

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 18 plug-in hybrid electric vehicles and 11 battery electric
6 vehicles in the State Vehicle Fleet. In fiscal year 2023, the Commissioner of
7 Buildings and General Services will continue to purchase and lease vehicles
8 for State use in accordance with 29 V.S.A. § 903(g), which requires, to the
9 maximum extent practicable, that the Commissioner purchase or lease hybrid
10 or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), with not less than
11 75 percent of the vehicles purchased or leased be hybrid or plug-in electric
12 vehicles.

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

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

18 (B) Sec. 4 of this act amends a State goal to have a level 3 EVSE
19 charging port available to the public within one driving mile, down from five
20 miles, of every exit of the Dwight D. Eisenhower National System of Interstate
21 and Defense Highways within the State and 25 driving miles, down from

1 50 miles, of another level 3 EVSE charging port available to the public along a
2 State highway.

3 (C) The fiscal year 2023 budget authorizes up to \$10,000,000.00 to
4 install EVSE at multiunit dwellings, workplaces, and public venues and
5 attractions, such as parks, State parks and access areas, downtowns, museums,
6 and ski mountains, and to cover capped administrative costs.

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

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

12 (B) MileageSmart. Sec. 5(b) of this act authorizes up to
13 \$3,000,000.00 for purchase incentives under MileageSmart, which is the
14 State’s used high-fuel-efficiency vehicle incentive program, and capped
15 administrative costs.

16 (C) Replace Your Ride Program. Sec. 5(c) of this act authorizes
17 \$3,000,000.00 for incentives under Replace Your Ride, which will be the
18 State’s program to incentivize Vermonters to remove older low-efficiency
19 vehicles from operation and switch to modes of transportation that produce
20 fewer greenhouse gas emissions, and capped administrative costs.

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

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

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

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

1 (12) Sustainable building components. Secs. 55–57 of this act establish
2 the Agency’s statement of policy on the use of sustainable building
3 components.

4 * * * Electric Vehicle Supply Equipment (EVSE) Infrastructure * * *

5 * * * Investments in EVSE * * *

6 Sec. 3. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT
7 INFRASTRUCTURE

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

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

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

16 or

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

19 (b) Purpose. The purpose of the expenditures authorized in subsection (a)
20 of this section is to respond to negative economic impacts to the tourism.

1 travel, and hospitality industries caused by the COVID-19 public health
2 emergency.

3 (c) Administrative costs. Unless prohibited by federal or State law, the
4 Agency may use up to 15 percent of the authorization in subsection (a) of this
5 section for any administrative costs associated with installing level 3 EVSE
6 along the State highway network.

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

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

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

18 (e) Outreach and marketing. The Agency of Transportation shall ensure
19 that there is sufficient outreach and marketing, including the use of translation
20 and interpretation services, of any EVSE grant program or public-private
21 partnership implemented or entered into pursuant to subsection (a) of this

1 section and such costs shall be considered administrative costs for purposes of
2 subsection (c) of this section.

3 * * * EVSE Goals * * *

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

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

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

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

12 (2) ~~50~~ 25 driving miles of another level 3 EVSE charging port available
13 to the public along a State highway, as defined in 19 V.S.A. § 1(20).

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

1 * * * Vehicle Incentive Programs * * *

2 Sec. 5. VEHICLE INCENTIVE PROGRAMS

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

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

10 (c) Replace Your Ride Program. The Agency is authorized to spend up to
11 \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace
12 Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as
13 amended.

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

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

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

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

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

16 (g) Outreach and marketing. The Agency, in consultation with Drive
17 Electric Vermont and the Vermont Vehicle and Automotive Distributors
18 Association, shall ensure that there is sufficient outreach and marketing,
19 including the use of translation and interpretation services, of the Incentive
20 Program for New PEVs, MileageSmart, and Replace Your Ride so that
21 Vermonters who are eligible under one or more of the incentive programs can

1 easily learn how to secure as many incentives as are available and such costs
2 shall be considered administrative costs for purposes of subsection (e) of this
3 section.

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

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

14 * * *

15 (5) apply to:

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

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

19 and

20 (C) manufactured PEVs with any Base MSRP that will be issued a
21 special registration plate by the Commissioner of Motor Vehicles pursuant to

1 23 V.S.A. § 304a or will predominately be used to provide accessible
2 transportation for the incentive recipient or a member of the incentive
3 recipient’s household, provided that the incentive recipient or the member of
4 the incentive recipient’s household has a removable windshield placard issued
5 by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a; and

6 * * *

7 * * * Vermont Association of Snow Travelers Authorizations * * *

8 Sec. 7. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)
9 AUTHORIZATIONS

10 (a) The Agency of Transportation, through the Department of Motor
11 Vehicles, is authorized to spend:

12 (1) \$50,000.00 in one-time General Fund monies, as appropriated in the
13 fiscal year 2023 budget, in grants to the Vermont Association of Snow
14 Travelers (VAST) to support the Law Enforcement and Safety Program; and

15 (2) \$750,000.00 in one-time General Fund monies, as appropriated in
16 the fiscal year 2023 budget, in grants to VAST to support the Equipment
17 Grant-in-Aid Program.

18 (b) VAST shall ensure that the Equipment Grant-in-Aid Program
19 maximizes the geographic distribution and utilization of equipment purchased
20 in whole or in part with the monies authorized in subdivision (a)(2) of this
21 section by implementing grant scoring criteria that awards equipment grants to

1 applicants that have worked with neighboring clubs to groom at least 60 miles
2 of trails and the equipment to be replaced is at least 15 years old.

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

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

5 REPEAL

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (c) Secondary implementation. Should funding through the federal Bridge
6 Formula Program remain available following the implementation delineated
7 under subsection (b) of this section, town highway bridges shall be advanced
8 based on the prioritization process outlined in 19 V.S.A. § 10g(1).

9 (d) Repeal. This section is repealed on October 1, 2029, at the conclusion
10 of the authorized implementation period for the IJA.

11 Sec. 9. TOWN HIGHWAY BRIDGE PROGRAM

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

16 (1) Clarendon BO 1443(55);

17 (2) Hartford BO 1444(60);

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

19 (4) Poultney BO 1443(53);

20 (5) Stowe BO 1446(37);

21 (6) Stowe BO 1446(39);

1 (7) Statewide Preservation Easement Paint Program; and

2 (8) Statewide Rehabilitation of Covered Bridges.

3 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2023

4 Transportation Program for Town Highway Bridges, authorized spending is
5 amended as follows:

6	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
7	Other	350,000	350,000	0
8	PE	4,294,487	4,294,487	0
9	ROW	355,000	355,000	0
10	Construction	25,314,700	25,314,700	0
11	Total	30,314,187	30,314,187	0

12 Sources of funds

13	TIB	2,402,455	2,402,455	0
14	State	1,919,899	1,230,817	-689,082
15	Federal	24,251,350	25,529,514	1,278,164
16	Local	1,740,483	1,151,401	-589,082
17	Total	30,314,187	30,314,187	0

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

19 Transportation Program, the following covered bridges projects are added to
20 the candidate list for Town Highway Bridges:

21 (1) Belvidere (Bridge No. 12 on Town Highway 3);

- 1 (2) Charlotte (Bridge No. 27 on Town Highway 9);
- 2 (3) Chelsea (Bridge No. 46 on Town Highway 68);
- 3 (4) Hartland (Bridge No. 22 on Town Highway 15);
- 4 (5) Lyndon (Bridge No. 33 on Town Highway 58);
- 5 (6) Northfield (Bridge No. 10 on Town Highway 3);
- 6 (7) Northfield (Bridge No. 11 on Town Highway 3);
- 7 (8) Northfield (Bridge No. 15 on Town Highway 3);
- 8 (9) Troy (Bridge No. 8 on Town Highway 12); and
- 9 (10) Weathersfield (Bridge No. 83 on Town Highway 65).

10 (d) Within the Agency of Transportation’s Proposed Fiscal Year 2023
11 Transportation Program, the following metal truss bridges projects are added to
12 the candidate list for Town Highway Bridges:

- 13 (1) Berlin (Bridge No. 27 on Town Highway 61);
- 14 (2) Bridgewater (Bridge No. 26 on Town Highway 34);
- 15 (3) Enosburg (Bridge No. 45 on Town Highway 42);
- 16 (4) Lincoln (Bridge No. 46 on Town Highway 6);
- 17 (5) Moretown (Bridge No. 42 on Town Highway 39);
- 18 (6) Newfane (Bridge No. 49 on Town Highway 26);
- 19 (7) Northfield (Bridge No. 65 on Town Highway 57);
- 20 (8) Royalton (Bridge No. 30 on Town Highway 6); and
- 21 (9) Sheldon (Bridge No. 20 on Town Highway 22).

1 * * * Amendments to Fiscal Year 2023 Authorizations * * *

2 Sec. 10. PROGRAM DEVELOPMENT

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

4 Transportation Program for Program Development Administration, authorized
5 spending is amended as follows:

6	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
7	Person. Svcs.	23,753,701	23,753,701	0
8	Operat. Exp.	9,039,403	8,985,192	-54,211
9	Grants	286,000	286,000	0
10	Total	33,079,104	33,024,893	-54,211
11	<u>Sources of funds</u>			
12	State	25,074,132	25,019,921	-54,211
13	Federal	7,929,972	7,929,972	0
14	Inter Unit	75,000	75,000	0
15	Total	33,079,104	33,024,893	-54,211

16 Sec. 11. TOWN HIGHWAY AID

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

18 Transportation Program for Town Highway Aid, authorized spending is
19 amended as follows:

20	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
21	Grants	27,783,413	27,837,624	54,211

1	Total	27,783,413	27,837,624	54,211
2	<u>Sources of funds</u>			
3	State	27,783,413	27,837,624	54,211
4	Total	27,783,413	27,837,624	54,211

5 Sec. 12. POLICY AND PLANNING

6 Within the Agency of Transportation's Proposed Fiscal Year 2023
7 Transportation Program for Policy and Planning, authorized spending is
8 amended as follows:

9	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10	Person. Svcs.	4,767,663	4,767,663	0
11	Operat. Exp.	1,035,700	1,035,700	0
12	Grants	7,389,725	10,784,247	3,394,522
13	Total	13,193,088	16,587,610	3,394,522
14	<u>Sources of funds</u>			
15	State	3,217,573	3,217,573	0
16	Federal	9,920,240	13,314,762	3,394,522
17	Inter Unit	55,275	55,275	0
18	Total	13,193,088	16,587,610	3,394,522

19 Sec. 13. TOWN HIGHWAY STRUCTURES AND TOWN HIGHWAY

20 CLASS 2 ROADWAY

1 (a) Town highway structures. The Agency shall carry forward not less than
2 \$866,500.00 of unexpended fiscal year 2022 appropriations and designate
3 those monies for grant awards under the town highway structures program so
4 as to meet the statutory minimum grant award totals required under 19 V.S.A.
5 § 306(e) in fiscal year 2023.

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

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

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

1 * * * Mobility and Transportation Innovation Grant Program * * *

2 Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT
3 PROGRAM

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

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

9	<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
10	Grants	0	1,500,000	1,500,000
11	Total	0	1,500,000	1,500,000
12	<u>Sources of funds</u>			
13	State	0	500,000	500,000
14	General Fund	0	1,000,000	1,000,000
15	Total	0	1,500,000	1,500,000

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

1 * * * Public Transit; Zero Fare; Level of Service * * *

2 Sec. 16. ONE-TIME PUBLIC TRANSIT MONIES

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

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

8 <u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
9 Other	0	1,200,000	1,200,000
10 Total	0	1,200,000	1,200,000
11 <u>Sources of funds</u>			
12 General Fund	0	1,200,000	1,200,000
13 Total	0	1,200,000	1,200,000

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

18 (1) operate routes other than commuter and LINK Express on a zero-
19 fare basis; and

20 (2) provide service at pre-COVID-19 levels.

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

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

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

11 * * * Burlington International Airport Study Committee; Report * * *

12 Sec. 17. BURLINGTON INTERNATIONAL AIRPORT STUDY
13 COMMITTEE; REPORT

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

17 (b) Authorization.

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

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

1 Total 0 150,000 150,000

2 Sources of funds

3 State 0 150,000 150,000

4 Total 0 150,000 150,000

5 (2) Spending authority for South Burlington AV-FY18-001 is amended

6 as follows:

7 FY23 As Proposed As Amended Change

8 Const 12,650,000 12,650,000 0

9 Total 12,650,000 12,650,000 0

10 Sources of funds

11 State 500,000 350,000 -150,000

12 Federal 11,385,000 11,385,000 0

13 Local 765,000 915,000 150,000

14 Total 12,650,000 12,650,000 0

15 (3) The note for the Agency of Transportation’s Proposed Fiscal Year

16 2023 Transportation Program for Aviation is amended to read as follows:

17 “Appropriation excludes \$11,385,000 of FAA Funds and \$915,000 of Local

18 Funds (South Burlington AV-FY18-001, BTV Match).”

19 (c) Creation. There is created the Burlington International Airport Study

20 Committee to examine the existing governance structure and alternatives to the

1 existing governance structure of the Burlington International Airport (Airport)
2 and to report the Committee’s findings and recommendations.

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

5 (1) one voting member appointed by the Governor;

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

8 (3) one voting member designated by the city council of the City of
9 Burlington;

10 (4) one voting member designated by the city council of the City of
11 South Burlington;

12 (5) one voting member designated by the mayor of the City of
13 Winooski;

14 (6) one voting member designated by the Chittenden County Regional
15 Planning Commission to represent individuals, such as Black, Indigenous, and
16 Persons of Color (BIPOC), immigrants, individuals with low income, and
17 individuals residing in “disadvantaged communities” as defined in federal
18 Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,”
19 adversely affected by the Airport;

1 (7) one voting member designated by the Chittenden County Regional
2 Planning Commission to represent the general aviation organizations at the
3 Airport;

4 (8) the Secretary of Transportation or designee, who shall be a voting
5 member;

6 (9) one voting member designated by the President and CEO of the Lake
7 Champlain Regional Chamber of Commerce;

8 (10) the current, including acting or interim, Director of Aviation for the
9 Airport or designee, who shall be a nonvoting member of the Committee; and

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

12 (e) Assistance; consultant.

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

19 (2) The Agency of Transportation shall work with the Committee to
20 prepare a request for information and a request for proposal for the retention of

1 the independent third-party consultant that is contracted with pursuant to
2 subdivision (1) of this subsection.

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

5 (1) review prior reports and recommendations prepared on the
6 governance structure of the Airport, including the January 1, 2020
7 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor
8 Miro Weinberger and the City Council regarding Burlington International
9 Airport and Regional Governance Questions; the June 10, 2013 Burlington
10 International Airport, Airport Strategic Planning Committee Recommendations
11 (Airport Strategic Planning Committee Recommendations); and the December
12 1985 Final Report of the Burlington Airport Study Group;

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

15 (3) examine the advantages and disadvantages of any additional
16 governance structure options for the Airport recommended by the consultant or
17 identified by a majority of the voting members of the Committee as warranting
18 study;

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

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

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

8 (h) Meetings.

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

11 (2) The Committee shall select a chair from among its voting members
12 at the first meeting.

13 (3) A majority of the voting membership of the Committee shall
14 constitute a quorum.

15 (4) The Committee shall cease to exist on January 16, 2024.

16 (i) Compensation and reimbursement. Members of the Committee who are
17 not employees of the State of Vermont and who are not otherwise compensated
18 or reimbursed for their attendance shall be entitled to per diem compensation
19 and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not
20 more than six meetings.

21 *** **Future** Transportation **Programs** ***

1 * * * Carbon Reduction Program * * *

2 Sec. 18. PROPOSED FISCAL YEAR 2024 TRANSPORTATION
3 PROGRAM

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

11 * * * Plan to Update Vermont State Standards * * *

12 Sec. 19. PLAN TO UPDATE VERMONT STATE STANDARDS

13 (a) The Agency shall develop a plan for updating the Vermont State
14 Standards for the Design of Transportation Construction, Reconstruction and
15 Rehabilitation on Freeways, Roads, and Streets (C.V.R. 14-010-019) (Vermont
16 State Standards) to create context sensitive, multimodal projects that support
17 smart growth as recommended in the Revising the Vermont State Standards
18 (VSS) M2D2: Multimodal Development and Delivery Work Plan, March
19 2015 (State Standards Work Plan), prepared in accordance with 2014 Acts and
20 Resolves No. 167, Sec. 26.

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

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

7 (d) The Agency shall make staff available to the House and Senate
8 Committees on Transportation for an oral presentation on the plan to update
9 the Vermont State Standards and corresponding budget beginning on January
10 15, 2023.

11 * * * Transportation Alternatives Grant Program * * *

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

13 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

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

15 (c) The Transportation Alternatives Grant Program is created. The Grant
16 Program shall be administered by the Agency, and shall be funded in the
17 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
18 Recreational Trails Program. Awards shall be made to eligible entities as
19 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
20 be limited to the activities authorized under federal law and shall not exceed
21 \$300,000.00 per grant allocation.

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

4 * * *

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

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

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

18 ~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and~~
19 ~~2021, and the balance of Grant Program funds not reserved for environmental~~
20 ~~mitigation projects in fiscal year 2022 and thereafter, in In evaluating~~
21 applications for Transportation Alternatives grants, the Agency shall give

1 preferential weighting to projects involving as a primary feature a bicycle or
2 pedestrian facility. The degree of preferential weighting and the circumstantial
3 factors sufficient to overcome the weighting shall be in the complete discretion
4 of the Agency.

5 * * *

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

7 * * * Electric Bicycle Incentives Administrative Costs * * *

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

10 (D) Replace Your Ride Program. Sec. 27 of this act creates a new
11 program to be known as the Replace Your Ride Program, which will be the
12 State's program to incentivize Vermonters to remove older low-efficiency
13 vehicles from operation and switch to modes of transportation that produce
14 fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~
15 \$1,495,000.00 for incentives under the Program and capped startup and
16 administrative costs.

17 (E) Electric bicycle incentives. Sec. 28 of this act authorizes up to
18 ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric
19 bicycle and capped administrative costs.

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

1 (d) Authorization. In fiscal year 2022, the Agency is authorized to spend
2 up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on
3 the Replace Your Ride Program established under this section, with up to
4 ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for
5 startup costs, outreach education, and costs associated with developing and
6 administering the Replace Your Ride Program.

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

8 (b) Authorization.

9 (1) In fiscal year 2022, the Agency is authorized to spend up to
10 \$50,000.00 in one-time Transportation Fund monies on the electric bicycle
11 incentives and up to \$5,000.00 on the costs associated with developing and
12 administering the electric bicycle incentives.

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

19 * * * EVSE Grant Program * * *

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

21 Sec. 29. GRANT PROGRAMS FOR ~~LEVEL 2 CHARGERS~~ EVSE IN

1 ~~MULTI-UNIT~~ MULTIUNIT DWELLINGS; REPORT

2 (a) As used in this section:

3 * * *

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

6 * * *

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

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

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

20 (b) The Agency of Transportation shall establish and administer, through a
21 memorandum of understanding with the Department of Housing and

1 Community Development, a pilot program to support the continued buildout of
2 electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing
3 and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the
4 existing ~~VW~~ EVSE Grant Program that the Department of Housing and
5 Community Development has been administering on behalf of the Department
6 of Environmental Conservation.

7 * * *

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

12 * * *

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

17 * * *

18 * * * Bicycle and Pedestrian Planning Integration Program * * *

19 Sec. 25. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION
20 PROGRAM

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

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

12 (2) integrate bicycle and pedestrian elements into Agency-developed
13 projects.

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

20 * * * Transportation Board * * *

21 Sec. **26**. 5 V.S.A. chapter 3 is redesignated to read:

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

3 Sec. 27. 5 V.S.A. § 37 is amended to read:

4 § 37. MEMBERS; TERMS; RETIREMENT; APPEAL

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

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

16 Sec. 28. 5 V.S.A. § 40 is amended to read:

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

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

20 (b) The Board shall hear all matters within its jurisdiction and make
21 findings of fact. It shall state its rulings of law when required. Upon ~~appeal to~~

1 ~~a Superior Court~~ judicial review pursuant to 19 V.S.A. § 5(c), the Board's
2 findings of fact shall be accepted unless clearly erroneous.

3 Sec. **29**. 5 V.S.A. §§ 43 and 44 are amended to read:

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

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

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

19 ~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or
20 affirm the judgments, orders, or decrees of the Transportation Board and may
21 remand a cause to it with mandates, as law or equity shall require; and the

1 Board shall enter its judgment, order, or decree in accordance with these
2 mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of
3 vacating any judgment, order, or decree of the Board, but the ~~Superior~~
4 Supreme Court, upon notice to interested parties, may suspend execution of a
5 Board judgment under a decree as justice and equity require unless otherwise
6 specifically provided by law.

7 Sec. **30**. 5 V.S.A. § 207(d) is amended to read:

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

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

15 Sec. 31. 5 V.S.A. § 652 is amended to read:

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

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

1 Sec. 32. 5 V.S.A. § 3639 is amended to read:

2 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION
3 AND MAINTENANCE; JUDICIAL REVIEW

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

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

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

15 Sec. 33. 5 V.S.A. § 3788 is amended to read:

16 § 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

17 The order of the Board relating to any matter upon which it may act under
18 the authority of this chapter shall be communicated in writing to the petitioners
19 and to all persons to whom notice of the hearing on such petition was given.
20 Any person aggrieved by such order, who was a party to such proceedings,
21 may ~~appeal from such order to the Superior Court in accordance with Rule 74~~

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

3 Sec. 34. 9 V.S.A. § 4100b is amended to read:

4 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

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

7 * * *

8 (h) Within 20 days after any order or decision of the Board authorized
9 under this chapter, any party to the proceeding may apply for a rehearing with
10 respect to any matter determined in the proceeding or covered or included in
11 the order or decision. The application for rehearing shall set forth fully every
12 ground upon which it is claimed that the decision or order complained of is
13 unlawful or unreasonable. No appeal from any order or decision of the Board
14 shall be taken unless the appellant makes an application for rehearing as
15 provided in this subsection, and when the application for rehearing has been
16 made, no ground not set forth in the application shall be urged, relied on, or
17 given any consideration by the Board unless the Board for good cause shown
18 allows the appellant to specify additional grounds. Any party to the
19 proceeding may appeal the final order, including all interlocutory orders or
20 decisions, ~~pursuant to the Superior Court~~ 19 V.S.A. § 5(c) within 30 days after
21 the date the Board rules on the application for reconsideration of the final order

1 or decision. All findings of the Board upon all questions of fact properly
2 before the court shall be prima facie lawful and reasonable. The order or
3 decision appealed from shall not be set aside or vacated except for errors of
4 law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme
5 Court on appeals from orders or decisions by the Board authorized under this
6 title.

7 (i) In cases where the Board finds that a violation of this chapter has
8 occurred or there has been a failure to show good cause under section 4089 or
9 4098 of this title, the ~~Superior Court Board~~, upon petition, shall determine
10 reasonable attorney's fees and costs and award them to the prevailing party.

11 Sec. **35**. 19 V.S.A. § 5 is amended to read:

12 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

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

18 (b) Naming transportation facilities.

19 (1) Except as otherwise authorized by law, the Board is the sole
20 authority responsible for naming transportation facilities owned, controlled, or
21 maintained by the State, including highways and the bridges thereon, airports,

1 rail facilities, rest areas, and welcome centers. The Board shall exercise its
2 naming authority only upon petition of the legislative body of a municipality of
3 the State, of the head of an Executive Branch agency or department of the
4 State, or of 50 Vermont residents.

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

15 (c) Hearing examiners; report of findings; final orders; judicial review.
16 The Board may delegate the responsibility to hear quasi-judicial matters, and
17 other matters as it may deem appropriate, to a hearing examiner or a single
18 Board member, to hear a case and make findings in accordance with 3 V.S.A.
19 chapter 25, except that highway condemnation proceedings shall be conducted
20 pursuant to the provisions of chapter 5 of this title. A hearing examiner or
21 single Board member so appointed shall report the findings of fact in writing to

1 the Board. Any order resulting from those findings shall be rendered only by a
2 majority of the Board. Final orders of the Board issued pursuant to section 20
3 of this title (small claims against the Agency) may be reviewed on the record
4 by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
5 Procedure. All other final orders of the Board may be reviewed on the record
6 by the Supreme Court.

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

8 * * *

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

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

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

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

12 * * * Repeal of 5 V.S.A. Chapter 5 * * *

13 Sec. 36. REPEAL

14 5 V.S.A. chapter 5 (assessments to support Agency of Transportation and
15 Transportation Board) is repealed.

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* * * On-Premises Signs * * *

Sec. 37. 10 V.S.A. § 493 is amended to read:

§ 493. ON-PREMISES SIGNS

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

(1) On-premises signs may be erected or maintained, with a total area of not more than 150 square feet, advertising activities being conducted on the same premises. However, this limitation does not apply to signs existing on May 1, 1971, or attached to or part of the building in which the activities are being carried on. An on-premises sign shall not be located more than 1,500 feet from a main entrance from the highway to the activity or premises advertised. The 1,500-foot distance shall be measured along the centerline of the highway or highways between the sign and a main entrance or a straight line, but only if the difference in elevation between the on-premises sign and a main entrance is more than 100 feet. A main entrance shall be a principal, private roadway or driveway that leads from a public highway to the advertised activity. For the purposes of this subdivision, premises shall not include land 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. 38. 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. 39. 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. 40. 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 employer of the operator of a ~~commercial~~ vehicle
2 who violates this subsection, ~~or the operator's employer,~~ shall be subject to a
3 civil penalty of ~~\$1,000.00. If \$1,500.00 or, if~~ the violation results in
4 substantially impeding the flow of traffic on Vermont Route 108, ~~the penalty~~
5 ~~shall be \$2,000.00~~ a civil penalty of \$3,000.00. For a second or subsequent
6 conviction within a three-year period, the applicable penalty or penalties shall
7 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. 41. 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. 42. 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. 43. 23 V.S.A. § 1396 is redesignated to read:

13 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

14 Sec. 44. 23 V.S.A. § 1397 is redesignated to read:

15 § 1397. WEIGHT LIMIT SIGNS

16 Sec. 45. 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. 46. 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. 47. 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. 48. 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. 49. 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. 50. 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. **51**. 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. 52. 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. 53. 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. 54. 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. 55. 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. 56. 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. 57. 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. 58. 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. 59. 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. **60**. 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. **61**. 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. 62. 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. 63. EFFECTIVE DATES

5 (a) This section and Secs. 59 (amendment to sunset of 32 V.S.A. § 604)
6 and 61 (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