

1 **[PROPOSAL FROM THE AUDITOR’S OFFICE**

2 **HIGHLIGHTED IN YELLOW/HTC MODIFICATIONS]**

3 \* \* \* Delays; Transportation Program Statute;

4 **Increased Estimated Costs;** Technical Corrections \* \* \*

5 Sec. 3. 19 V.S.A. § 10g is amended to read:

6 § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

7 ADVANCEMENTS, CANCELLATIONS, AND DELAYS

8 (a) Proposed Transportation Program. The Agency of Transportation shall  
9 annually present to the General Assembly for adoption a multiyear  
10 Transportation Program covering the same number of years as the Statewide  
11 Transportation Improvement Program (STIP), consisting of the recommended  
12 budget for all Agency activities for the ensuing fiscal year and projected  
13 spending levels for all Agency activities for the following fiscal years. The  
14 Program shall include a description and year-by-year breakdown of  
15 recommended and projected funding of all projects proposed to be funded  
16 within the time period of the STIP and, in addition, a description of all projects  
17 that are not recommended for funding in the first fiscal year of the proposed  
18 Program but that are scheduled for construction during the time period covered  
19 by the STIP. The Program shall be consistent with the planning process  
20 established by 1988 Acts and Resolves No. 200, as codified in 3 V.S.A.  
21 chapter 67 and 24 V.S.A. chapter 117, the statements of policy set forth in

1 sections 10b–10f of this title, and the long-range systems plan, corridor studies,  
2 and project priorities developed through the capital planning process under  
3 section 10i of this title.

4 (b) Projected spending. Projected spending in future fiscal years shall be  
5 based on revenue estimates as follows:

6 \* \* \*

7 (c) Systemwide performance measures. The Program proposed by the  
8 Agency shall include systemwide performance measures developed by the  
9 Agency to describe the condition of the Vermont transportation network. The  
10 Program shall discuss the background and utility of the performance measures,  
11 track the performance measures over time, and, where appropriate, recommend  
12 the setting of targets for the performance measures.

13 (d) [Repealed.]

14 (e) Prior expenditures and appropriations carried forward.

15 \* \* \*

16 (f) Adopted Transportation Program. Each year following ~~enactment~~  
17 adoption of a Transportation Program under this section, the Agency shall  
18 prepare and make available to the public the Transportation Program  
19 ~~established~~ adopted by the General Assembly. The resulting document shall  
20 be entered in the permanent records of the Agency ~~and of the Board~~, and shall  
21 constitute the State’s official Transportation Program.

1 (g) Project updates. The Agency’s annual proposed Transportation  
2 Program shall include project updates referencing this section and listing the  
3 following:

4 (1) all proposed projects in the Program that would be new to the State  
5 Transportation Program ~~if adopted~~;

6 (2) all projects for which total estimated costs have increased by more  
7 than ~~\$8,000,000.00~~ \$5,000,000.00 from the estimate in the adopted  
8 Transportation Program for the prior fiscal year or by more than ~~100~~ 75  
9 percent from the ~~estimate in the prior fiscal year’s approved~~ adopted  
10 Transportation Program for the prior fiscal year; and

11 (3) all projects for which the total estimated costs have increased by  
12 more than \$8,000,000.00 from the estimate in the adopted Transportation  
13 Program for the fiscal year when the project first appears as a development and  
14 evaluation (D&E) project or by more than 50 percent from the estimate in the  
15 adopted Transportation Program for the fiscal year when the project first  
16 appears as a D&E project; and

17 (4) all projects funded for construction in the prior fiscal year’s  
18 ~~approved~~ adopted Transportation Program that are no longer funded in the  
19 proposed Transportation Program submitted to the General Assembly, the  
20 projected costs for such projects in the prior fiscal year’s ~~approved~~ adopted

1 Transportation Program, and the total costs incurred over the life of each such  
2 project.

3 (h) ~~Should~~ Project delays; emergency and safety issues; additional funding;  
4 cancellations.

5 (1) If capital projects in the Transportation Program ~~be~~ are delayed  
6 because of unanticipated problems with permitting, right-of-way acquisition,  
7 construction, local concern, or availability of federal or State funds, the  
8 Secretary is authorized to advance other projects in the ~~approved~~ adopted  
9 Transportation Program for the current fiscal year.

10 (2) The Secretary is further authorized to undertake projects to resolve  
11 emergency or safety issues that are not included in the adopted Transportation  
12 Program for the current fiscal year. Upon authorizing a project to resolve an  
13 emergency or safety issue, the Secretary shall give prompt notice of the  
14 decision and action taken to the Joint Fiscal Office and to the House and  
15 Senate Committees on Transportation when the General Assembly is in  
16 session, and ~~when the General Assembly is not in session,~~ to the Joint  
17 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint  
18 Fiscal Committee when the General Assembly is not in session. ~~Should an~~  
19 ~~approved~~

20 (3) If a project in the current adopted Transportation Program ~~require~~ for  
21 the current fiscal year requires additional funding to maintain the ~~approved~~

1 schedule in the adopted Transportation Program for the current fiscal year, the  
2 Agency is authorized to allocate the necessary resources. However, the  
3 Secretary shall not delay or suspend work on ~~approved~~ projects in the adopted  
4 Transportation Program for the current fiscal year to reallocate funding for  
5 other projects except when other funding options are not available. ~~In such~~  
6 ease

7 (4) If the Secretary determines that the preliminary engineering phase,  
8 construction start date, or construction completion date for a project will be  
9 delayed by one year or more for any reason, the Secretary shall notify the Joint  
10 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint  
11 Fiscal Committee when the General Assembly is not in session and the House  
12 and Senate Committees on Transportation and the Joint Fiscal Office when the  
13 General Assembly is in session. With respect to projects in the approved  
14 Transportation Program, the Secretary shall notify, in the district affected, the  
15 regional planning commission for the district where the delayed project is  
16 located, the municipality where the delayed project is located, and the  
17 legislators, the House and Senate Committees on Transportation, and the Joint  
18 Fiscal Office of any change that likely will affect the fiscal year in which the  
19 project is planned to go to construction for the district where the delayed  
20 project is located.

1           (5) No project shall be canceled without the approval of the General  
2           Assembly, except that the Agency may cancel a municipal project upon the  
3           request or concurrence of the municipality provided that notice of the  
4           cancellation is included in the Agency’s annual proposed Transportation  
5           Program.

6           (i) Economic development proposals. For the purpose of enabling the  
7           State, without delay, to take advantage of economic development proposals  
8           that increase jobs for Vermonters, a transportation project certified by the  
9           Governor as essential to the economic infrastructure of the State economy, or a  
10          local economy, may, if approval is required by law, be approved for  
11          construction by a committee comprising the Joint Fiscal Committee meeting  
12          with the ~~Chairs~~ chairs of the ~~Transportation~~ House and Senate Committees on  
13          Transportation or their designees without explicit project authorization through  
14          an ~~enacted~~ adopted Transportation Program, ~~in the event that such~~  
15          ~~authorization is otherwise required by law.~~

16          (j) Plan for advancing projects. The Agency of Transportation, in  
17          coordination with the Agency of Natural Resources and the Division for  
18          Historic Preservation, shall prepare and implement a plan for advancing  
19          ~~approved~~ projects contained in the ~~approved~~ adopted Transportation Program  
20          for the current fiscal year. The plan shall include the assignment of a project  
21          manager from the Agency of Transportation for each project. The Agency of

1 Transportation, the Agency of Natural Resources, and the Division for Historic  
2 Preservation shall set forth provisions for expediting the permitting process  
3 and establishing a means for evaluating each project during concept design  
4 planning if more than one agency is involved to determine whether it should be  
5 advanced or deleted from the Program.

6 (k) Definition. ~~For purposes of~~ As used in subsection (h) of this section,  
7 “emergency or safety issues” ~~shall mean~~ means:

8 (1) serious damage to a transportation facility caused by a natural  
9 disaster over a wide area, such as a flood, hurricane, earthquake, severe storm,  
10 or landslide; ~~or~~

11 (2) catastrophic or imminent catastrophic failure of a transportation  
12 facility from any cause; ~~or~~

13 (3) any condition identified by the Secretary as hazardous to the  
14 traveling public; or

15 (4) any condition evidenced by fatalities or a high incidence of crashes.

16 (l) Numerical grading system; priority rating. The Agency shall develop a  
17 numerical grading system to assign a priority rating to all Program  
18 Development Paving, Program Development Roadway, Program Development  
19 Safety and Traffic Operations, Program Development State and Interstate  
20 Bridge, Town Highway Bridge, and Bridge Maintenance projects. The rating  
21 system shall consist of two separate, additive components as follows:

1 (1) One component shall be limited to asset management- and  
2 performance-based factors that are objective and quantifiable and shall  
3 consider, ~~without limitation,~~ the following:

4 \* \* \*

5 (2) The second component of the priority rating system shall consider,  
6 ~~without limitation,~~ the following factors:

7 \* \* \*

8 (m) Inclusion of priority rating. The annual proposed Transportation  
9 Program shall include an individual priority rating pursuant to subsection (l) of  
10 this section for each highway paving, roadway, safety and traffic operations,  
11 and bridge project in the ~~program~~ Program along with a description of the  
12 system and methodology used to assign the ratings.

13 (n) Development and evaluation projects; delays. The Agency’s annual  
14 proposed Transportation Program shall include a project-by-project description  
15 in each program of all proposed spending of funds for the development and  
16 evaluation of projects. ~~In the approved annual Transportation Program, these~~  
17 These funds shall be reserved to the identified projects subject to the discretion  
18 of the Secretary to reallocate funds to other projects within the program when  
19 it is determined that the scheduled expenditure of the identified funds will be  
20 delayed due to permitting, local decision making, the availability of federal or  
21 State funds, or other unanticipated problems.

