

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill No.
3 433 entitled “An act relating to the Transportation Program and miscellaneous
4 changes to laws related to transportation” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

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

9 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

10 (a) The Agency of Transportation’s Proposed Fiscal Year 2022

11 Transportation Program appended to the Agency of Transportation’s proposed
12 fiscal year 2022 budget, as amended by this act, is adopted to the extent
13 federal, State, and local funds are available.

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

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

16 (2) “Electric bicycle” means a bicycle equipped with fully operable
17 pedals, a saddle or seat for the rider, and an electric motor of less than 750
18 watts.

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

21 (4) “Plug-in electric vehicle (PEV),” “plug-in hybrid electric vehicle

1 (PHEV),” and “battery electric vehicle (BEV)” have the same meanings as in
2 23 V.S.A. § 4(85).

3 (5) “Secretary” means the Secretary of Transportation.

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

6 (7) The table heading “As Proposed” means the Proposed
7 Transportation Program referenced in subsection (a) of this section; the table
8 heading “As Amended” means the amendments as made by this act; the table
9 heading “Change” means the difference obtained by subtracting the “As
10 Proposed” figure from the “As Amended” figure; and the terms “change” or
11 “changes” in the text refer to the project- and program-specific amendments,
12 the aggregate sum of which equals the net “Change” in the applicable table
13 heading.

14 (c) In the Agency of Transportation’s Proposed Fiscal Year 2022
15 Transportation Program for Town Highway Aid, the value “\$26,017,744” is
16 struck and “\$27,105,769” is inserted in lieu thereof to correct a typographic
17 error.

18 * * * Summary of Transportation Investments * * *

19 Sec. 2. FISCAL YEAR 2022 TRANSPORTATION INVESTMENTS

20 INTENDED TO REDUCE TRANSPORTATION-RELATED

21 GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL

1 USE, AND SAVE VERMONT HOUSEHOLDS MONEY

2 This act includes the State’s fiscal year 2022 transportation investments
3 intended to reduce transportation-related greenhouse gas emissions, reduce
4 fossil fuel use, and save Vermont households money in furtherance of the
5 policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive
6 Energy Plan and to satisfy the Executive and Legislative Branches’
7 commitments to the Paris Agreement climate goals. In fiscal year 2022, these
8 efforts will include the following:

9 (1) Park and Ride Program. This act provides for a fiscal year
10 expenditure of \$5,220,233.00, which will fund three park and ride construction
11 projects, including the creation of two new park and ride facilities; the design
12 of two additional park and ride facilities scheduled for construction in future
13 fiscal years; and paving projects for existing park and ride facilities. This
14 year’s Park and Ride Program will create 226 new State-owned spaces.

15 Specific additions and improvements include:

16 (A) Berlin (Exit 6)—Design for 62 spaces;

17 (B) Berlin (Exit 7)—Construction of 34 new spaces;

18 (C) Manchester—Design for 50 spaces;

19 (D) Williamstown-Northfield (Exit 5)—Construction of 50 new

20 spaces; and

21 (E) Williston—Construction of 142 new spaces.

1 (2) Bike and Pedestrian Facilities Program. This act, in concert with
2 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year
3 expenditure, including local match, of \$21,180,936.00, which will fund 27 bike
4 and pedestrian construction projects; two new pedestrian bridge installations;
5 and 12 bike and pedestrian design, right-of-way, or design and right-of
6 way projects for construction in future fiscal years. The construction projects
7 include the creation, improvement, or rehabilitation of walkways, sidewalks,
8 shared-use paths, bike paths, and cycling lanes. In addition to the Lamoille
9 Valley Rail Trail, which will run from Swanton to St. Johnsbury, projects are
10 funded in Arlington, Bennington, Brattleboro, Chester, Colchester-Essex,
11 Dover, East Montpelier, Enosburg Falls, Hartford, Hartland, Hinesburg,
12 Jericho, Johnson, Lincoln, Middlebury, Moretown, Plainfield, Poultney,
13 Proctor, Richford, Rutland City, Shelburne, South Burlington, Springfield, St.
14 Albans City, Swanton, Underhill, Vergennes, Waitsfield, Waterbury,
15 Williston, Wilmington, and Winooski. This act also provides State funding for
16 some of Local Motion’s operation costs to run the Bike Ferry on the Colchester
17 Causeway, which is part of the Island Line Trail; funding for the small-scale
18 municipal bicycle and pedestrian grant program for projects to be selected
19 during the fiscal year; and funding for bicycle and pedestrian education
20 activities being conducted through a grant to Local Motion.

1 (3) Transportation Alternatives Program. This act provides for a fiscal
2 year expenditure of \$5,567,868.00, including local funds, which will fund
3 22 transportation alternatives construction projects and 20 transportation
4 alternatives design, right-of-way, or design and right-of-way projects. Of
5 these 42 projects, seven involve environmental mitigation related to clean
6 water, stormwater, or both clean water and stormwater concerns, and nine
7 involve bicycle and pedestrian facilities. Projects are funded in Bennington,
8 Bridgewater, Bridport, Burlington, Castleton, Chester, Colchester, Derby,
9 Duxbury, East Montpelier, Enosburg, Essex, Essex Junction, Fair Haven,
10 Fairfax, Franklin, Granville, Hartford, Hyde Park, Jericho, Montgomery,
11 Newfane, Norwich, Pittsford, Proctor, Rutland Town, South Burlington, St.
12 Albans City, St. Johnsbury, Vergennes, Warren, Wilmington, and Winooski.

13 (4) Public Transit Program.

14 (A) Sec. 24 of this act expresses the General Assembly’s intent that
15 all public transit, both rural and urban, be operated on a zero-fare basis in fiscal
16 year 2022, as practicable and, in the case of urban routes, as approved by the
17 governing body of the transit agency, with monies for public transit from the
18 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136
19 (CARES Act); the Consolidated Appropriations Act, 2021, Pub. L. No. 116-
20 260; and the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA).

1 (B) Sec. 25 of this act requires the Agency to review and implement
2 coordinated intermodal connections, to the extent practicable, to ensure
3 efficient and accessible intermodal transportation opportunities in Vermont and
4 support the cross promotion of intermodal connections.

5 (C) Sec. 27 of this act requires the Agency to prepare a long-range
6 plan that outlines the costs, timeline, training, maintenance, and operational
7 actions required to move to a fully electric public transportation fleet.

8 (D) This act also authorizes \$45,821,522.00 in funding for public
9 transit uses throughout the State, which is an 11.1 percent increase over fiscal
10 year 2021 levels and a 24.4 percent increase over fiscal year 2020 levels.

11 Included in the authorization are:

12 (i) Go! Vermont, with an authorization of \$793,400.00.

13 This authorization supports the promotion and use of carpools and vanpools.

14 (ii) Vermont Kidney Association Grant, with an authorization of
15 \$50,000.00. This authorization supports the transit needs of Vermonters in
16 need of dialysis services.

17 (iii) Opioid Treatment Pilot, with an authorization of \$84,064.00.

18 This authorization supports the transit needs of Vermonters in need of opioid
19 treatment services.

20 (5) Rail Program. This act authorizes \$36,780,019.00, including local
21 funds, for intercity passenger rail service and rail infrastructure throughout the

1 State, including modifications to the Burlington Vermont Rail Systems railyard
2 to accommodate overnight servicing to facilitate New York City–Burlington
3 rail service.

4 (6) Transformation of the State Vehicle Fleet. The Department of
5 Buildings and General Services, which manages the State Vehicle Fleet,
6 currently has 25 PHEVs and two BEVs in the State Vehicle Fleet. In fiscal
7 year 2022, the Department of Buildings and General Services expects to add
8 12 additional PHEVs and eight additional BEVs to the fleet.

9 (7) Electric vehicle supply equipment. In furtherance of the State’s goal
10 to increase the presence of EVSE in Vermont:

11 (A) Sec. 22 of this act authorizes up to \$1,000,000.00 to the
12 Interagency EVSE Grant Program for a pilot program for EVSE at multi-unit
13 affordable housing and multi-unit dwellings owned by a nonprofit; and

14 (B) Sec. 23 of this act sets a State goal to have a level 3 EVSE
15 charging port available to the public within five miles of every exit of the
16 Dwight D. Eisenhower National System of Interstate and Defense Highways
17 within the State and 50 miles of another level 3 EVSE charging port available
18 to the public along a State highway and requires the annual filing of an up-to-
19 date map showing the locations of all level 3 EVSE available to the public
20 within the State with the House and Senate Committees on Transportation until
21 this goal is met.

1 (8) Vehicle incentive programs and expansion of the PEV market.

2 (A) Incentive Program for New PEVs and partnership with Drive

3 Electric Vermont. Sec. 10 of this act authorizes:

4 (i) up to an additional \$250,000.00 for the Agency to continue and
5 expand the Agency’s public-private partnership with Drive Electric Vermont to
6 support the expansion of the PEV market in the State; and

7 (ii) at least \$3,000,000.00 for PEV purchase and lease incentives
8 under the Incentive Program for New PEVs, which is the State’s program to
9 incentivize the purchase and lease of new PEVs, and capped administrative
10 costs.

11 (B) MileageSmart. Sec. 13 of this act authorizes up to \$750,000.00
12 for purchase incentives under MileageSmart, which is the State’s used high-
13 fuel-efficiency vehicle incentive program, and capped administrative costs.

14 (C) Emissions repairs. Sec. 18 of this act authorizes up to
15 \$375,000.00 for emissions repair vouchers and capped startup and
16 administrative costs.

17 (D) Replace Your Ride Program. Sec. 20 of this act creates a new
18 program to be known as the Replace Your Ride Program, which will be the
19 State’s program to incentivize Vermonters to remove older low-efficiency
20 vehicles from operation and switch to modes of transportation that produce

1 fewer greenhouse gas emissions, and authorizes up to \$1,500,000.00 for
2 incentives under the Program and capped startup and administrative costs.

3 (E) Electric bicycle incentives. Sec. 21 of this act authorizes up to
4 \$50,000.00 for \$200.00 incentives for the purchase of an electric bicycle.

5 (9) PEV rate design. Sec. 26 of this act requires the State’s electric
6 distribution utilities to implement PEV rates for public and private EVSE not
7 later than June 30, 2024.

8 (10) Transportation equity framework. Sec. 35 of this act requires the
9 Agency, in consultation with the State’s 11 Regional Planning Commissions
10 (PRCs), to complete and report back on a comprehensive analysis of the
11 State’s existing transportation programs and develop a recommendation on a
12 transportation equity framework that can be used to advance mobility equity,
13 which is a transportation system that increases access to mobility options,
14 reduces air pollution, and enhances economic opportunity for Vermonters in
15 communities that have been underserved by the State’s transportation system.
16 As part of this analysis, the RPCs are required to engage in a targeted public
17 outreach process.

18 * * * Highway Maintenance * * *

19 Sec. 3. HIGHWAY MAINTENANCE

20 Within the Agency of Transportation’s Proposed Fiscal Year 2022

21 Transportation Program for Maintenance, spending is amended as follows:

	<u>FY22</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
1				
2	Personal	45,339,790	45,339,790	0
3	Services			
4	Operating	57,902,709	57,902,709	0
5	Expenses			
6	Grants	277,000	277,000	0
7	Total	103,519,499	103,519,499	0
8	<u>Sources of funds</u>			
9	State	92,516,712	87,591,712	-4,925,000
10	Federal	10,902,787	15,827,787	4,925,000
11	Interdepartmental			
12	Transfer	100,000	100,000	0
13	Total	103,519,499	103,519,499	0

14 * * * Bridge 61; Program Development; Town Highway Bridges * * *

15 Sec. 4. BRIDGE 61 IN SPRINGFIELD, VT

16 (a) Within the Agency of Transportation's Proposed Fiscal Year 2022

17 Transportation Program, the following project is moved from Program

18 Development to Town Highway Bridges: Springfield BF 1034(49).

19 (b) Authorized spending for Springfield BF 1034(49) is not modified in

20 any way.

1 Sec. 6. 23 V.S.A. § 1432(c) is amended to read:

2 (c) ~~Operation on U.S. Route 4. Notwithstanding any other law to the~~
3 ~~contrary, vehicles with a trailer or semitrailer that are longer than 68 feet but~~
4 ~~not longer than 75 feet may be operated with a single or multiple trip~~
5 ~~overlength permit issued at no cost by the Department of Motor Vehicles or,~~
6 ~~for a fee, by an entity authorized in subsection 1400(d) of this title on U.S.~~
7 ~~Route 4 from the New Hampshire state line to the junction of VT Route 100~~
8 ~~south, provided the distance from the kingpin of the semitrailer to the center of~~
9 ~~the rearmost axle group is not greater than 41 feet. [Repealed.]~~

10 * * * Federal Infrastructure Funding * * *

11 Sec. 7. FEDERAL INFRASTRUCTURE FUNDING

12 (a) Notwithstanding Sec. 1 of this act; 2020 Acts and Resolves No. 121,
13 Sec. 1; 19 V.S.A. § 10g(n); and 32 V.S.A. § 706, if a federal infrastructure bill
14 or other federal legislation that provides for infrastructure funding is enacted
15 that provides Vermont with additional federal funding for transportation-
16 related projects, the Secretary, with approval from the Joint Transportation
17 Oversight Committee pursuant to subdivision (c)(2) of this section, is
18 authorized to exceed federal monies spending authority in the Fiscal Year 2021
19 and Fiscal Year 2022 Transportation Programs and to obligate and expend
20 federal monies and up to \$2,000,000.00 in State Transportation Fund monies
21 on development and evaluation for additional projects that meet federal

1 eligibility and readiness criteria and have been evaluated through the Agency's
2 prioritization process but are not in the Fiscal Year 2021 or Fiscal Year 2022
3 Transportation Program.

4 (b) Nothing in subsection (a) of this section shall be construed to authorize
5 the Secretary to obligate or expend:

6 (1) State TIB funds above amounts authorized in the Fiscal Year 2021
7 or Fiscal Year 2022 Transportation Program; or

8 (2) State Transportation Fund monies if the Agency does not:

9 (A) expect to accept and obligate federal monies pursuant to
10 subsection (a) of this section in an amount sufficient to cover the additional
11 expenditure of State Transportation Fund monies; and

12 (B) expect the projects for which State Transportation Fund monies
13 are used to eventually be eligible for funding entirely through federal monies.

14 (c)(1) The Agency shall promptly report the obligation or expenditure of
15 monies under the authority of this section to the House and Senate Committees
16 on Transportation and to the Joint Fiscal Office while the General Assembly is
17 in session.

18 (2)(A) Consistent with 19 V.S.A. § 12b(c), the Agency shall promptly
19 report any changes in the availability of federal funds and the anticipated
20 obligation or expenditure of monies under the authority of this section to the

1 Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation
2 Oversight Committee.

3 (B) If the Joint Transportation Oversight Committee disapproves of
4 the anticipated obligation or expenditure of monies under the authority of this
5 section, it shall provide notice of that disapproval, and an explanation of the
6 basis for the disapproval, to the Agency within 30 calendar days following
7 receipt of the report of the anticipated expenditure.

8 (C) If the Joint Transportation Oversight Committee disapproves of
9 an anticipated obligation or expenditure of monies under subdivision (B) of
10 this subdivision (2), the Agency may revise and resubmit for further
11 consideration.

12 (D) If the Joint Transportation Oversight Committee does not
13 disapprove of the anticipated obligation or expenditure of monies under the
14 authority of this section within 30 calendar days of receipt of the report of the
15 anticipated obligation or expenditure or receipt of a revised submittal, then the
16 anticipated obligation or expenditure is deemed approved.

17 (d) Subsections (a) and (b) of this section shall continue in effect until
18 February 1, 2022.

19 * * * Town Highway Structures and

20 Class 2 Town Highway Roadway Programs * * *

1 * * * One-Time Transportation Fund Monies Authorizations for
2 Electrification of the Transportation Sector * * *
3 * * * Incentive Program for New PEVs; Partnership with Drive Electric * * *

4 Sec. 10. INCENTIVE PROGRAM FOR NEW PEVS; PARTNERSHIP WITH
5 DRIVE ELECTRIC VERMONT

6 (a) The Agency is authorized to spend up to \$3,250,000.00 in one-time
7 Transportation Fund monies in fiscal years 2021 and 2022 combined on the
8 Incentive Program for New PEVs established in 2019 Acts and Resolves No.
9 59, Sec. 34, as amended, and its partnership with Drive Electric Vermont with:

10 (1) Up to \$250,000.00 of that \$3,250,000.00 available in fiscal year
11 2022 to continue and expand the Agency’s public-private partnership with
12 Drive Electric Vermont to support the expansion of the PEV market in the
13 State.

14 (2) At least \$3,000,000.00 of that \$3,250,000.00 for PEV purchase and
15 lease incentives and administrative costs as allowed under subsection (b) of
16 this section. If less than \$250,000.00 is expended on the public-private
17 partnership with Drive Electric Vermont under subdivision (1) of this
18 subsection, then the balance of that \$250,000.00 shall only be authorized for
19 additional PEV purchase and lease incentives and administrative costs as
20 allowed under subsection (b) of this section.

1 \$2,500.00 for a BEV, per individual per year, to:

2 (A) an individual domiciled in the State whose federal income tax
3 filing status is single or head of household with an adjusted gross income
4 under the laws of the United States greater than \$50,000.00 and at or below
5 \$100,000.00;

6 (B) an individual domiciled in the State whose federal income tax
7 filing status is surviving spouse with an adjusted gross income under the laws
8 of the United States greater than ~~\$50,000.00~~ \$75,000.00 and at or below
9 \$125,000.00;

10 (C) an individual who is part of a married couple with at least one
11 spouse domiciled in the State whose federal income tax filing status is married
12 filing jointly with an adjusted gross income under the laws of the United States
13 greater than ~~\$50,000.00~~ \$75,000.00 and at or below \$125,000.00; or

14 (D) an individual who is part of a married couple with at least one
15 spouse domiciled in the State and at least one spouse whose federal income tax
16 filing status is married filing separately with an adjusted gross income under
17 the laws of the United States greater than \$50,000.00 and at or below
18 \$100,000.00;

19 (3) provide not more than one incentive of \$3,000.00 for a PHEV or
20 \$4,000.00 for a BEV, per individual per year, to:

21 (A) an individual domiciled in the State whose federal income tax

1 filing status is single, or head of household, ~~or surviving spouse~~ with an
2 adjusted gross income under the laws of the United States at or below
3 \$50,000.00;

4 (B) an individual domiciled in the State whose federal income tax
5 filing status is surviving spouse with an adjusted gross income under the laws
6 of the United States at or below \$75,000.00;

7 ~~(B)~~(C) an individual who is part of a married couple with at least one
8 spouse domiciled in the State whose federal income tax filing status is married
9 filing jointly with an adjusted gross income under the laws of the United States
10 at or below ~~\$50,000.00~~ \$75,000.00; or

11 ~~(C)~~(D) an individual who is part of a married couple with at least one
12 spouse domiciled in the State and at least one spouse whose federal income tax
13 filing status is married filing separately with an adjusted gross income under
14 the laws of the United States at or below \$50,000.00;

15 (4) provide not more than five incentives of either \$3,000.00 for a
16 PHEV or \$4,000.00 for a BEV, or a combination thereof, to a tax-exempt
17 organization incorporated in the State for the purpose of providing Vermonters
18 with transportation alternatives to personal vehicle ownership; and

19 ~~(4)~~(5) apply to manufactured PEVs with a Base Manufacturer's
20 Suggested Retail Price (MSRP) of \$40,000.00 or less; ~~and~~

21 ~~(5) provide not less than \$1,100,000.00, of the initial \$2,000,000.00~~

1 authorization, and up to an additional \$2,050,000.00 in fiscal year 2021 in PEV
2 purchase and lease incentives.

3 * * * MileageSmart * * *

4 Sec. 13. MILEAGESMART

5 In fiscal years 2021 and 2022 combined, the Agency is authorized to spend
6 up to \$750,000.00 in one-time Transportation Fund monies on MileageSmart,
7 which was established in 2019 Acts and Resolves No. 59, Sec. 34, as amended,
8 with up to 10 percent of the total amount that is distributed in incentives in
9 fiscal year 2022, including incentive funding authorized by this section and
10 incentive funding carried over from prior fiscal years pursuant to 2019 Acts
11 and Resolves No. 59, Sec. 34, as amended, available for costs associated with
12 administering MileageSmart.

13 Sec. 14. 2019 Acts and Resolves No. 59, Sec. 34(c)(1), as amended by 2020
14 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec.
15 G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

16 (1) The high fuel efficiency vehicle incentive program shall be known as
17 MileageSmart and shall:

18 * * *

19 (B) provide point-of-sale vouchers through the State's network of
20 community action agencies and ~~base~~ set income eligibility for the voucher ~~on~~
21 ~~the same criteria used for income qualification for weatherization services~~

1 ~~through the Weatherization Program~~ at 80 percent of the State median income;

2 and

3 * * *

4 * * * Emissions Repair Program * * *

5 Sec. 15. 2019 Acts and Resolves No. 59, Sec. 34(a)(3), as amended by 2020
6 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154,
7 Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to
8 read:

9 (3) Subject to State procurement requirements, the Agency may retain a
10 contractor or contractors to assist with marketing, program development, and
11 administration of the programs. Up to \$150,000.00 of program funding may
12 be set aside for this purpose for the ~~programs~~ program described in subsection
13 (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall
14 be set aside for this purpose for the ~~programs~~ program described in ~~subdivision~~
15 subsection (c)(4) of this section in fiscal year 2021.

16 Sec. 16. 2019 Acts and Resolves No. 59, Sec. 34(a)(5), as amended by 2020
17 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154,
18 Sec. G.112, and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to
19 read:

20 (5) The Agency shall annually evaluate the programs to gauge
21 effectiveness and submit a written report on the effectiveness of the programs

1 to the House and Senate Committees on Transportation, the House Committee
2 on Energy and Technology, and the Senate Committee on Finance on or before
3 the 31st day of January in each year following a year that an incentive ~~or repair~~
4 voucher was provided through one of the programs. Notwithstanding 2 V.S.A.
5 § 20(d), the annual report required under this section shall continue to be
6 required if an incentive or repair voucher is provided through one of the
7 programs unless the General Assembly takes specific action to repeal the
8 report requirement.

9 Sec. 17. 2019 Acts and Resolves No. 59, Sec. 34(c), as amended by 2020 Acts
10 and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112,
11 and 2021 Acts and Resolves No. 3, Sec. 56, is further amended to read:

12 (c) High fuel efficiency vehicle incentive ~~and emissions repair programs~~
13 program. ~~Used~~ A used high fuel efficiency vehicle purchase incentive ~~and~~
14 ~~emissions repair programs~~ program for Vermont residents shall structure high
15 fuel efficiency purchase incentive payments ~~and emissions repair vouchers~~ by
16 income to help Vermonters benefit from more efficient driving, including
17 Vermont's most vulnerable. Not less than \$750,000.00 shall be provided in
18 point-of-sale ~~and point-of-repair~~ vouchers.

19 * * *

20 (2) ~~The emissions repair program shall:~~

1 ~~(A) apply to repairs of certain vehicles that failed the on board~~
2 ~~diagnostic (OBD) systems inspection;~~

3 ~~(B) provide point of repair vouchers through the State’s network of~~
4 ~~community action agencies and base eligibility for voucher on the same criteria~~
5 ~~used for income qualification for Low Income Home Energy Assistance~~
6 ~~Program (LIHEAP) through the State’s Economic Services Division within the~~
7 ~~Department for Children and Families; and~~

8 ~~(C) provide a point of repair voucher to repair a motor vehicle that~~
9 ~~was ready for testing, failed the OBD systems inspection, requires repairs that~~
10 ~~are not under warranty, and will be able to pass the State’s vehicle inspection~~
11 ~~once the repairs are made provided that the point of repair voucher is~~
12 ~~commensurate with the fair market value of the vehicle to be repaired and does~~
13 ~~not exceed \$2,500.00, with \$2,500.00 vouchers only being available to repair~~
14 ~~vehicles with a fair market value of at least \$5,000.00. [Repealed.]~~

15 Sec. 18. EMISSIONS REPAIR PROGRAM

16 (a) Program creation. The Department of Environmental Conservation, in
17 consultation with the Agency of Transportation, shall establish and administer
18 an emissions repair program that shall:

19 (1) apply to repairs of certain vehicles that failed the on board diagnostic
20 (OBD) systems inspection;

1 (2) provide point-of-repair vouchers and base eligibility for vouchers on
2 the same criteria used for income qualification for the Low Income Home
3 Energy Assistance Program (LIHEAP) through the State’s Economic Services
4 Division within the Department for Children and Families; and

5 (3) provide a point-of-repair voucher to repair a motor vehicle that was
6 ready for testing, failed the OBD systems inspection, requires repairs that are
7 not under warranty, and will be able to pass the State’s vehicle inspection once
8 the repairs are made provided that the point-of-repair voucher is commensurate
9 with the fair market value of the vehicle to be repaired and does not exceed
10 \$2,500.00, with \$2,500.00 vouchers only being available to repair vehicles
11 with a fair market value of at least \$5,000.00.

12 (b) Authorization and transfer. In fiscal year 2022, the Agency of
13 Transportation is authorized to transfer \$375,000.00 in one-time
14 Transportation Fund monies to the Department of Environmental Conservation
15 for the emissions repair program established under this section, with up to
16 \$50,000.00 of that \$375,000.00 transfer available for start-up costs and
17 outreach education and up to \$125,000.00 of that \$375,000.00 transfer
18 available for costs associated with developing and administering the emissions
19 repair program.

1 * * * Repeal of Emissions Inspections Waiver * * *

2 Sec. 19. REPEALS

3 (a) 2018 Acts and Resolves No. 206, Sec. 23(e) (establishment of
4 emissions inspections waiver) is repealed on December 31, 2022.

5 (b) 2018 Acts and Resolves No. 158, Sec. 42(e) (establishment of
6 emissions inspections waiver) is repealed on December 31, 2022.

7 * * * Replace Your Ride Program * * *

8 Sec. 20. REPLACE YOUR RIDE PROGRAM

9 (a) Program creation. The Agency of Transportation, in consultation with
10 the Departments of Environmental Conservation and of Public Service, shall
11 expand upon the vehicle incentive programs established under 2019 Acts and
12 Resolves No. 59, Sec. 34, as amended, to provide additional incentives for
13 Vermonters with low income through a program to be known as the Replace
14 Your Ride Program.

15 (b) Incentive amount. The Replace Your Ride Program shall provide up to
16 a \$3,000.00 incentive, which may be in addition to any other available
17 incentives, including through a program funded by the State, to individuals
18 who qualify based on both income and the removal of an internal combustion
19 vehicle. Only one incentive per individual is available under the Replace Your
20 Ride Program and incentives shall be provided on a first-come, first-served
21 basis once the Replace Your Ride Program is operational.

1 (c) Eligibility. Applicants must qualify through both income and the
2 removal of an eligible vehicle with an internal combustion engine.

3 (1) Income eligibility. The following applicants meet the income
4 eligibility requirement:

5 (A) an individual domiciled in the State whose federal income tax
6 filing status is single or head of household, with an adjusted gross income
7 under the laws of the United States at or below \$50,000.00;

8 (B) an individual domiciled in the State whose federal income tax
9 filing status is surviving spouse with an adjusted gross income under the laws
10 of the United States at or below \$75,000.00;

11 (C) an individual who is part of a married couple with at least one
12 spouse domiciled in the State whose federal income tax filing status is married
13 filing jointly with an adjusted gross income under the laws of the United States
14 at or below \$75,000.00;

15 (D) an individual who is part of a married couple with at least one
16 spouse domiciled in the State and at least one spouse whose federal income tax
17 filing status is married filing separately with an adjusted gross income under
18 the laws of the United States at or below \$50,000.00; or

19 (E) an individual who qualifies for an incentive under MileageSmart,
20 which is set at 80 percent of the State median income.

21 (2) Vehicle removal.

1 (A) In order for an individual to qualify for an incentive under the
2 Replace Your Ride Program, the individual must remove an older low-
3 efficiency vehicle from operation and switch to a mode of transportation that
4 produces fewer greenhouse gas emissions. The entity that administers the
5 Replace Your Ride Program, in conjunction with the Agency of
6 Transportation, shall establish Program guidelines that specifically provide for
7 how someone can show that the vehicle removal eligibility requirement has
8 been, or will be, met.

9 (B) For purposes of the Replace Your Ride Program:

10 (i) An “older low-efficiency vehicle”:

11 (I) is currently registered, and has been for two years prior to
12 the date of application, with the Vermont Department of Motor Vehicles;

13 (II) is currently titled in the name of the applicant and has been
14 for at least one year prior to the date of application;

15 (III) has a gross vehicle weight rating of 10,000 pounds or less;

16 (IV) is at least 10 model years old;

17 (V) has an internal combustion engine; and

18 (VI) passed the annual inspection required under 23 V.S.A.
19 § 1222 within the prior year.

20 (ii) Removing the older low-efficiency vehicle from operation
21 must be done by disabling the vehicle’s engine from further use and fully

1 dismantling the vehicle for either donation to a nonprofit organization to be
2 used for parts or destruction.

3 (iii) The following qualify as a switch to a mode of transportation
4 that produces fewer greenhouse gas emissions:

5 (I) purchasing or leasing a new or used PEV;

6 (II) purchasing a new or used bicycle, electric bicycle, or
7 motorcycle that is fully electric, and the necessary safety equipment; and

8 (III) utilizing shared-mobility services or privately operated
9 vehicles for hire.

10 (d) Authorization. In fiscal year 2022, the Agency is authorized to spend
11 up to \$1,500,000.00 in one-time Transportation Fund monies on the Replace
12 Your Ride Program established under this section, with up to \$300,000.00 of
13 that \$1,500,000.00 available for startup costs, outreach education, and costs
14 associated with developing and administering the Replace Your Ride Program.

15 * * * Electric Bicycle Incentives * * *

16 Sec. 21. ELECTRIC BICYCLE INCENTIVES

17 (a) Implementation. The Agency of Transportation, in consultation with
18 Vermont electric distribution utilities, shall expand upon the vehicle incentive
19 programs established under 2019 Acts and Resolves No. 59, Sec. 34, as
20 amended, to provide a \$200.00 incentive to 250 individuals who purchase a
21 new electric bicycle. Specifically, the Program shall:

1 households whose income does not exceed 100 percent of the greater of the
2 State or area median income; or

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

5 (3) “Multi-unit dwellings owned by a nonprofit” means a housing
6 project, such as cooperatives, condominiums, dwellings, or mobile home
7 parks, with 10 or more units constructed or maintained on a tract or tracts of
8 land owned by a person that has nonprofit status under Section 501(c)(3) of the
9 U.S. Internal Revenue Code, as amended, and is registered as a nonprofit
10 corporation with the Office of the Secretary of State.

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

19 (c) In fiscal year 2022, the Agency is authorized to spend up to
20 \$1,000,000.00 in one-time Transportation Fund monies on the pilot program
21 established in this section.

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

5 (e) The Department of Housing and Community Development shall consult
6 with an interagency team consisting of the Commissioner of Housing and
7 Community Development or designee; the Commissioner of Environmental
8 Conservation or designee; the Commissioner of Public Service or designee;
9 and the Agency’s Division Director of Policy, Planning, and Intermodal
10 Development or designee regarding the design, award of funding, and
11 administration of this pilot program.

12 (f) The Department of Housing and Community Development shall file a
13 written report on the outcomes of the pilot program with the House and Senate
14 Committees on Transportation not later than January 15, 2022.

15 * * * EVSE Network in Vermont * * *

16 Sec. 23. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL MAP

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

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

21 (2) 50 miles of another level 3 EVSE charging port available to the

1 public along a State highway, as defined in 19 V.S.A. § 1(20).

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

7 * * * Zero-Fare Public Transit in Fiscal Year 2022 * * *

8 Sec. 24. ZERO-FARE PUBLIC TRANSIT IN FISCAL YEAR 2022

9 (a) Urban public transit. It is the intent of the General Assembly that
10 public transit operated by transit agencies that are eligible to receive grant
11 funds pursuant to 49 U.S.C. § 5307 in the State shall be operated on a zero-fare
12 basis with monies for public transit from the Coronavirus Aid, Relief, and
13 Economic Security Act, Pub. L. No. 116-136 (CARES Act); the Consolidated
14 Appropriations Act, 2021, Pub. L. No. 116-260; and the American Rescue Plan
15 Act of 2021, Pub. L. No. 117-2, as practicable and provided that such use is
16 first approved by the governing body of the transit agency, during fiscal year
17 2022.

18 (b) Rural public transit. It is the intent of the General Assembly that public
19 transit operated by transit agencies that are eligible to receive grant funds
20 pursuant to 49 U.S.C. § 5311 in the State shall be operated on a zero-fare basis
21 with monies for public transit from the Coronavirus Aid, Relief, and Economic

1 Security Act, Pub. L. No. 116-136 (CARES Act) and the Consolidated
2 Appropriations Act, 2021, Pub. L. No. 116-260, as practicable, during fiscal
3 year 2022.

4 * * * Coordinated Intermodal Connections Review * * *

5 Sec. 25. COORDINATED INTERMODAL CONNECTIONS REVIEW

6 The Agency, in coordination with public transit, passenger rail, and other
7 transportation service providers, shall review and implement coordinated
8 intermodal connections, to the extent practicable, to ensure efficient and
9 accessible intermodal transportation opportunities in Vermont. The Agency
10 shall also work with transportation service providers to support the cross
11 promotion of intermodal connections.

12 * * * PEV Electric Distribution Utility Rate Design * * *

13 Sec. 26. PEV ELECTRIC DISTRIBUTION UTILITY RATE DESIGN

14 (a) This section serves to encourage efficient integration of PEVs and
15 EVSE into the electric system and the timely adoption of PEVs and public
16 charging through managed loads or time-differentiated price signals.

17 (b) Unless an extension is granted pursuant to subsection (e) of this section,
18 all State electric distribution utilities shall offer PEV rates, which may include
19 rates for electricity sales to an entire customer premises, for public and private
20 EVSE not later than June 30, 2024. These rates shall, pursuant to 30 V.S.A.

1 § 225, be filed for review and approval by the Public Utility Commission and
2 encourage:

3 (1) efficient use of PEV loads consistent with objectives of least-cost
4 integrated planning, set out in 30 V.S.A. § 218c, and 30 V.S.A. § 202(b)
5 and (c);

6 (2) participation in the PEV rates;

7 (3) travel by PEV relative to available alternatives; and

8 (4) greater adoption of PEVs.

9 (c) PEV rates approved by the Public Utility Commission under
10 subdivisions (1) and (2) of this subsection comply with subsection (b) of this
11 section.

12 (1) The Public Utility Commission shall approve PEV rates that it finds,
13 at a minimum:

14 (A) support greater adoption of PEVs;

15 (B) adequately compensate PEV operators and owners of EVSE
16 available to the public for the value of grid-related services, including costs
17 avoided through peak management;

18 (C) adequately compensate the electric distribution utility and its
19 customers for the additional costs that are directly attributable to the delivery
20 of electricity through a PEV rate;

1 (D) include a reasonable contribution to historic or embedded costs
2 required to meet the overall cost of service;

3 (E) do not discourage EVSE available to the public; and

4 (F) do not have an adverse impact to ratepayers not utilizing the PEV
5 rate.

6 (2) The Public Utility Commission may approve PEV rates that utilize
7 direct load control, third-party managed load control, static or dynamic time-
8 varying rates, or other innovative practices that accomplish the goals set forth
9 in subsection (a) of this section.

10 (d) Electric distribution utilities with PEV rates approved by the Public
11 Utility Commission prior to July 1, 2021 currently implemented as tariffs by
12 those electric distribution utilities are exempt from subsection (b) of this
13 section for the relevant rate classes, market segments, or customer segments in
14 which the PEV rates are offered.

15 (e) The Public Utility Commission may grant a petitioning electric
16 distribution utility an extension of the June 30, 2024 implementation deadline.
17 An extension may only be granted in response to a petition if the Public Utility
18 Commission finds that the electric distribution utility's inability to meet the
19 June 30, 2024 implementation deadline is due to a technical inability to
20 implement a PEV rate, adverse economic impacts to ratepayers that would
21 result from the implementation of a PEV rate, or other good cause

1 demonstrated. The length of the extension shall be directly related to the
2 demonstrated need for the extension.

3 (f) The Public Utility Commission, in consultation with the Department of
4 Public Service and State electric distribution utilities, shall file written reports
5 with the House Committees on Energy and Technology and on Transportation
6 and the Senate Committees on Finance, **on Natural Resources and Energy,** and
7 on Transportation that address the goals delineated in subdivisions (c)(1)(A)–
8 (F) of this section, as applicable, and any progress barriers towards the goals
9 contained in subsections (a) and (b) of this section not later than January 15,
10 2022, January 15, 2023, January 15, 2024, and January 15, 2025.

11 * * * Public Transportation Electrification Plan * * *

12 Sec. 27. PUBLIC TRANSPORTATION ELECTRIFICATION PLAN

13 (a) The Agency of Transportation, in consultation with the State’s public
14 transit providers, shall prepare a long-range plan that outlines the costs,
15 timeline, training, maintenance, and operational actions required to move to a
16 fully electrified public transportation fleet.

17 (b) The Agency shall file the long-range plan required under subsection (a)
18 of this section with the House and Senate Committees on Transportation not
19 later than January 31, 2022.

20 * * * Airport and Rail Signs; Banners * * *

21 Sec. 28. 10 V.S.A. § 494 is amended to read:

1 § 494. EXEMPT SIGNS

2 The following signs are exempt from the requirements of this chapter
3 except as indicated in section 495 of this title:

4 * * *

5 (6)(A) Official traffic control signs, including signs on limited access
6 highways, consistent with the Manual on Uniform Traffic Control Devices
7 (MUTCD) adopted under 23 V.S.A. § 1025, directing ~~people~~ persons to:

- 8 (i) other towns;
- 9 (ii) international airports;
- 10 (iii) postsecondary educational institutions;
- 11 (iv) cultural and recreational destination areas;
- 12 (v) nonprofit diploma-granting educational institutions for ~~people~~
13 persons with disabilities; and
- 14 (vi) official State visitor information centers.

15 (B) After having considered the six priority categories in subdivision
16 (A) of this subdivision (6), the Travel Information Council may approve
17 installation of a sign for any of the following provided the location is open a
18 minimum of 120 days each year and is located within 15 miles of an interstate
19 highway exit:

- 20 (i) nonprofit museums;
- 21 (ii) cultural and recreational attractions owned by the State or

1 federal government;

2 (iii) officially designated scenic byways;

3 (iv) park and ride or multimodal centers; and

4 (v) fairgrounds or exposition sites.

5 (C) The Agency of Transportation may approve and erect signs,
6 including signs on limited access highways, consistent with the MUTCD,
7 directing persons to State-owned airports and intercity passenger rail stations
8 located within 25 miles of a limited access highway exit.

9 (D) Notwithstanding the limitations of this subdivision (6),
10 supplemental guide signs consistent with the MUTCD for the President Calvin
11 Coolidge State Historic Site may be installed at the following highway
12 interchanges:

13 * * *

14 ~~(D)~~(E) Signs erected under this subdivision (6) shall not exceed a
15 maximum allowable size of 80 square feet.

16 * * *

17 (18)(A) A sign that is a banner erected over a highway right-of-way for
18 not more than 21 days if the bottom of the banner is not less than 16 feet 6
19 inches above the surface of the highway and is securely fastened with
20 breakaway fasteners and the proposed banner has been authorized by the
21 legislative body of the municipality in which it is located.

1 (B) As used in this subdivision (18), “banner” means a sign that is
2 constructed of soft cloth or fabric or flexible material such as vinyl or plastic
3 cardboard.

4 * * * Municipal Development Review; Section 1111 Permit Fees * * *

5 Sec. 29. 24 V.S.A. § 4416 is amended to read:

6 § 4416. SITE PLAN REVIEW

7 * * *

8 (b) Whenever a proposed site plan involves access to a State highway or
9 other work in the State highway right-of-way such as excavation, grading,
10 paving, or utility installation, the application for site plan approval shall
11 include a letter ~~of intent~~ from the Agency of Transportation confirming that the
12 Agency has reviewed the proposed site plan and ~~is prepared to issue an access~~
13 ~~permit under 19 V.S.A. § 1111, and setting~~ determined whether a permit is
14 required under 19 V.S.A. § 1111. If the Agency determines that a permit for
15 the proposed site plan is required under 19 V.S.A. § 1111, then the letter from
16 the Agency shall set out any conditions that the Agency proposes to attach to
17 the ~~section 1111~~ permit required under 19 V.S.A. § 1111.

18 Sec. 30. 24 V.S.A. § 4463(e) is added to read:

19 (e) Whenever a proposed subdivision is adjacent to a State highway, the
20 application for subdivision approval shall include a letter from the Agency of
21 Transportation confirming that the Agency has reviewed the proposed

1 subdivision and determined whether a permit is required under 19 V.S.A.
2 § 1111. If the Agency determines that a permit for the proposed subdivision is
3 required under 19 V.S.A. § 1111, then the letter from the Agency shall set out
4 any conditions that the Agency proposes to attach to the permit required under
5 19 V.S.A. § 1111.

6 Sec. 31. 19 V.S.A. § 1112(b) is amended to read:

7 (b) The Secretary shall collect the following fees for each application for
8 the following types of permits ~~or permit amendments~~ issued pursuant to
9 section 1111 of this title:

10 * * *

11 (6) permit amendments: \$0.00.

12 * * * Work Zone Highway Safety

13 Automated Traffic Law Enforcement Study and Report * * *

14 Sec. 32. WORK ZONE HIGHWAY SAFETY AUTOMATED TRAFFIC
15 LAW ENFORCEMENT STUDY AND REPORT

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

17 (1) “Automated traffic law enforcement system” means a device with
18 one or more sensors working in conjunction with a speed measuring device to
19 produce recorded images of motor vehicles traveling at more than 10 miles
20 above the speed limit or traveling in violation of another traffic control device,
21 or both.

1 (2) “Recorded image” means a photograph, microphotograph, electronic
2 image, or electronic video that shows the front or rear of the motor vehicle
3 clearly enough to identify the registration number plate of the motor vehicle or
4 that shows the front of the motor vehicle clearly enough to identify the
5 registration number plate of the motor vehicle and shows the operator of the
6 motor vehicle.

7 (3) “Traffic control device” means any sign, signal, marking,
8 channelizing, or other device that conforms with the Manual on Uniform
9 Traffic Control Devices, which is the standards for all traffic control signs,
10 signals, and markings within the State pursuant to 23 V.S.A. § 1025, and is
11 used to regulate, warn, or guide traffic and placed on, over, or adjacent to a
12 highway, pedestrian facility, or bicycle path by authority of the State or the
13 municipality with jurisdiction over the highway, pedestrian facility, or bicycle
14 path.

15 (b) Study. The Agency of Transportation shall, in consultation with at least
16 the Department of Public Safety and the Associated General Contractors of
17 Vermont, study the feasibility of implementing automated traffic law
18 enforcement systems in work zones in Vermont and make specific
19 recommendations on whether to pursue a program that utilizes automated
20 traffic law enforcement systems within work zones in Vermont, with a specific
21 focus on affecting driver behavior. At a minimum, the Agency shall:

1 (1) research the cost to procure equipment and services to assist in the
2 implementation of a program that utilizes automated traffic law enforcement
3 systems within work zones in Vermont;

4 (2) research how images are collected, stored, accessed, used, and
5 disposed of; by whom; and under what timeline or timelines when automated
6 traffic law enforcement systems are used to collect a recorded image of a
7 motor vehicle in violation of a traffic control device in a work zone;

8 (3) make recommendations on how images should be collected, stored,
9 accessed, used, and disposed of; by whom; and under what timeline or
10 timelines if a program that utilizes automated traffic law enforcement systems
11 within work zones in Vermont is implemented; and

12 (4) define the system components needed to implement a program that
13 utilizes automated traffic law enforcement systems within work zones in
14 Vermont.

15 (c) Report. On or before January 15, 2022, the Agency shall submit a
16 written report to the House and Senate Committees on Judiciary and on
17 Transportation with its findings and any proposals for implementation.

18 * * * Transportation Equity Framework * * *

19 Sec. 33. TRANSPORTATION EQUITY FRAMEWORK; REPORT

20 (a) The Agency of Transportation, in consultation with the State's 11
21 Regional Planning Commissions (RPCs), shall undertake a comprehensive

1 analysis of the State’s existing transportation programs and develop a
2 recommendation on a transportation equity framework through which the
3 annual Transportation Program, and the Agency’s Annual Project Prioritization
4 Process, can be evaluated so as to advance mobility equity, which is a
5 transportation system that increases access to mobility options, reduces air
6 pollution, and enhances economic opportunity for Vermonters in communities
7 that have been underserved by the State’s transportation system.

8 (b) In conducting the analysis required under subsection (a) of this section,
9 the Agency, in coordination with the State’s 11 RPCs, shall seek input from
10 individuals who are underserved by the State’s current transportation system or
11 who may not have previously been consulted as part of the Agency’s planning
12 processes.

13 (c) In order to aid the Agency in conducting the analysis required under
14 subsection (a) of this section, the State’s 11 RPCs shall convene regional
15 meetings focused on achieving equity and inclusion in the transportation
16 planning process. Meeting facilitation shall include identification of and
17 outreach to underrepresented local communities and solicitation of input on the
18 transportation planning process pursuant to the transportation planning efforts
19 required under 19 V.S.A. § 10l.

20 (d) The Agency shall file a written report with its analysis and a
21 recommendation on a transportation equity framework as required under

1 subsection (a) of this section with the House and Senate Committees on
2 Transportation not later than January 15, 2022.

3 * * * Effective Dates * * *

4 Sec. 34. EFFECTIVE DATES

5 (a) This section and Secs. 7 (federal infrastructure funding), 10
6 (authorization for the Incentive Program for New PEVs), and 13 (authorization
7 for MileageSmart) shall take effect on passage.

8 (b) Sec. 6 (repeal of 23 V.S.A. § 1432(c)) shall take effect on January 1,
9 2022.

10 (c) All other sections shall take effect on July 1, 2021.

11

12

13

14 (Committee vote: _____)

15

16

Senator _____

17

FOR THE COMMITTEE