANCES REQUIRED

TO: _____, Project Manager
DATE: _____
COPY: Environmental Section Project File; Central Files; (and Consultant)
FROM: _____, Environmental Specialist
PROJECT: _____

At this time and based on the review of the Preliminary Plan set, Project Impact Data Form, and supporting documentation dated (date), the following permits will be required for this project to advance. Changes in scope of work may require additional permitting. The Environmental Section (or Consultant on retainer) will commence permitting (define roles and responsibilities on permitting and NEPA)

STATE APPROVALS (REQUIRED):

- ☐ VTrans Historic Preservation & Archaeological Officers (22 V.S.A. Ch 14)
- ☐ 1272 Order (10 V.S.A. Ch 47, Section 1272)
- ☐ Stream Alteration Permit (10 V.S.A. Ch. 41) and Consultation (19 V.S.A. Ch. 1, Section 10[12])
- ☐ Stream Obstruction Permit (10 V.S.A. Ch 111, Section 4607)
- ☐ NPDES Construction General Permit (40 C.F.R. Part 122.26 – Title 10, V.S.A. Ch 47) – NOI Authorization to Discharge required prior to construction for ≥ 1 acre disturbance:
 - ☐ Construction Stormwater Individual Permit
 - ☐ CGP #3-9020(2006) Low or Moderate Risk
- ☐ VTrans EPSC Plan Pursuant to PDD Directive to comply with “VANR Low Risk Handbook for projects under 1 acre:
- ☐ Storm Water Discharge Permit:
 - ☐ Individual Permit
 - ☐ GP #3-9015 ACT 140 – Stormwater Discharge
 - ☐ GP #3-9010(2003)
 - ☐ “WIP” Watershed Improvement Permit
- ☐ Underground Injection Permit
- ☐ Compliance with MS4 GP-3-9014.
- ☐ Compliance with TS4 GP
- ☐ State Wetland Permit (10 V.S.A. Ch. 37, Section 905 [7-9] [1986])
- ☐ Lakes and Ponds Permit (29 V.S.A. Ch 11)
- ☐ Threat. and End. Species Permit (10 V.S.A. Ch 123)
- ☐ Act 250 Land Use Permit (10 V.S.A. Ch 151)
- ☐ Agency of Agriculture
- ☐ Hazardous Waste (10 V.S.A. Ch 159)
- ☐ Insignificant Waste Management Event (10 V.S.A. Ch 159)
- ☐ Dam Construction Permit (10 V.S.A. Ch 43)
- ☐ Scenic Roads (10 V.S.A. Section 425 & 19 V.S.A. Ch 25)
- ☐ Flood Hazard Area and River Corridor Permit (10 V.S.A. Ch. 29)
- ☐ Shoreland Protection Permit (10 V.S.A. Ch. 49A)
- ☐ Other State Clearances and Approvals (see below):
 - ☐ _____

FEDERAL APPROVALS (REQUIRED):

- ☐ Section 106 Evaluation (16 U.S.C. National Historic Preservation Act)
- ☐ Section 4(f) Evaluation (23 U.S.C. 138 Preservation of Parklands & 49 U.S.C. 303)
- ☐ Section 6(f) Evaluation (16 U.S.C. Ch 1, Section 4601-4 Land & Water Conservation Fund)
- ☐ USDA Green Mountain National Forest Authorization under FHWA MOU
- ☐ 401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401)
- ☐ 404 Corps of Engineers Permit (33 U.S.C. 1344 Clean Water Act, Section 404) (Can waive 401 Water Quality Certification)
- ☐ NEPA Documentation via FHWA (23 C.F.R. Part 771.117)
- ☐ NEPA Documentation via FAA
- ☐ NEPA Documentation via FRA
- ☐ NEPA Documentation via FEMA
- ☐ RCRA (Resource Conservation & Recovery 42 U.S.C. Ch 82)/CERCLA (Comprehensive Environmental Response, Compensation, & Liability Act 42 U.S.C Ch 103)
- ☐ US Coast Guard (33 U.S.C. 403 Rivers & Harbors - Sec. 10 Navigable Waters)
- ☐ USCG Section 144(h) (23 CFR 650.805 and 33 CFR 115.50(c) & 115.70(a))
- ☐ Floodplain Management - FEMA (Floodway and Floodplain) & Executive Order 11988
- ☐ Wetland Protection (Executive Order 11990)
- ☐ Wild and Scenic Rivers Act 1982
- ☐ Environmental Justice (Executive Order 12898)
- ☐ Farmland Protection (7 U.S.C. Part 658)
- ☐ Fish & Wildlife Coordination Act (16 U.S.C. Part 661 – 666)
- ☐ Clean Air Act (42 U.S.C. Ch 85 and 23 U.S.C. Ch 1, Section 109[J])
- ☐ Endangered Species Act (16 U.S.C. Section 1531 – 1534) – USF&W Service Section 7 consultation
- ☐ Other Federal Clearances and Approvals (see below)
 - ☐ _____

Comment & Discussion:

I will contact you to discuss permitting and clearances requirements. Feel free to contact me at your convenience if you have any questions.

Attachments (Plan Cover Sheet)
 (Project Impacts & Clearance Data Memo)



Criterion(1)		Description	Potential Impact(2)	Notes/Comments	Associated Collateral Permit/Reviews
1		Air & water pollution	Minor, Temporary, Long-term Beneficial	Temporary air pollution impacts during construction; post construction improvement due to reduce idling. Water pollution detailed below.	DEC Const. Phase SW Permit / NEPA
1	A	Headwaters	None	Project not located in headwaters area.	NA DEC Drinking Water and Groundwater Protection / 401 Water Quality Certification
1	B	Waste disposal	Minor, Temporary, Long-term Beneficial	Construction waste management, design to incorporate operational phase stormwater management which would bring about improved water quality compared to existing conditions. Short-term impact during construction phase.	DEC Const. Phase SW Permit/DEC Op. Phase SW Permit / NEPA
1	C	Water conservation	None	Project would not impact water conservation as it has no associated long-term water use. Not applicable.	NA [DEC Wastewater System and Potable Water Supply Permit]
1	D	Floodways	None	No FEMA mapped floodplains in the Project Area.	NA [DEC Flood Hazard Area River Corridor Permit] / NEPA]
1	E	Streams	None	The Project avoids all work within the area of the perennial stream.	NA [19 VSA Ch1 Section 10(12) "Title 19" DEC River Mgt Consultation / NEPA]
1	F	Shorelines	None	None present in the Project Area.	NA [DEC Lake Encroachment Permit / DEC Shoreland Permit]
1	G	Wetlands	Moderate	Impacts to Class II wetlands and buffers associated with the Project. Would likely meet threshold for individual VWP and Section 404 permit. Depending on the degree of impact a mitigation and/or in lieu fee may be required.	Vermont Wetlands Permit / USACE Section 404 Permit / Section 401 WQC (potential) / NEPA
2, 3		Water supply	Minor, Temporary	Project would use limited amounts of water during construction and would not use water for operation. Not located with surface or groundwater source protection area. There are several private wells in the vicinity, but little or no blasting is anticipated during construction.	NA [DEC Wastewater and Potable Water Supply Permit / NEPA]
4		Soil Erosion	Minor, Temporary	EPSC plan and DEC construction stormwater permit would be required for construction phase stormwater management.	DEC Const. Phase SW Permit / DEC Op. Phase SW Permit
5	A	Traffic	Minor Temporary, Long-term Beneficial	Reconstruction of the transportation infrastructure through this Project is intended to mitigate existing traffic safety issues. Temporary traffic impacts during construction would be mitigated through the implementation of a comprehensive Transportation Management Plan and Smart Work Zone deployment. Project is intended to mitigate existing traffic safety issues. Traffic study shows the long-term alternatives considerably improve traffic flow.	NEPA
5	B	Transportation	Minor Temporary, Long-term Beneficial	The proposed interchange improvements incorporate enhanced bicycle facilities. The Chimney Corners Park and Ride is the only public transportation in the area. No impacts are proposed to the facility and it would continue to be utilized and maintained.	NA [NEPA]
6		Educational services	None	No effect.	NA [NEPA]
7		Municipal services	Minor Temporary, Local, Long-term Beneficial	Long term improvement due to anticipated reduction in traffic congestion. Short-term impact during construction.	NA [NEPA]
8		Aesthetics, scenic and natural beauty	Minor	Project area highway current/future includes infrastructure would not appreciably change the landscape.	NEPA
8		Historic sites & archeology	None	Hartgen conducted a Phase IB archeological survey in November 2018. No precontact cultural materials or potentially significant historic deposits were recovered during the Phase IB testing, and no further archeological work is recommended for the project as presently designed.	Section 106 and 404 Review Section 4(f) NEPA
8		Rare and irreplaceable natural areas	Minor	No DEC-mapped significant natural communities are mapped within the Project Area. Very minimal impacts to a potential significant natural community are possible due to the reconfiguration of the signalization at the Chimney Corners intersection.	NEPA [F&W Coord]
8	A	Necessary wildlife habitat and endangered species	None to Minor and Local	No known necessary wildlife habitat areas, rare and endangered species, or deer wintering areas are located within the Project Area. VTFWD would be consulted for tree cutting.	NEPA [F&W T&E Permit / Fed ESA Permit]
9	A	Impact of growth	None	The Project involves improvements to an existing highway interchange facility to accommodate growth in the surrounding towns and counties and is not a trip generator.	NA
9	B	Primary agricultural soils	Minor	The relocated southbound off ramp would unavoidably impact 0.88 acres of primary agricultural soils. AAFM has issued a letter to VTrans and VHB indicating concurrence with the de minimis conclusion and indicating that no mitigation would be required.	Agency of Agriculture Review NEPA
9	C	Productive forest soils	None	Not located in an area of productive forest soils.	NA [USDA Green Mountain National Forest Authorization under FHWA MOU]
9	D&E	Earth Resources and Extraction of Earth Resources	None	This Project is not located in an area with potential for extraction of earth resources. These criteria are not applicable to the Project.	NA
9	F	Energy conservation	None	Not applicable.	NA
9	G	Private utility services	None	There are no private utilities associated with the Project.	NA
9	H	Scattered development	None	Would not place an excessive or uneconomic demand on any governmental or public facilities or services. Improved travel times would be a primary economic benefit.	NA [NEPA]
9	J	Public utility services	Minor and Local	Existing public utilities would remain available following the construction of the Project. Some utilities would require relocation or alteration to accommodate Project design.	NA [NEPA]
9	K	Public investments	None	Park and Ride facility to be maintained.	Section 4(f) / NEPA
9	L	Settlement patterns	None	Would make efficient use of existing highway infrastructure.	NA [NEPA]
10		Local and regional plans	None	Work planned for Exit 17 in conformance with Colchester Town Plan, 2018 Chittenden County Plan, and CCMPO Metropolitan Transportation Plan.	NEPA

NOTES:

1. List of criteria based on NRB website (<http://nrb.vermont.gov/act250-permit/criteria>; accessed April 2018) and 10 V.S.A. § 6086

2. Explanation of Impact Terms:

None: Project is not expected to result in any impacts.

Minor: Project impacts would be expected to be measurable, but not significant

Moderate: Project impacts greater than minor are possible. Further assessment is needed to determine level of significance and adversity

Local: Impact would only occur in the nearby Project vicinity

Temporary: Impacts would be limited to Project construction phase

Long Term: expected to exceed Project construction phase

Beneficial: Project impact expected to result in a favorable outcome

Also, note that all impacts are presumed to be permanent, unless noted above as Temporary

Bolded indicated reviews relevant to Exit 17 Project; unbolded indicate permit related to criterion but not needed for this project.

Act 250 Application Criteria Descriptions	Regulator	State/Federal Permit	NEPA (list below refers to the Environmental Checklist)
Criterion 1 - Air Pollution: Demonstrate that the project will not cause undue air pollution.	ANR Air Quality and Climate Division/EPA	1) VT Air Permit; 2) Clean Air Act (42 U.S.C. Ch 85 and 23 U.S.C. Ch 1, Section 109[j])	1. Air Quality, 2. Noise
Criterion 1A - Headwaters: Demonstrate that the project will meet any applicable environmental conservation department regulations regarding any reduction of the quality of ground or surface waters in a headwaters area.	ANR Drinking Water and Groundwater Protection and 401 Water Quality Certification	401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401)	
Criterion 1B - Waste Disposal: Demonstrate that the project will meet any applicable health or environmental conservation department regulations regarding the disposal of wastes and demonstrate that the project will not involve the injection of wastes or toxic substances into ground waters.	ANR Waste Management, Waste Reduction Plan; North Hero Drawbridge Project had a Wastewater System And Potable Water Supply Permit (WW/PWS) for a well and septic system for the Tender House	ANR Stormwater Permit: 1) Storm Water Discharge Permit: Individual Permit, GP #3-9015 ACT 140 – Stormwater Discharge, GP #3-9010(2003); 2) Compliance with TS4 GP 3-9007; 3) Hazardous Waste (10 V.S.A. Ch 159); 4) Insignificant Waste Management Event (10 V.S.A. Ch 159); 5) Compliance with M54 GP-3-9014; 6) Underground Injection Permit; 7) NPDES Construction General Permit (40 C.F.R. Part 122.26 – Title 10, V.S.A. Ch 47) – NOI Authorization to Discharge required prior to construction for >= 1 acre disturbance: Construction Stormwater Individual Permit, CGP #3-9020(2006) Low or Moderate Risk; 8) Multi-Sector Industrial Stormwater GP 3-9003.	3. Water Quality, 8. Hazardous/ Residual Waste Liabilities - CERCLA and/or RCRA requirements
Criterion 1C - Water Conservation: Demonstrate that the project will use the best available water conservation technology.		Wastewater System and Potable Water Supply Permit	
Criterion 1D - Floodways: Demonstrate the the Project will not restrict or divert the flow of flood waters, and endanger the health, safety and welfare of the public or riparian owners during flooding-. Floodway Fringe: Demonstrate that the Project will not significantly increase the peak discharge of the river or stream and endanger the health, safety and welfare of the public or riparian owners during flooding.	ANR Floodplains Section	Flood Hazard Area River Corridor Permit: 1) Flood Hazard Area and River Corridor Permit (10 V.S.A. Ch. 29); 2) Floodplain Management - FEMA (Floodway and Floodplain) National Flood Insurance Program;	3. Water Quality
Criterion 1E - Streams: Demonstrate that the project will maintain the natural condition of any streams, when feasible.	ANR River Management;	ANR Watershed: stream alteration permit: 1) Stream Alteration Permit (10 V.S.A. Ch. 41); 2) Consultation (19 V.S.A. Ch. 1, Section 10[12]); 3) Stream Obstruction Permit (10 V.S.A. Ch 111, Section 4607); 4) 401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401); 5) Wild and Scenic Rivers Act 1982	3. Water Quality
Criterion 1F - Shorelines: Demonstrate that if the project is located along a shoreline, it complies with the four standards relating to the condition of the shoreline listed in b. below.	ANR Lakes and Ponds Shoreland Protection;	Lakes and Ponds Permit: 1) Lakes and Ponds Permit (29 V.S.A. Ch 11); 2) Shoreland Protection Permit (10 V.S.A. Ch. 49A)	3. Water Quality
Criterion 1G - Wetlands: Demonstrate that the project will meet applicable Water Resources Board regulations regarding any impacts on designated significant wetlands.	ANR Wetlands Section and Army Corps;	State Wetlands and 404 Army Corps Permit: 1) 10 V.S.A. Ch 47, Section 1272; 2) State Wetland Permit (10 V.S.A. Ch. 37, Section 905); 3) 401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401); 4) 404 Corps of Engineers Permit (33 U.S.C. 1344 Clean Water Act, Section 404)	3. Water Quality, 4. U.S. Army Corps of Engineers
Criterion 2 and 3 - Water Supply: Demonstrate that the project will meet applicable Water Resources Board regulations regarding any impacts on designated significant wetlands.	ANR Drinking Water and Groundwater Protection;	1) Wastewater and Potable Water Supply Permit, Permit to Construct; 2) Nontransient Noncommunity Water System Permit; 3) Transient Noncommunity Operating Permit; 4) Groundwater Withdrawal/ Registration; Link to permit rules: https://dec.vermont.gov/water/laws	3. Water Quality
Criterion 4 - Soil Erosion: Demonstrate that the project will not cause unreasonable soil erosion and will not cause a reduction in the capacity of the land to hold water so that a dangerous condition results.	ANR Stormwater	Operational and Construction Stormwater Permits: 1) NPDES Construction General Permit (40 C.F.R. Part 122.26 – Title 10, V.S.A. Ch 47) – NOI Authorization to Discharge required prior to construction for >= 1 acre disturbance: Construction Stormwater Individual Permit, CGP #3-9020(2006)Low or Moderate Risk;	
Criterion 5 - Transportation: Demonstrate that the project will not cause unreasonable congestion or unsafe conditions with respect to the use of highways and other means of transportation and that it will provide access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services.	RPCs; VTrans 1111 and PPAID	1) Scenic Roads (10 V.S.A. Section 425 & 19 V.S.A. Ch 25);	13. Social and Economic Concerns, 14. Aesthetic Concerns, 15. Effects of Temporary Detour/Bridge
Criterion 6 - Educational Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide educational services.			13. Social and Economic Concerns
Criterion 7 - Municipal Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide municipal or governmental services.			13. Social and Economic Concerns
Criterion 8 - Scenic Beauty, Historic Sites, and Natural Areas: Demonstrate that the project will not have an undue adverse effect on the scenic or natural beauty on the area, aesthetics, historic sites, or rare or irreplaceable natural areas.	ANR and Vtrans; Section 106, Section 4(f), Vermont Division for Historic Preservation; ANR Fish and Wildlife	Section 106 and Section 4(f) Reviews: 1) VTrans Historic Preservation & Archaeological Officers (22 V.S.A. Ch 14); 2) Section 106 Evaluation (16 U.S.C. National Historic Preservation Act); 3) Section 4(f) Evaluation (23 U.S.C. 138 Preservation of Parklands & 49 U.S.C. 303)	2. Noise, 9. Historical or Archaeological Resources (Section 106), 10. Section 4(f) and 6(f) Resources
Criterion 8A - Wildlife and Endangered Species: Demonstrate that the project will not destroy or significantly imperil necessary wildlife or endangered species habitat.	ANR Fish and Wildlife	1) Threat. and End. Species Permit (10 V.S.A. Ch 123); 2) Fish & Wildlife Coordination Act (16 U.S.C. Part 661 – 666); 3) Endangered Species Act (16 U.S.C. Section 1531 – 1534) – USF&W Service Section 7 consultation	6. Threatened and Endangered Species and Habitat
Criterion 9	VT Department of Housing and Community Development		
Criterion 9A - Impact of Growth: Demonstrate that the project will not significantly affect the ability of the town and region to accommodate growth.	VT Agency of Agriculture; USDA		13. Social and Economic Concerns
Criterion 9B - Primary Agricultural Soils: Demonstrate that the project will not reduce the agricultural soils.	VT Agency of Agriculture; USDA	1) Act 183, Agency of Agriculture; 2) Farmland Protection (7 U.S.C. Part 658)	7. Agricultural Land
Criterion 9C - Productive Forest Soils: Demonstrate that the project will not result in any reduction in the potential of productive forest soils.		USDA Green Mountain National Forest Authorization under FHWA MOU	
Criterion 9D and 9E - Earth Resources: Demonstrate that the project will not interfere with the future extraction of earth resources; and demonstrate that if the project involves the extraction of earth resources, it will not unduly harm the environment or neighboring land uses, and will be reclaimed for an alternative use.			
Criterion 9F - Energy Conservation: Demonstate that the project reflects the principles of evergy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporates the best available technology for energy efficiency. Provide evidence of compliance with the applicable building energy standards.			
Criterion 9G - Private Utilities: Demonstrate that any private utilities shared by two or more owners will not become a burden on the municipality if it must assume responsibility for them.	Vermont Public Utilities Commisson		
Criterion 9H - Scattered Development: Demonstrate that if the project is not physically contiguous to an existing settlement, it will not result in greater costs to the municipality than it provides in additional tax revenues and other public benefits.	RPCs and DRBs		13. Social and Economic Concerns
Criterion 9I - Public Utilities: Demonstrate that the project will not place an excessive or uneconomic demand on any necessary governmental or public facilities or services.	RPCs and DRBs; VPUC		13. Social and Economic Concerns
Criterion 9K - Public Investments: Demonstrate that the project will not endanger any adjacent public investment.			13. Social and Economic Concerns
Criterion 9L - Settlement Patterns: If outside an existing settlement, demonstrate how the project will promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside.	RPCs		13. Social and Economic Concerns
Criterion 10- Local and Regional Plans: Demonstrate that the project conforms to the municipal plan and regional plan.	RPCs and DRBs		13. Social and Economic Concerns

1 **[AGENCY OF TRANSPORTATION PROPOSAL ON ACT 250 –**

2 **EXCERPT FROM H.433 PROPOSALS, v. 4.1]**

3 * * * Act 250 Transportation Projects * * *

4 Sec. 28a. 10 V.S.A. § 6001(3)(A) is amended to read:

5 (3)(A) “Development” means each of the following:

6 * * *

7 (v) The construction of improvements on a tract of land involving
8 more than 10 acres that is to be used for municipal, county, or State purposes.

9 In computing the amount of land involved,:

10 (I) ~~land~~ Land shall be included that is incident to the use, such
11 as lawns, parking areas, roadways, leaching fields, and accessory buildings.

12 (II) Land that was previously disturbed as the result of
13 construction of a transportation facility shall be excluded from computing the
14 amount of land involved, provided that the project subject to this exclusion is a
15 transportation project that is funded in whole or in part by federal aid. This
16 exclusion shall not apply to the creation of new or additional points of access
17 to, or exit from, the Dwight D. Eisenhower National System of Interstate and
18 Defense Highways. As used in this subdivision (II), “previously disturbed”
19 means land that has been changed by previous installation of transportation
20 facilities, including roads, railroads, runways, trails, sidewalks, ditching,
21 drainage features, ledge removal, utility work, clear zones, or other similar

1 features associated with such facilities.

2 * * *

3 Sec. 28b. 10 V.S.A. § 6001 is amended to read:

4 § 6001. DEFINITIONS

5 * * *

6 (38) “Transportation facility” means highways, sidewalks, and bicycle
7 paths, as defined under 19 V.S.A. § 2301; State-owned railroad or railbanked
8 lines; and runways at State- and municipally owned airports.