

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill  
3 No. 736 entitled “An act relating to the Transportation Program and  
4 miscellaneous changes to laws related to transportation” respectfully reports  
5 that it has considered the same and recommends that the Senate propose to the  
6 House that the bill be amended by striking out all after the enacting clause and  
7 inserting in 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 2023

11 Transportation Program appended to the Agency of Transportation’s proposed  
12 fiscal year 2023 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) “Candidate project” means a project approved by the General  
17 Assembly that is not anticipated to have significant expenditures for  
18 preliminary engineering or right-of-way expenditures, or both, during the  
19 budget year and funding for construction is not anticipated within a predictable  
20 time frame.

1           (3) “Development and evaluation (D&E) project” means a project  
2           approved by the General Assembly that is anticipated to have preliminary  
3           engineering expenditures or right-of-way expenditures, or both, during the  
4           budget year and that the Agency is committed to delivering to construction on  
5           a timeline driven by priority and available funding.

6           (4) “Electric vehicle supply equipment (EVSE)” has the same meaning  
7           as in 30 V.S.A. § 201.

8           (5) “Front-of-book project” means a project approved by the General  
9           Assembly that is anticipated to have construction expenditures during the  
10           budget year or the following three years, or both, with expected expenditures  
11           shown over four years.

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

15           (7) “Secretary” means the Secretary of Transportation.

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

18           (9) The table heading “As Proposed” means the Proposed  
19           Transportation Program referenced in subsection (a) of this section; the table  
20           heading “As Amended” means the amendments as made by this act; the table  
21           heading “Change” means the difference obtained by subtracting the “As

1 Proposed” figure from the “As Amended” figure; and the terms “change” or  
2 “changes” in the text refer to the project- and program-specific amendments,  
3 the aggregate sum of which equals the net “Change” in the applicable table  
4 heading.

5 \* \* \* Summary of Transportation Investments \* \* \*

6 **Sec. 2. FISCAL YEAR 2023 TRANSPORTATION INVESTMENTS**

7 **INTENDED TO REDUCE TRANSPORTATION-RELATED**

8 **GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL**

9 **USE, AND SAVE VERMONT HOUSEHOLDS MONEY**

10 This act includes the State’s fiscal year 2023 transportation investments  
11 intended to reduce transportation-related greenhouse gas emissions, reduce  
12 fossil fuel use, and save Vermont households money in furtherance of the  
13 policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive  
14 Energy Plan and to satisfy the Executive and Legislative Branches’  
15 commitments to the Paris Agreement climate goals. In fiscal year 2023, these  
16 efforts will include the following:

17 (1) Park and Ride Program. This act provides for a fiscal year  
18 expenditure of \$4,043,060.00, which will fund one construction project to  
19 create a new park and ride facility; the design of one additional park and ride  
20 facility scheduled for construction in future fiscal years; the design of  
21 improvements to one additional park and ride facility; and paving projects for

1 existing park and ride facilities. This year’s Park and Ride Program will create  
2 254 new State-owned spaces. Specific additions and improvements include:

3 (A) Berlin (Exit 6)—design for 62 spaces;

4 (B) Manchester—design for 50 new spaces; and

5 (C) Williston—construction of 142 new spaces.

6 (2) Bike and Pedestrian Facilities Program. This act, in concert with  
7 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year  
8 expenditure, including local match, of \$19,793,776.00, which will fund 29 bike  
9 and pedestrian construction projects and 18 bike and pedestrian design, right-  
10 of-way, or design and right-of way projects for construction in future fiscal  
11 years. The construction projects include the creation, improvement, or  
12 rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and  
13 cycling lanes. In addition to completing the Lamoille Valley Rail Trail, which  
14 will run from Swanton to St. Johnsbury, projects are funded in Arlington,  
15 Bennington, Brattleboro, Bristol, Burlington, Chester, Colchester, Coventry,  
16 Dover, Enosburg Falls, Fairfax, Hardwick, Hartford, Hartland, Hinesburg,  
17 Lyndon, Manchester, Middlebury, Middlesex, Montpelier, Montpelier-Berlin,  
18 Moretown, New Haven, Pawlet, Plainfield, Poultney, Proctor, Richford,  
19 Roxbury, Royalton, Rutland City, Shelburne, South Burlington, Springfield,  
20 St. Albans City, Swanton, Vergennes, Waterbury, and Winooski. This act also  
21 provides State funding for some of Local Motion’s operation costs to run the

1 Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail;  
2 funding for the small-scale municipal bicycle and pedestrian grant program for  
3 projects to be selected during the fiscal year; funding for projects funded  
4 through the Safe Routes to School program; and funding for education and  
5 outreach to K–8 schools to encourage higher levels of walking and bicycling to  
6 school.

7 (3) Transportation Alternatives Program. This act provides for a fiscal  
8 year expenditure of \$5,665,880.00, including local funds, which will fund  
9 18 transportation alternatives construction projects and 24 transportation  
10 alternatives design, right-of-way, or design and right-of-way projects. Of these  
11 42 projects, 12 involve environmental mitigation related to clean water or  
12 stormwater concerns, or both clean water and stormwater concerns, and 23  
13 involve bicycle and pedestrian facilities. Projects are funded in Bennington,  
14 Berlin, Brandon, Bridgewater, Bridport, Brighton, Burlington, Castleton,  
15 Chester, Colchester, Derby, Duxbury, Enosburg, Essex, Fair Haven, Fairfax,  
16 Franklin, Hartford, Hyde Park, Jericho, Montgomery, Newfane, Norwich,  
17 Pittsford, Proctor, Rutland Town, South Burlington, St. Johnsbury, Vergennes,  
18 Warren, West Rutland, Williston, Wilmington, and Winooski.

19 (4) Public Transit Program. This act authorizes \$50,239,278.00 in  
20 funding for public transit uses throughout the State, which is a 9.6 percent  
21 increase over fiscal year 2022 levels, a 21.8 percent increase over fiscal year

1 2021 levels, and a 30 percent increase over fiscal year 2020 levels. Included in  
2 the authorization are:

3 (A) Go! Vermont, with an authorization of \$873,000.00. This  
4 authorization supports transportation demand management (TDM) strategies,  
5 including the State’s Trip Planner and commuter services, to promote the use  
6 of carpools and vanpools.

7 (B) Vermont Kidney Association Grant, with an authorization of  
8 \$50,000.00. This authorization supports the transit needs of Vermonters in  
9 need of dialysis services.

10 (C) Mobility and Transportation Innovation (MTI) Grant Program,  
11 with an authorization of \$1,500,000.00, through Sec. 15 of this act. This  
12 authorization continues to support microtransit projects that improve both  
13 mobility and access to services for transit-dependent Vermonters, reduce the  
14 use of single-occupancy vehicles, and reduce greenhouse gas emissions.

15 (D) One-time public transit monies, with an authorization of  
16 \$1,200,000.00, through Sec. 16 of this act. This authorization will allow  
17 public transit providers to, as practicable, provide zero-fare public transit on  
18 routes other than commuter and LINK Express and restore service to pre-  
19 COVID-19 levels.

20 (5) Rail Program. This act authorizes \$35,363,182.00, including local  
21 funds, for intercity passenger rail service and rail infrastructure throughout the

1 State, including the return of New York City–Burlington passenger rail  
2 service.

3 (6) Transformation of the State Vehicle Fleet. The Department of  
4 Buildings and General Services, which manages the State Vehicle Fleet,  
5 currently has XX PHEVs and XX BEVs in the State Vehicle Fleet. In fiscal  
6 year 2023, the Department of Buildings and General Services expects to add  
7 XX additional PHEVs and XX additional BEVs to the fleet.

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

10 (A) Sec. 3 of this act authorizes up to \$6,250,000.00 to install level 3  
11 EVSE along the State highway network and to cover capped administrative  
12 costs.

13 (B) Sec. 4 of this act amends a State goal to have a level 3 EVSE  
14 charging port available to the public within one driving mile, down from five  
15 miles, of every exit of the Dwight D. Eisenhower National System of Interstate  
16 and Defense Highways within the State and 25 driving miles, down from  
17 50 miles, of another level 3 EVSE charging port available to the public along a  
18 State highway.

19 (C) The fiscal year 2023 budget authorizes up to \$10,000,000.00 to  
20 install EVSE at multiunit dwellings, workplaces, and public venues and

1 attractions, such as parks, State parks and access areas, downtowns, museums,  
2 and ski mountains, and to cover capped administrative costs.

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

4 (A) Incentive Program for New PEVs. Sec. 5(a) of this act  
5 authorizes \$12,000,000.00 for PEV purchase and lease incentives under the  
6 Incentive Program for New PEVs, which is the State’s program to incentivize  
7 the purchase and lease of new PEVs, and capped administrative costs.

8 (B) MileageSmart. Sec. 5(b) of this act authorizes up to  
9 \$3,000,000.00 for purchase incentives under MileageSmart, which is the  
10 State’s used high-fuel-efficiency vehicle incentive program, and capped  
11 administrative costs.

12 (C) Replace Your Ride Program. Sec. 5(c) of this act authorizes  
13 \$3,000,000.00 for incentives under Replace Your Ride, which will be the  
14 State’s program to incentivize Vermonters to remove older low-efficiency  
15 vehicles from operation and switch to modes of transportation that produce  
16 fewer greenhouse gas emissions, and capped administrative costs.

17 (D) Drive Electric Vermont. Sec. 5(d) of this act authorizes up to  
18 \$2,000,000.00 for the Agency to continue and expand the Agency’s public-  
19 private partnership with Drive Electric Vermont to support the expansion of  
20 the PEV market in the State.



1           (9) Carbon Reduction Program. Sec. 18 of this act requires the Agency  
2           of Transportation, in consultation with the Vermont Climate Council, to ensure  
3           that within the Agency of Transportation’s Proposed Fiscal Year 2024  
4           Transportation Program all federal monies that are available to the State under  
5           the Carbon Reduction Program in federal fiscal years 2022, 2023, and 2024 are  
6           allocated toward projects that align with the recommendations of the Climate  
7           Action Plan (CAP) issued under 10 V.S.A. § 592.

8           (10) Vermont State Standards. Sec. 19 of this act requires the Agency to  
9           develop a plan for updating the Vermont State Standards for the Design of  
10           Transportation Construction, Reconstruction and Rehabilitation on Freeways,  
11           Roads, and Streets to create context sensitive, multimodal projects that support  
12           smart growth.

13           (11) Bicycle and Pedestrian Planning Integration Program. Sec. 25 of  
14           this act requires the Agency to establish a program to support the continued  
15           development and buildout of bicycle and pedestrian infrastructure.

16           (12) Pedestrian safety outreach. Sec. 26 of this act requires the Agency  
17           to develop and disseminate outreach information regarding pedestrian safety  
18           funding and programs available to communities.

19           (13) Sustainable building components. Secs. 55–57 of this act establish  
20           the Agency’s statement of policy on the use of sustainable building  
21           components.

1           \* \* \* Electric Vehicle Supply Equipment (EVSE) Infrastructure \* \* \*

2                           \* \* \* Investments in EVSE \* \* \*

3       Sec. 3. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT  
4                           INFRASTRUCTURE

5           (a) State highway network. The Agency of Transportation is authorized to  
6           spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to  
7           install level 3 EVSE along the State highway network consistent with the goals  
8           established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 4  
9           of this act. This authorization shall be used by the Agency for one or more of  
10          the following:

11                   (1) to purchase and install level 3 EVSE;

12                   (2) to provide grants for persons to purchase and install level 3 EVSE;

13          or

14                   (3) to enter into a public-private partnership for the purchase and  
15          installation of level 3 EVSE.

16          (b) Purpose. The purpose of the expenditures authorized in subsection (a)  
17          of this section is to respond to negative economic impacts to the tourism,  
18          travel, and hospitality industries caused by the COVID-19 public health  
19          emergency.

20          (c) Administrative costs. Unless prohibited by federal or State law, the  
21          Agency may use up to 15 percent of the authorization in subsection (a) of this

1 section for any administrative costs associated with installing level 3 EVSE  
2 along the State highway network.

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

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

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

14 (e) Outreach and marketing. The Agency of Transportation shall ensure  
15 that there is sufficient outreach and marketing, including the use of translation  
16 and interpretation services, of any EVSE grant program or public-private  
17 partnership implemented or entered into pursuant to subsection (a) of this  
18 section and such costs shall be considered administrative costs for purposes of  
19 subsection (c) of this section.

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\* \* \* EVSE Goals \* \* \*

Sec. 4. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:

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

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

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

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

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

\* \* \* Vehicle Incentive Programs \* \* \*

Sec. 5. VEHICLE INCENTIVE PROGRAMS

(a) Incentive Program for New PEVs. The Agency is authorized to spend up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the

1 Incentive Program for New PEVs established in 2019 Acts and Resolves  
2 No. 59, Sec. 34, as amended.

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

6 (c) Replace Your Ride Program. The Agency is authorized to spend up to  
7 \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace  
8 Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as  
9 amended.

10 (d) Public-private partnership. The Agency is authorized to spend up to  
11 \$2,000,000.00 as appropriated in the fiscal year 2023 budget on the Agency's  
12 existing partnership with Drive Electric Vermont, which shall support the  
13 expansion of the PEV market in the State through the provision of stakeholder  
14 coordination, policy engagement, consumer education and outreach,  
15 infrastructure development, and technical assistance.

16 (e) Administrative costs. The Agency may use up to 15 percent of any  
17 single authorization in subsections (a)–(c) of this section for any costs  
18 associated with administering and promoting the vehicle incentive programs.

19 (f) Carryforward; deployment in fiscal year 2023.

20 (1) Notwithstanding any other provision of law and subject to the  
21 approval of the Secretary of Administration, appropriations to support the

1 authorizations under this section remaining unexpended on June 30, 2023 shall  
2 be carried forward and designated for the same expenditures in the subsequent  
3 fiscal year.

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

10 (g) Outreach and marketing. The Agency, in consultation with Drive  
11 Electric Vermont and the Vermont Vehicle and Automotive Distributors  
12 Association, shall ensure that there is sufficient outreach and marketing,  
13 including the use of translation and interpretation services, of the Incentive  
14 Program for New PEVs, MileageSmart, and Replace Your Ride so that  
15 Vermonters who are eligible under one or more of the incentive programs can  
16 easily learn how to secure as many incentives as are available and such costs  
17 shall be considered administrative costs for purposes of subsection (e) of this  
18 section.

19 Sec. 6. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts  
20 and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112,

1 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55,  
2 Sec. 19 is further amended to read:

3 (b) Electric vehicle incentive program. An incentive program for Vermont  
4 residents to purchase and lease new PEVs shall structure PEV purchase and  
5 lease incentive payments by income to help Vermonters benefit from electric  
6 driving, including Vermont's most vulnerable. The program shall be known as  
7 the Incentive Program for New PEVs. Specifically, the Incentive Program for  
8 New PEVs shall:

9 \* \* \*

10 (5) apply to:

11 (A) manufactured PEVs PHEVs with a Base Manufacturer's  
12 Suggested Retail Price (MSRP) of \$40,000.00 or less;

13 (B) manufactured BEVs with a Base MSRP of \$45,000.00 or less;

14 and

15 (C) manufactured PEVs with any Base MSRP that will be issued a  
16 special registration plate by the Commissioner of Motor Vehicles pursuant to  
17 23 V.S.A. § 304a or will predominately be used to provide accessible  
18 transportation for the incentive recipient or a member of the incentive  
19 recipient's household, provided that the incentive recipient or the member of  
20 the incentive recipient's household has a removable windshield placard issued  
21 by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a; and

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\* \* \* Vermont Association of Snow Travelers Authorizations \* \* \*

Sec. 7. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)

AUTHORIZATIONS

(a) The Agency of Transportation, through the Department of Motor

Vehicles, is authorized to spend:

(1) \$50,000.00 in one-time General Fund monies, as appropriated in the

fiscal year 2023 budget, in grants to the Vermont Association of Snow

Travelers (VAST) to support the Law Enforcement and Safety Program; and

(2) \$750,000.00 in one-time General Fund monies, as appropriated in

the fiscal year 2023 budget, in grants to VAST to support the Equipment

Grant-in-Aid Program.

(b) VAST shall ensure that the Equipment Grant-in-Aid Program

maximizes the geographic distribution and utilization of equipment purchased

in whole or in part with the monies authorized in subdivision (a)(2) of this

section by implementing grant scoring criteria that awards equipment grants 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.

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

Sec. 8. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;

REPEAL



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

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

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

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

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

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

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

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

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

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

6                    (B) The engineering (PE) and right-of-way (ROW) phases of projects  
7 to be funded at 100 percent federal share under subdivision (A) of this  
8 subdivision (1) shall continue to be funded at 80 percent federal, 10 percent  
9 State, and 10 percent municipal.

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

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

20                   (c) Secondary implementation. Should funding through the federal Bridge  
21 Formula Program remain available following the implementation delineated

1 under subsection (b) of this section, town highway bridges shall be advanced  
2 based on the prioritization process outlined in 19 V.S.A. § 10g(l).

3 (d) Repeal. This section is repealed on October 1, 2029, at the conclusion  
4 of the authorized implementation period for the IIIA.

5 Sec. 9. TOWN HIGHWAY BRIDGE PROGRAM

6 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2023  
7 Transportation Program for Town Highway Bridges, authorized spending for  
8 the construction phase of the following projects is amended to be 100 percent  
9 federal pursuant to Sec. 8(b)(1)(A) and (2)(A) of this act:

10 (1) Clarendon BO 1443(55);

11 (2) Hartford BO 1444(60);

12 (3) Ludlow Village BO 1443(52);

13 (4) Poultney BO 1443(53);

14 (5) Stowe BO 1446(37);

15 (6) Stowe BO 1446(39);

16 (7) Statewide Preservation Easement Paint Program; and

17 (8) Statewide Rehabilitation of Covered Bridges.

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

21 FY23

As Proposed

As Amended

Change

1	Other	350,000	350,000	0
2	PE	4,294,487	4,294,487	0
3	ROW	355,000	355,000	0
4	Construction	25,314,700	25,314,700	0
5	Total	30,314,187	30,314,187	0
6	<u>Sources of funds</u>			
7	TIB	2,402,455	2,402,455	0
8	State	1,919,899	1,230,817	-689,082
9	Federal	24,251,350	25,529,514	1,278,164
10	Local	1,740,483	1,151,401	-589,082
11	Total	30,314,187	30,314,187	0

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

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

1           (8) Northfield (Bridge No. 15 on Town Highway 3);

2           (9) Troy (Bridge No. 8 on Town Highway 12); and

3           (10) Weathersfield (Bridge No. 83 on Town Highway 65).

4           (d) Within the Agency of Transportation’s Proposed Fiscal Year 2023

5           Transportation Program, the following metal truss bridges projects are added to

6           the candidate list for Town Highway Bridges:

7           (1) Berlin (Bridge No. 27 on Town Highway 61);

8           (2) Bridgewater (Bridge No. 26 on Town Highway 34);

9           (3) Enosburg (Bridge No. 45 on Town Highway 42);

10          (4) Lincoln (Bridge No. 46 on Town Highway 6);

11          (5) Moretown (Bridge No. 42 on Town Highway 39);

12          (6) Newfane (Bridge No. 49 on Town Highway 26);

13          (7) Northfield (Bridge No. 65 on Town Highway 57);

14          (8) Royalton (Bridge No. 30 on Town Highway 6); and

15          (9) Sheldon (Bridge No. 20 on Town Highway 22).

16                   \* \* \* Amendments to Fiscal Year 2023 Authorizations \* \* \*

17           Sec. **10**. PROGRAM DEVELOPMENT

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

19           Transportation Program for Program Development Administration, authorized

20           spending is amended as follows:

21	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
----	-------------	--------------------	-------------------	---------------

1	Person. Svcs.	23,753,701	23,753,701	0
2	Operat. Exp.	9,039,403	8,985,192	-54,211
3	Grants	286,000	286,000	0
4	Total	33,079,104	33,024,893	-54,211
5	<u>Sources of funds</u>			
6	State	25,074,132	25,019,921	-54,211
7	Federal	7,929,972	7,929,972	0
8	Inter Unit	75,000	75,000	0
9	Total	33,079,104	33,024,893	-54,211

10 Sec. **11**. TOWN HIGHWAY AID

11 Within the Agency of Transportation's Proposed Fiscal Year 2023  
12 Transportation Program for Town Highway Aid, authorized spending is  
13 amended as follows:

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

1 Sec. 12. POLICY AND PLANNING

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

3 Transportation Program for Policy and Planning, authorized spending is  
4 amended as follows:

5	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
6	Person. Svcs.	4,767,663	4,767,663	0
7	Operat. Exp.	1,035,700	1,035,700	0
8	Grants	7,389,725	10,784,247	3,394,522
9	Total	13,193,088	16,587,610	3,394,522

10 Sources of funds

11	State	3,217,573	3,217,573	0
12	Federal	9,920,240	13,314,762	3,394,522
13	Inter Unit	55,275	55,275	0
14	Total	13,193,088	16,587,610	3,394,522

15 **Sec. 13. TOWN HIGHWAY STRUCTURES AND TOWN HIGHWAY**

16 **CLASS 2 ROADWAY**

17 (a) Town highway structures. The Agency shall carry forward not less than  
18 \$866,500.00 of unexpended fiscal year 2022 appropriations and designate  
19 those monies for grant awards under the town highway structures program so  
20 as to meet the statutory minimum grant award totals required under 19 V.S.A.  
21 § 306(e) in fiscal year 2023.

1        (b) Town highway class 2 roadway. The Agency shall carry forward not  
2        less than \$951,250.00 of unexpended fiscal year 2022 appropriations and  
3        designate those monies for grant awards under the town highway class 2  
4        roadway program so as to meet the statutory minimum grant award totals  
5        required under 19 V.S.A. § 306(h) in fiscal year 2023.

6        Sec. 14. ONE-TIME APPROPRIATION; DMV IT PROJECT

7        Within the Agency of Transportation’s Proposed Fiscal Year 2023  
8        Transportation Program, in one-time appropriations, the number “20,250,000”  
9        is struck out for “All Exp.,” “Total,” “Transportation Fund,” and “Total” and  
10       replaced with the number “0” so as to indicate that there is no appropriation to  
11       the Department of Motor Vehicles for the DMV Core System Modernization  
12       Phase II project, and a note is added to read as follows: “The fiscal year 2023  
13       budget bill appropriates \$20,250,000 from the American Rescue Plan Act  
14       (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Digital  
15       Services for the DMV Core System Modernization Phase II project.”

16       \* \* \* Mobility and Transportation Innovation Grant Program \* \* \*

17       Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT  
18       PROGRAM

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



1        (b) Authorization. Spending authority for Mobility and Transportation

2        Innovation (MTI) Grant Program is authorized as follows:

3	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
4	Grants	0	1,500,000	1,500,000
5	Total	0	1,500,000	1,500,000
6	<u>Sources of funds</u>			
7	State	0	500,000	500,000
8	General Fund	0	1,000,000	1,000,000
9	Total	0	1,500,000	1,500,000

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

16                    \* \* \* **Public Transit; Zero Fare; Level of Service** \* \* \*

17        Sec. 16. **ONE-TIME PUBLIC TRANSIT MONIES**

18        (a) Project addition. The following project is added to the Agency of  
19        Transportation’s Proposed Fiscal Year 2023 Transportation Program for Public  
20        Transit: **Increased One-Time Monies for Public Transit for Fiscal Year 2023.**

1       (b) Authorization. Spending authority for Increased One-Time Monies for  
2 Public Transit for Fiscal Year 2023 is authorized as follows:

3	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
4	Other	0	1,200,000	1,200,000
5	Total	0	1,200,000	1,200,000
6	<u>Sources of funds</u>			
7	General Fund	0	1,200,000	1,200,000
8	Total	0	1,200,000	1,200,000

9       (c) Implementation. Transit agencies that are eligible to receive grant  
10 funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall, as  
11 practicable and in the sole discretion of the transit agencies, do the following  
12 during fiscal year 2023:

- 13       (1) operate routes other than commuter and LINK Express on a zero-  
14 fare basis; and
- 15       (2) provide service at pre-COVID-19 levels.

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

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

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

5           \*\*\* Burlington International Airport Study Committee; Report \*\*\*

6           **Sec. 17. BURLINGTON INTERNATIONAL AIRPORT STUDY**

7           **COMMITTEE; REPORT**

8           (a) Project addition. The following project is added to the Agency of  
9           Transportation’s Proposed Fiscal Year 2023 Transportation Program for  
10           Aviation: Burlington International Airport Study.

11           (b) Authorization.

12           (1) Spending authority for the Burlington International Airport Study is  
13           authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	150,000	150,000
Total	0	150,000	150,000

17           Sources of funds

State	0	150,000	150,000
Total	0	150,000	150,000

20           (2) Spending authority for South Burlington AV-FY18-001 is amended  
21           as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const	12,650,000	12,650,000	0
Total	12,650,000	12,650,000	0
<u>Sources of funds</u>			
State	500,000	350,000	-150,000
Federal	11,385,000	11,385,000	0
Local	765,000	915,000	150,000
Total	12,650,000	12,650,000	0

(3) The note for the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Aviation is amended to read as follows:

“Appropriation excludes \$11,385,000 of FAA Funds and \$915,000 of Local Funds (South Burlington AV-FY18-001, BTV Match).”

(c) Creation. There is created the Burlington International Airport Study Committee to examine the existing governance structure and alternatives to the existing governance structure of the Burlington International Airport (Airport) and to report the Committee’s findings and recommendations.

(d) Membership. The Committee shall be composed of the following nine voting members and two nonvoting members:

(1) one voting member appointed by the Governor;

(2) one voting member designated by the mayor of the City of Burlington;

- 1           (3) one voting member designated by the city council of the City of
- 2           Burlington;
- 3           (4) one voting member designated by the city council of the City of
- 4           South Burlington;
- 5           (5) one voting member designated by the mayor of the City of
- 6           Winooski;
- 7           (6) one voting member designated by the Chittenden County Regional
- 8           Planning Commission to represent individuals, such as Black, Indigenous, and
- 9           Persons of Color (BIPOC), immigrants, individuals with low income, and
- 10           individuals residing in “disadvantaged communities” as defined in federal
- 11           Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,”
- 12           adversely affected by the Airport;
- 13           (7) one voting member designated by the Chittenden County Regional
- 14           Planning Commission to represent the general aviation organizations at the
- 15           Airport;
- 16           (8) the Secretary of Transportation or designee, who shall be a voting
- 17           member;
- 18           (9) one voting member designated by the President and CEO of the Lake
- 19           Champlain Regional Chamber of Commerce;
- 20           (10) the current, including acting or interim, Director of Aviation for the
- 21           Airport or designee, who shall be a nonvoting member of the Committee; and

1           (11) the Director of the Chittenden County Regional Planning  
2           Commission or designee, who shall be a nonvoting member of the Committee.

3           (e) Assistance; consultant.

4           (1) The Committee shall have the administrative, technical, and legal  
5           assistance of the Agency of Transportation, which shall contract with an  
6           independent third-party consultant with expertise in airport governance and  
7           may contract with an additional person to serve as a neutral facilitator for the  
8           Committee if such assistance cannot be provided by an employee or employees  
9           of the Agency of Transportation.

10           (2) The Agency of Transportation shall work with the Committee to  
11           prepare a request for information and a request for proposal for the retention of  
12           the independent third-party consultant that is contracted with pursuant to  
13           subdivision (1) of this subsection.

14           (f) Powers and duties. The Committee, with the assistance of the  
15           consultant retained as required under subsection (e) of this section, shall:

16           (1) review prior reports and recommendations prepared on the  
17           governance structure of the Airport, including the January 1, 2020  
18           memorandum from Eileen Blackwood, Burlington City Attorney to Mayor  
19           Miro Weinberger and the City Council regarding Burlington International  
20           Airport and Regional Governance Questions; the June 10, 2013 Burlington  
21           International Airport, Airport Strategic Planning Committee Recommendations

1 (Airport Strategic Planning Committee Recommendations); and the December  
2 1985 Final Report of the Burlington Airport Study Group;

3 (2) examine the advantages and disadvantages of each of the options  
4 identified in the Airport Strategic Planning Committee Recommendations;

5 (3) examine the advantages and disadvantages of any additional  
6 governance structure options for the Airport recommended by the consultant or  
7 identified by a majority of the voting members of the Committee as warranting  
8 study;

9 (4) identify any other issue relating to the governance of the Airport that  
10 a majority of the voting members of the Committee determine warrants study;  
11 and

12 (5) make recommendations on the governance structure of the Airport as  
13 supported by a majority of the voting members of the Committee.

14 (g) Report; recommendations. On or before January 15, 2024, the  
15 Committee shall submit a written report to the General Assembly with its  
16 findings and recommendations. Any recommendations from the Committee  
17 shall address how to ensure that there are not negative financial impacts on the  
18 City of Burlington.

19 (h) Meetings.

20 (1) The Secretary of Transportation or designee shall call the first  
21 meeting of the Committee to occur on or before September 30, 2022.

- 1           (2) The Committee shall select a chair from among its voting members  
2           at the first meeting.
- 3           (3) A majority of the voting membership of the Committee shall  
4           constitute a quorum.
- 5           (4) The Committee shall cease to exist on January 16, 2024.
- 6           (i) Compensation and reimbursement. Members of the Committee who are  
7           not employees of the State of Vermont and who are not otherwise compensated  
8           or reimbursed for their attendance shall be entitled to per diem compensation  
9           and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not  
10           more than six meetings.

11                   \* \* \* Proposed Fiscal Year 2024 Transportation Program \* \* \*

12                               \* \* \* Carbon Reduction Program \* \* \*

13           Sec. 18. PROPOSED FISCAL YEAR 2024 TRANSPORTATION  
14                               PROGRAM

15           The Agency of Transportation shall consult with the Vermont Climate  
16           Council and ensure that within the Agency of Transportation’s Proposed  
17           Transportation Program for fiscal years 2024, 2025, and 2026 all federal  
18           monies that are proposed by the State for expenditure under the Carbon  
19           Reduction Program, codified at 23 U.S.C. § 175, are allocated toward projects  
20           that align with the recommendations of the Climate Action Plan (CAP) issued  
21           under 10 V.S.A. § 592.



1                   \* \* \* Plan to Update Vermont State Standards \* \* \*

2           Sec. 19. PLAN TO UPDATE VERMONT STATE STANDARDS

3           (a) The Agency shall develop a plan for updating the Vermont State  
4           Standards for the Design of Transportation Construction, Reconstruction and  
5           Rehabilitation on Freeways, Roads, and Streets (C.V.R. 14-010-019) (Vermont  
6           State Standards) to create context sensitive, multimodal projects that support  
7           smart growth as recommended in the Revising the Vermont State Standards  
8           (VSS) M2D2: Multimodal Development and Delivery Work Plan, March  
9           2015 (State Standards Work Plan), prepared in accordance with 2014 Acts and  
10           Resolves No. 167, Sec. 26.

11           (b) As recommended in the State Standards Work Plan, the Agency of  
12           Transportation shall also prepare a plan to update documents, standards,  
13           guidance, and procedures related to the Vermont State Standards.

14           (c) The Agency shall budget for the plan to update the Vermont State  
15           Standards and related documents in the Proposed Fiscal Year 2024  
16           Transportation Program.

17           (d) The Agency shall make staff available to the House and Senate  
18           Committees on Transportation for an oral presentation on the plan to update  
19           the Vermont State Standards and corresponding budget beginning on January  
20           15, 2023.

21                   \* \* \* Transportation Alternatives Grant Program \* \* \*

1 Sec. 20. 19 V.S.A. § 38 is amended to read:

2 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

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

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

14 \* \* \*

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

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



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

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

3           Sec. **21**. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to  
4           read:

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

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

15           Sec. **22**. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

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

1 Sec. 23. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

2 (b) Authorization.

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

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

13 \* \* \* EVSE Grant Program \* \* \*

14 Sec. 24. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

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

17 (a) As used in this section:

18 \* \* \*

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

21 \* \* \*

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

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

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

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

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\* \* \*

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

\* \* \*

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

\* \* \*

\* \* \* Bicycle and Pedestrian Planning Integration **Program** \* \* \*

Sec. **25**. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION  
**PROGRAM**

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

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

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

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

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

13 \* \* \* Pedestrian Safety Outreach \* \* \*

14 Sec. 26. PEDESTRIAN SAFETY OUTREACH

15 The Agency shall:

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

18 (2) disseminate that outreach information to communities in  
19 coordination with the State’s Regional Planning Commissions (RPCs) and  
20 through both the annual Transportation Planning Initiative (TPI) Program and  
21 Local Motion.



\* \* \* Transportation Board \* \* \*

Sec. 27. 5 V.S.A. chapter 3 is redesignated to read:

CHAPTER 3. PROCEEDINGS BY THE BOARD; ~~APPEAL TO SUPERIOR~~  
~~COURT~~ JUDICIAL REVIEW

Sec. 28. 5 V.S.A. § 37 is amended to read:

§ 37. MEMBERS; TERMS; RETIREMENT; APPEAL

(a) When a Board member who hears all or a substantial part of a case retires from office before the case is completed, ~~he or she~~ that individual shall remain a member of the Board for the purpose of concluding and deciding the case, and signing the findings, orders, decrees, and judgments of the case. A retiring chair shall also remain a member for the purpose of certifying questions of law if appeal is taken.

(b) A case shall be deemed completed when the Board enters a final order even though ~~the order is appealed to a Superior Court and~~ judicial review is sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board. Upon remand, the Board then in office may consider relevant evidence, including any part of the transcript of testimony in the proceedings prior to appeal.

Sec. 29. 5 V.S.A. § 40 is amended to read:

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

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

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

5 Sec. **30**. 5 V.S.A. §§ 43 and 44 are amended to read:

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

7 A party to a cause who feels aggrieved by the final order, judgment, or  
8 decree of the Board may ~~appeal to a Superior Court under Rule 74 of the~~  
9 ~~Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A.  
10 § 5(c). However, the Board, before final judgment, may permit an  
11 interlocutory appeal to be taken by any party pursuant to a Superior Court  
12 19 V.S.A. § 5(c) for determination of questions of law in the same manner as  
13 the Supreme Court may by rule provide for appeals before final judgment from  
14 a Superior Court. Notwithstanding the provisions of the Vermont Rules of  
15 Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time  
16 for filing a notice of appeal nor the filing of a notice of appeal, as provided in  
17 this section, shall operate as a stay of enforcement of an order of the Board  
18 unless the Board or ~~a Superior~~ the Supreme Court grants a stay under the  
19 provisions of section 44 of this ~~title~~ chapter.

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

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

10       Sec. **31**. 5 V.S.A. § 207(d) is amended to read:

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

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

18 Sec. 32. 5 V.S.A. § 652 is amended to read:

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

20 The Secretary of Transportation or the legislative body of a municipality, as  
21 defined in 24 V.S.A. § 2001, or the committee representing two or more

1 municipalities, when authorized by vote of their legislative bodies, may  
2 proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as  
3 otherwise provided in this subchapter.

4 Sec. 33. 5 V.S.A. § 3639 is amended to read:

5 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION  
6 AND MAINTENANCE; JUDICIAL REVIEW

7 (a) A person ~~or corporation~~ owning or operating a railroad shall construct  
8 and maintain farm crossings of the road for the use of the proprietors of lands  
9 adjoining the railroad, and cattle guards at all farm and road crossings  
10 sufficient to prevent cattle and animals from getting on the railroad. A farm  
11 crossing may be temporarily or permanently closed or discontinued by mutual  
12 agreement between all parties having an interest therein. If no such mutual  
13 agreement can be reached by such interested parties, then a person ~~or~~  
14 ~~corporation~~ owning or operating a railroad and desiring to close any farm  
15 crossing shall make application to the Transportation Board. The Board shall  
16 thereupon give notice to all parties interested, in such manner as the Board  
17 may direct, of hearing on the application, the hearing to be in the county where  
18 such crossing is located. After the hearing, a person ~~or corporation~~ owning or  
19 operating a railroad shall not close such farm crossing without the approval of  
20 the Transportation Board. A person aggrieved by the closing of a farm  
21 crossing after January 1, 1955 by a person ~~or corporation~~ owning or operating

1 a railroad may notify the Transportation Board by registered or certified mail  
2 of the closing, and thereupon the Board shall conduct a hearing. Notice and  
3 place of hearing shall be as set forth in this subsection. The Transportation  
4 Board may require the reopening of any such crossing and make such other  
5 order as is permitted in section 3649 of this title. At any such hearing, the  
6 burden of proof shall rest with the person or persons effecting or seeking to  
7 effect the closing of such farm crossing. Any person aggrieved by ~~an~~ the final  
8 order of the Transportation Board, who was a party to the proceedings, ~~in~~  
9 ~~accordance with Rule 74 of the Vermont Rules of Civil Procedure,~~ appeal to  
10 the Superior Court, whereupon such cause shall be tried as an original action  
11 brought under the provisions of 12 V.S.A. § 402 seek judicial review pursuant  
12 to 19 V.S.A. § 5(c).

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

18 Sec. 34. 5 V.S.A. § 3788 is amended to read:

19 § 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

20 The order of the Board relating to any matter upon which it may act under  
21 the authority of this chapter shall be communicated in writing to the petitioners

1 and to all persons to whom notice of the hearing on such petition was given.  
2 Any person aggrieved by such order, who was a party to such proceedings,  
3 may ~~appeal from such order to the Superior Court in accordance with Rule 74~~  
4 ~~of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to  
5 19 V.S.A. § 5(c).

6 Sec. 35. 9 V.S.A. § 4100b is amended to read:

7 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

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

10 \* \* \*

11 (h) Within 20 days after any order or decision of the Board authorized  
12 under this chapter, any party to the proceeding may apply for a rehearing with  
13 respect to any matter determined in the proceeding or covered or included in  
14 the order or decision. The application for rehearing shall set forth fully every  
15 ground upon which it is claimed that the decision or order complained of is  
16 unlawful or unreasonable. No appeal from any order or decision of the Board  
17 shall be taken unless the appellant makes an application for rehearing as  
18 provided in this subsection, and when the application for rehearing has been  
19 made, no ground not set forth in the application shall be urged, relied on, or  
20 given any consideration by the Board unless the Board for good cause shown  
21 allows the appellant to specify additional grounds. Any party to the

1 proceeding may appeal the final order, including all interlocutory orders or  
2 decisions, pursuant to the Superior Court 19 V.S.A. § 5(c) within 30 days after  
3 the date the Board rules on the application for reconsideration of the final order  
4 or decision. All findings of the Board upon all questions of fact properly  
5 before the court shall be prima facie lawful and reasonable. The order or  
6 decision appealed from shall not be set aside or vacated except for errors of  
7 law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme  
8 Court on appeals from orders or decisions by the Board authorized under this  
9 title.

10 (i) In cases where the Board finds that a violation of this chapter has  
11 occurred or there has been a failure to show good cause under section 4089 or  
12 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine  
13 reasonable attorney's fees and costs and award them to the prevailing party.

14 Sec. **36**. 19 V.S.A. § 5 is amended to read:

15 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

16 (a) General duties and responsibilities; exceptions. The regulatory and  
17 quasi-judicial functions relating to transportation shall be vested in the Board,  
18 except that the duties and responsibilities of the Commissioner of Motor  
19 Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue  
20 to be vested in the Commissioner.

21 (b) Naming transportation facilities.



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

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

18           (c) Hearing examiners; report of findings; final orders; judicial review.  
19 The Board may delegate the responsibility to hear quasi-judicial matters, and  
20 other matters as it may deem appropriate, to a hearing examiner or a single  
21 Board member, to hear a case and make findings in accordance with 3 V.S.A.

1 chapter 25, except that highway condemnation proceedings shall be conducted  
2 pursuant to the provisions of chapter 5 of this title. A hearing examiner or  
3 single Board member so appointed shall report the findings of fact in writing to  
4 the Board. Any order resulting from those findings shall be rendered only by a  
5 majority of the Board. Final orders of the Board issued pursuant to section 20  
6 of this title (small claims against the Agency) may be reviewed on the record  
7 by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil  
8 Procedure. All other final orders of the Board may be reviewed on the record  
9 by the Supreme Court.

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

11 \* \* \*

12 (e) Offices and assistance. Suitable offices and office equipment shall be  
13 provided by the State for the Board at Montpelier. The Board may employ  
14 clerical or other employees and assistants whom it deems necessary in the  
15 performance of its duties and in the investigation of matters within its  
16 jurisdiction.

17 (f) Jurisdiction; subpoenas; witness fees. The Board shall have the power  
18 to determine and adjudicate all matters over which it is given jurisdiction. It  
19 may render judgments and make orders and decrees. Whenever the Board is  
20 sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of  
21 witnesses or the production of evidence. The fees for travel and attendance of

1 witnesses shall be the same as for witnesses and officers appearing before a  
2 Civil Division of the Superior Court.

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

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

14 \* \* \* Repeal of 5 V.S.A. Chapter 5 \* \* \*

15 Sec. 37. REPEAL

16 5 V.S.A. chapter 5 (assessments to support Agency of Transportation and  
17 Transportation Board) is repealed.

1   \* \* \* On-Premises Signs \* \* \*

2       Sec. **38**. 10 V.S.A. § 493 is amended to read:

3       § 493. ON-PREMISES SIGNS

4               Owners or occupants of real property may erect and maintain on the  
5       property; on-premises signs advertising the sale or lease of the property or  
6       activities being conducted on the property. Those signs shall be subject to the  
7       regulations set forth below.

8               (1) On-premises signs may be erected or maintained, with a total area of  
9       not more than 150 square feet, advertising activities being conducted on the  
10       same premises. However, this limitation does not apply to signs existing on  
11       May 1, 1971, or attached to or part of the building in which the activities are  
12       being carried on. An on-premises sign shall not be located more than 1,500  
13       feet from a main entrance from the highway to the activity or premises  
14       advertised. The 1,500-foot distance shall be measured along the centerline of  
15       the highway or highways between the sign and a main entrance or a straight  
16       line, but only if the difference in elevation between the on-premises sign and a  
17       main entrance is more than 100 feet. A main entrance shall be a principal,  
18       private roadway or driveway that leads from a public highway to the advertised  
19       activity. For the purposes of this subdivision, premises shall not include land  
20       that is separated from the activity by a public highway, or other intervening

1 land use not related to the advertised activity. Undeveloped land or farmland  
2 shall not be considered as an intervening land use.

3 \* \* \*

4 \* \* \* Right-of-Way Permits; 1111 Permits; Municipal

5 Site Plan Review \* \* \*

6 Sec. 39. 19 V.S.A. § 1112 is amended to read:

7 § 1112. DEFINITIONS; FEES

8 (a) As used in this section:

9 \* \* \*

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

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

14 \* \* \*

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

17 \* \* \*

18 Sec. 40. 24 V.S.A. § 4416(b) is amended to read:

19 (b) Whenever a proposed site plan involves access to a State highway or  
20 other work in the State highway right-of-way such as excavation, grading,  
21 paving, or utility installation, the application for site plan approval shall

1 include a letter from the Agency of Transportation confirming that the Agency  
2 has reviewed the proposed site plan and determined whether a permit is  
3 required under 19 V.S.A. § 1111. If the Agency determines that a permit for  
4 the proposed site plan is required under 19 V.S.A. § 1111, then the letter from  
5 the Agency ~~shall~~ may set out ~~any~~ conditions that the Agency proposes to attach  
6 to the permit required under 19 V.S.A. § 1111.

7 \* \* \* Smugglers' Notch Motor Vehicle Limitations \* \* \*

8 Sec. 41. 23 V.S.A. § 1006b is amended to read:

9 § 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT

10 ROUTE 108; ~~COMMERCIAL~~ VEHICLE OPERATION

11 PROHIBITED

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

15 (b) Vehicle operation prohibition.

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

18 (2) ~~Commercial~~ Single-frame motor vehicles over 40 feet in length and  
19 tractor units with one or more attached trailers over 45 feet in total length are  
20 prohibited from operating on the Smugglers' Notch segment of Vermont Route  
21 108.

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

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

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

14                           \* \* \* Municipal Restrictions; Covered Bridges;

15   Damages and Expenses \* \* \*

16           Sec. 42. 19 V.S.A. § 313 is amended to read:

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

18           ~~The Agency and the selectmen of the town where a covered bridge is~~  
19 ~~located or, if parts of such a bridge are located in more than one town, the~~  
20 ~~selectmen of the towns acting jointly, may restrict the use of the bridge to~~  
21 ~~vehicles that are within limits as to weight, height, and width as they shall~~

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

7 Sec. 43. 19 V.S.A. § 315 is amended to read:

8 § 315. PENALTIES

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

12 Sec. 44. 23 V.S.A. § 1396 is redesignated to read:

13 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

14 Sec. 45. 23 V.S.A. § 1397 is redesignated to read:

15 § 1397. WEIGHT LIMIT SIGNS

16 Sec. 46. 23 V.S.A. § 1397a is added to read:

17 § 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

18 The legislative body of a municipality where a covered bridge is located or,  
19 if parts of such a bridge are located in more than one municipality, the  
20 legislative bodies of the municipalities where a covered bridge is located acting  
21 jointly may, after consultation with the Agency of Transportation, restrict the



1 use of the bridge to vehicles that are within limits as to one or more of the  
2 following, as they shall establish: weight, height, or width. Any limitation  
3 shall be permanently posted by the municipality, with signs that conform to the  
4 standards established by section 1025 of this title, approximately 100 feet from  
5 the approaches to the bridge and at intersections as may be required to enable  
6 operators of restricted vehicles to proceed by the most direct alternate  
7 unrestricted route.

8 Sec. 47. 23 V.S.A. § 1398 is amended to read:

9 § 1398. CERTIFIED STATEMENT TO BE FILED

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

19 Sec. 48. 23 V.S.A. § 1399(b) is amended to read:

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

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

11           (2) Municipal and volunteer fire apparatus and law enforcement motor  
12 vehicles.

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

15 Sec. 49. 23 V.S.A. § 1400d is amended to read:

16 § 1400d. AGRICULTURAL SERVICE VEHICLES

17           (a) An agricultural service vehicle, as defined in subdivision 4(71) of this  
18 title, shall be exempt from the provisions of sections 1400 and 1400a and  
19 subsection 1434(c) of this title subchapter if the gross weight does not exceed  
20 60,000 pounds.

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

5 Sec. 50. 23 V.S.A. § 1434 is amended to read:

6 § 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH

7 LIMITS; PENALTIES

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

16 (b) Permit limits. The operation of a vehicle on a public highway in excess  
17 of the legal height, width, or length limits as prescribed in section 1431 or  
18 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in  
19 conformance with section 1400 of this ~~title~~ subchapter shall be a traffic  
20 violation, as defined in section 2302 of this title, and ~~shall be~~ punishable by a  
21 civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within

1 a two-year period, and \$800.00 for a third or subsequent offense within a two-  
2 year period.

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

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

21 Sec. 51. 23 V.S.A. § 1492 is amended to read:

1 § 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

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

15 **Sec. 52. 23 V.S.A. § 1112 is amended to read:**

16 **§ 1112. CLOSED HIGHWAYS**

17 **(a) Except by the written permit of the authority responsible for the closing,**  
18 **a person shall not drive any vehicle over any highway across which there is a**  
19 **barrier or a sign indicating that the highway is closed to public travel.**

20 \* \* \*

1       (c) ~~A municipal, county, or State entity that deploys police, fire,~~  
2 ~~ambulance, rescue, or other emergency services in order to aid a stranded~~  
3 ~~operator of a vehicle, or to move a disabled vehicle, operated on a closed~~  
4 ~~highway in violation of this section, may recover from the operator in a civil~~  
5 ~~action the cost of providing the services, if at the time of the violation a sign~~  
6 ~~satisfying the requirements of subsection (b) of this section was installed.~~

7       [Repealed.]

8       Sec. 53. 24 V.S.A. § 2296a is added to read:

9       § 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY

10       SERVICES

11       A municipal, county, or State entity that deploys police, fire, ambulance,  
12 rescue, or other services to aid an operator of a vehicle who is stranded due to a  
13 violation of 23 V.S.A. § 1006b, 1112, or 1434(c) or to move a vehicle that is  
14 disabled due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) may recover  
15 in civil action the costs of providing services from the operator or the  
16 operator’s employer, provided that the operator was acting during or incidental  
17 to the operator’s scope of employment.

18       \* \* \* Municipal Weight Limits; Filing of Restrictions \* \* \*

19       Sec. 54. 23 V.S.A. § 1400b is amended to read:

20       § 1400b. FILING OF RESTRICTIONS, PUBLICATION

1 (a) Any municipality that has enacted special weight limits that are other  
2 than State legal limits for highways or bridges within its jurisdiction shall file a  
3 complete copy of the limitations with the Department of Motor Vehicles ~~not~~  
4 ~~later than February 10 of~~ each year. The information filed shall contain a  
5 concise listing of each highway or bridge posted, the time of the year the  
6 restrictions apply, weight limitations in effect on that highway or bridge, and  
7 the name, address, and telephone number of the principal person or persons  
8 responsible for issuing the local permit. Additions or deletions to the listing  
9 may be made from time to time, as required, by filing with the Department.

10 (b) Any special municipal weight limits on highways or bridges shall be  
11 unenforceable unless they are on file with the Department of Motor Vehicles  
12 within three working days of the date of posting. It shall be the responsibility  
13 of the municipality to keep records documenting the time and date a highway  
14 or bridge is posted, and to keep current restrictions on file with the  
15 Department. The Department may prescribe the format that is to be used when  
16 filing restrictions under this section.

17 \* \* \*

18 \* \* \* Use of Sustainable Building Components \* \* \*

19 Sec. 55. FINDINGS

20 The General Assembly finds:

1           (1) With the passage of the Universal Recycling Law, the State of  
2           Vermont committed to providing convenient and efficient recycling services to  
3           all Vermonters.

4           (2) Efficient recycling systems save energy, conserve natural resources,  
5           and reduce greenhouse gas emissions.

6           (3) Recycled glass can currently be used in the following ways:

7           (A) as an aggregate to substitute for virgin or manufactured sand;

8           (B) ground and used as a pozzolan, which can be a partial substitute  
9           for Portland Cement in a concrete-mix design; or

10          (C) converted into a building component.

11          (4) Mining sand is a practice that is known to have an adverse effect  
12          on the environment.

13          (5) Fly ash, which is a pozzolan, is the byproduct of the burning of coal,  
14          and ground granulated blast-furnace slag, which is also a pozzolan, is the  
15          byproduct of steel manufacturing.

16          (6) The Agency of Transportation is already, pursuant to 2020 Acts and  
17          Resolves No. 121, Sec. 21, encouraged to, wherever practicable, use pozzolans  
18          and alternatives to Portland Cement as part of the concrete-mix design for all  
19          transportation infrastructure projects.



1           (7) Reusing recycled glass as a substitute for virgin or manufactured  
2           sand conserves natural resources by reducing the need to mine or manufacture  
3           sand.

4           (8) Using materials recycled in Vermont as a partial substitute for  
5           aggregate and non-aggregate components in maintenance, construction, and  
6           improvement projects could reduce greenhouse gas emissions and the State's  
7           carbon footprint by eliminating the need to transport recycled glass out of State  
8           for further processing.

9           (9) Using materials recycled in Vermont as a partial substitute for  
10           aggregate and non-aggregate components in maintenance, construction, and  
11           improvements projects could provide an economic benefit to the local  
12           recycling industry.

13           (10) There will continue to be advances in the availability and use of  
14           sustainable building components, such as recycled materials and  
15           manufacturing byproducts, in maintenance, construction, and improvement  
16           projects.

17           Sec. 56. 19 V.S.A. § 10c(m) is amended to read:

18           (m) Recycled asphalt pavement (RAP) shall be used on all Agency paving  
19           projects to the extent sources of quality RAP are available consistent with  
20           producing quality hot mix asphalt. To that extent, the Agency shall define  
21           paving project specifications and contract bid documents to allow the use of up

1 ~~to 50 percent RAP. The Agency shall compare the cost benefit of the State's~~  
2 ~~retaining the RAP versus the contractor's retaining the RAP, and the Agency~~  
3 ~~shall report to the House and Senate Committees on Transportation on the~~  
4 ~~results of the comparison in the 2009 and 2010 legislative sessions.~~

5 [Repealed.]

6 Sec. 57. 19 V.S.A. § 10m is added to read:

7 § 10m. STATEMENT OF POLICY; SUSTAINABLE BUILDING

8 COMPONENTS; ANNUAL REPORT

9 (a) Policy. It shall be the State's policy to use sustainable building  
10 components, including recycled materials and manufacturing byproducts, in all  
11 maintenance, construction, and improvement projects within the State's  
12 Transportation Program to the extent that sources of quality sustainable  
13 building components are available and the use is consistent with producing  
14 transportation assets with a demonstrated evidence of long-term durability.

15 (b) Specifications. The Agency shall define its performance and related  
16 specifications and contract bid documents to allow and, as practicable,  
17 encourage the use of sustainable building components.

18 (c) Recycled asphalt pavement. Recycled asphalt pavement (RAP) shall be  
19 used on all Agency paving projects to the extent sources of RAP of a quality  
20 comparable to hot mix asphalt is available. The Agency shall define paving

1 project specifications and contract bid documents to allow for the use of up to  
2 50 percent RAP.

3 (d) Research and testing. The Agency is encouraged to continue  
4 researching, testing, and, wherever practicable, using sustainable building  
5 components, pozzolans, and alternatives to Portland Cement as part of the  
6 construction specifications for all transportation infrastructure projects.

7 (e) Annual report. The Agency, in consultation with the Recycled  
8 Materials Working Group, shall, during each session of the General Assembly,  
9 provide an oral report to the House and Senate Committees on Transportation  
10 on the use of sustainable building components in maintenance, construction,  
11 and improvement projects within the State’s Transportation Program.

12 \* \* \* Fees for State Electric Vehicle Supply Equipment; Sunset \* \* \*

13 Sec. 58. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

14 Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

15 32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on

16 July 1, ~~2022~~ 2025.

17 Sec. 59. 32 V.S.A. § 604 is amended to read:

18 § 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

19 (a) Notwithstanding any other provision of this subchapter, any agency or  
20 department that owns or controls electric vehicle supply equipment (EVSE), as  
21 defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of

1 that ~~electric vehicle supply equipment~~ EVSE. The agency or department may  
2 establish fees for electric vehicle charging at less than its costs, to cover its  
3 costs, or equal to the retail rate charged for the use of ~~electric vehicle supply~~  
4 ~~equipment~~ EVSE available to the public. Fees collected under this section  
5 shall be deposited in the same fund or account within a fund from which the  
6 electric operating expense for the ~~electric vehicle supply equipment~~ EVSE  
7 originated.

8 (b) The Agency of Transportation and the Department of Buildings and  
9 General Services shall make staff available to standing committees of the  
10 General Assembly beginning on January 15 each year to give an oral  
11 presentation that provides an update on the State's efforts to collect fees for the  
12 use of EVSE that is owned or controlled by the State pursuant to subsection (a)  
13 of this section and shall make available as part of that presentation a copy of  
14 any applicable fee schedules, along with an explanation as to whether or not  
15 the fee schedule accounts for expenses associated with the EVSE, including  
16 electricity costs.

17 \* \* \* Relinquishment of Vermont Route 207 Extension

18 in the Town of St. Albans \* \* \*

19 Sec. 60. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:

20 (a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General  
21 Assembly approves the ~~secretary of transportation~~ Secretary of Transportation

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

10  
11 \* \* \* Codified Law Technical Corrections \* \* \*

12 Sec. **61**. REPEAL

13 19 V.S.A. § 22 (fine applicable for a violation of the since repealed

14 19 V.S.A. § 21(c)) is repealed.

15 Sec. **62**. 19 V.S.A. § 11a(b) is amended to read:

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

1 allocated exclusively for the purchase, outfitting, assignment, and disposal of  
2 State Police vehicles. Any unexpended and unencumbered funds remaining in  
3 this allocation at the close of a fiscal year shall revert to the Transportation  
4 Fund. The Department of Public Safety may periodically recommend to the  
5 General Assembly that this allocation be adjusted to reflect market conditions  
6 for the vehicles and equipment.

7 Sec. 63. 19 V.S.A. § 996(a) is amended to read:

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

1 ~~to be incorporated into the Agency of Transportation’s Town Road and Bridge~~  
2 ~~Standards.~~

3 \* \* \* Effective Dates \* \* \*

4 Sec. 64. EFFECTIVE DATES

5 (a) This section and Secs. 58 (amendment to sunset of 32 V.S.A. § 604)  
6 and 60 (extension of authority to relinquish State highway right-of-way for  
7 Vermont Route 207 Extension) shall take effect on passage.

8 (b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021  
9 Transportation Bill) shall take effect retroactively on July 1, 2021.

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

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE