

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; annual Transportation Program; surety bonds;

4 transportation planning; appropriations calculations; Central Garage

5 Fund; town highway aid; right-of-way permit fees; vehicle incentive

6 programs; electric vehicle supply equipment (EVSE); beneficial

7 electrification; electric distribution utilities; public transit; mobility

8 services; Mobility and Transportation Innovation (MTI) Grant

9 Program; Vermont Rail Plan; Amtrak; Vermont State Design

10 Standards; complete streets; State-designated centers

11 Statement of purpose of bill as introduced: This bill proposes to adopt the

12 State's annual Transportation Program and make miscellaneous changes to

13 laws related to transportation.

14 An act relating to the fiscal year 2025 Transportation Program and

15 miscellaneous changes to laws related to transportation

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 * * * Transportation Program Adopted as Amended;

18 Definitions * * *

19 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

1 (a) Adoption. The Agency of Transportation’s Proposed Fiscal Year 2025
2 Transportation Program appended to the Agency of Transportation’s proposed
3 fiscal year 2025 budget (Revised February 15, 2024), as amended by this act,
4 is adopted to the extent federal, State, and local funds are available.

5 (b) Definitions. As used in this act, unless otherwise indicated:

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

7 (2) “Candidate project” means a project approved by the General
8 Assembly that is not anticipated to have significant expenditures for
9 preliminary engineering or right-of-way expenditures, or both, during the
10 budget year and funding for construction is not anticipated within a predictable
11 time frame.

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

17 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
18 supply equipment available to the public” have the same meanings as in
19 30 V.S.A. § 201.

20 (5) “Front-of-book project” means a project approved by the General
21 Assembly that is anticipated to have construction expenditures during the

1 budget year or the following three years, or both, with expected expenditures
2 shown over four years.

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

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

6 (8) The table heading “As Proposed” means the Proposed
7 Transportation Program referenced in subsection (a) of this section; the table
8 heading “As Amended” means the amendments as made by this act; the table
9 heading “Change” means the difference obtained by subtracting the “As
10 Proposed” figure from the “As Amended” figure; the terms “change” or
11 “changes” in the text refer to the project- and program-specific amendments,
12 the aggregate sum of which equals the net “Change” in the applicable table
13 heading; and “State” in any tables amending authorizations indicates that the
14 source of funds is State monies in the Transportation Fund, unless otherwise
15 specified.

16 * * * Agency of Transportation Duties; Bonding * * *

17 Sec. 2. 19 V.S.A. § 10 is amended to read:

18 § 10. DUTIES

19 The Agency shall, except where otherwise specifically provided by law:

20 * * *

1 (9) Require any contractor or contractors employed in any project of the
2 Agency for construction of a transportation improvement to file an additional
3 surety bond to the Secretary and the Secretary’s successor in office, for the
4 benefit of labor, materialmen, and others, executed by a surety company
5 authorized to transact business in this State; The surety bond shall be in such
6 sum as the Agency shall direct, conditioned for the payment, settlement,
7 liquidation, and discharge of the claims of all creditors for material,
8 merchandise, labor, rent, hire of vehicles, power shovels, rollers, concrete
9 mixers, tools, and other appliances, professional services, premiums, and other
10 services used or employed in carrying out the terms of the contract between the
11 contractor and the State and further conditioned for the following accruing
12 during the term of performance of the contract: the payment of taxes, both
13 State and municipal, and contributions to the Vermont Commissioner of Labor;
14 ~~accruing during the term of performance of the contract.~~ However, in order to
15 obtain the benefit of the security, the claimant shall file with the Secretary a
16 sworn statement of the claimant’s claim, within 90 days after the final
17 acceptance of the project by the State or within 90 days from the time the taxes
18 or contributions to the Vermont Commissioner of Labor are due and payable,
19 and, within one year after the filing of the claim, shall bring a petition in the
20 Superior Court in the name of the Secretary, with notice and summons to the
21 principal, surety, and the Secretary, to enforce the claim or intervene in a

1 petition already filed. The Secretary may, if the Secretary determines that it is
2 in the best interests of the State, accept other good and sufficient surety in lieu
3 of a bond and, in cases involving contracts for \$100,000.00 or less, may waive
4 the requirement of a surety bond.

5 * * *

6 * * * Delays; Transportation Program Statute;

7 Increased Estimated Costs; Technical Corrections * * *

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

9 § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

10 ADVANCEMENTS, CANCELLATIONS, AND DELAYS

11 (a) Proposed Transportation Program. The Agency of Transportation shall
12 annually present to the General Assembly for adoption a multiyear
13 Transportation Program covering the same number of years as the Statewide
14 Transportation Improvement Program (STIP), consisting of the recommended
15 budget for all Agency activities for the ensuing fiscal year and projected
16 spending levels for all Agency activities for the following fiscal years. The
17 Program shall include a description and year-by-year breakdown of
18 recommended and projected funding of all projects proposed to be funded
19 within the time period of the STIP and, in addition, a description of all projects
20 that are not recommended for funding in the first fiscal year of the proposed
21 Program but that are scheduled for construction during the time period covered

1 by the STIP. The Program shall be consistent with the planning process
2 established by 1988 Acts and Resolves No. 200, as codified in 3 V.S.A.
3 chapter 67 and 24 V.S.A. chapter 117, the statements of policy set forth in
4 sections 10b–10f of this title, and the long-range systems plan, corridor studies,
5 and project priorities developed through the capital planning process under
6 section 10i of this title.

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

9 * * *

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

16 (d) [Repealed.]

17 (e) Prior expenditures and appropriations carried forward.

18 * * *

19 (f) Adopted Transportation Program. Each year following ~~enactment~~
20 adoption of a Transportation Program under this section, the Agency shall
21 prepare and make available to the public the Transportation Program

1 ~~established~~ adopted by the General Assembly. The resulting document shall
2 be entered in the permanent records of the Agency ~~and of the Board~~, and shall
3 constitute the State’s official Transportation Program.

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

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

9 (2) all projects for which total estimated costs have increased by more
10 than ~~\$8,000,000.00~~ \$5,000,000.00 from the estimate in the adopted
11 Transportation Program for the prior fiscal year or by more than ~~400~~
12 75 percent from the estimate in the ~~prior fiscal year’s approved~~ adopted
13 Transportation Program for the prior fiscal year; and

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

20 (4) all projects funded for construction in the prior fiscal year’s
21 ~~approved~~ adopted Transportation Program that are no longer funded in the

1 proposed Transportation Program submitted to the General Assembly, the
2 projected costs for such projects in the prior fiscal year's ~~approved~~ adopted
3 Transportation Program, and the total costs incurred over the life of each such
4 project.

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

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

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

1 (3) If a project in the ~~current~~ adopted Transportation Program ~~require~~ for

2 the current fiscal year requires additional funding to maintain the ~~approved~~

3 schedule in the adopted Transportation Program for the current fiscal year, the

4 Agency is authorized to allocate the necessary resources. However, the

5 Secretary shall not delay or suspend work on ~~approved~~ projects in the adopted

6 Transportation Program for the current fiscal year to reallocate funding for

7 other projects except when other funding options are not available. ~~In such~~

8 ease

9 (4) If the Secretary determines that the preliminary engineering phase,

10 construction start date, or construction completion date for a project will be

11 delayed by one year or more for any reason, the Secretary shall notify the Joint

12 Transportation Oversight Committee, the Joint Fiscal Office, and the Joint

13 Fiscal Committee when the General Assembly is not in session and the House

14 and Senate Committees on Transportation and the Joint Fiscal Office when the

15 General Assembly is in session. With respect to projects in the approved

16 Transportation Program, the Secretary shall notify, in the district affected, the

17 regional planning commission for the district where the delayed project is

18 located, the municipality where the delayed project is located, and the

19 legislators, the House and Senate Committees on Transportation, and the Joint

20 Fiscal Office of any change that likely will affect the fiscal year in which the

1 ~~project is planned to go to construction for the district where the delayed~~
2 ~~project is located.~~

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

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

18 (j) Plan for advancing projects. The Agency of Transportation, in
19 coordination with the Agency of Natural Resources and the Division for
20 Historic Preservation, shall prepare and implement a plan for advancing
21 ~~approved~~ projects contained in the ~~approved~~ adopted Transportation Program

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

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

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

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

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

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

18 (l) Numerical grading system; priority rating. The Agency shall develop a
19 numerical grading system to assign a priority rating to all Program
20 Development Paving, Program Development Roadway, Program Development
21 Safety and Traffic Operations, Program Development State and Interstate

1 Bridge, Town Highway Bridge, and Bridge Maintenance projects. The rating
2 system shall consist of two separate, additive components as follows:

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

6 * * *

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

9 * * *

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

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

1 delayed due to permitting, local decision making, the availability of federal or
2 State funds, or other unanticipated problems.

3 (o) Year of first inclusion. For projects initially ~~approved by the General~~
4 ~~Assembly for inclusion in the State~~ included in a Transportation Program
5 adopted after January 1, 2006, the Agency’s proposed Transportation Program
6 prepared pursuant to subsection (a) of this section and the ~~official~~ adopted
7 Transportation Program prepared pursuant to subsection (f) of this section shall
8 include the year in which ~~such~~ the projects were first ~~approved by the General~~
9 ~~Assembly~~ included in an adopted Transportation Program.

10 (p) Lamoille Valley Rail Trail. The Agency shall include the annual
11 maintenance required for the Lamoille Valley Rail Trail (LVRT), running from
12 Swanton to St. Johnsbury, in the Transportation Program it presents to the
13 General Assembly under subsection (a) of this section. The proposed
14 authorization for the maintenance of the LVRT shall be sufficient to cover:

15 * * *

16 * * * Appropriation Calculations * * *

17 * * * Central Garage Fund * * *

18 Sec. 4. 19 V.S.A. § 13(c) is amended to read:

19 (c)(1) For the purpose specified in subsection (b) of this section, the
20 following amount, at a minimum, shall be transferred from the Transportation
21 Fund to the Central Garage Fund:

1 (A) ~~in fiscal year 2021, \$1,355,358.00; and~~
2 ~~(B) in subsequent fiscal years, at a minimum, the amount specified in~~
3 ~~subdivision (A) of this subdivision (1) as adjusted annually by increasing~~
4 ~~transferred for the previous fiscal year's amount by the percentage increase in~~
5 ~~the year increased by the percentage change in the Bureau of Labor Statistics~~
6 ~~Consumer Price Index for All Urban Consumers (CPI-U) during the two most~~
7 ~~recently closed State fiscal years if the percentage change is positive; or~~
8 (B) the amount transferred for the previous fiscal year if the
9 percentage change is zero or negative.

10 * * *

11 (3) For purposes of subdivision (1) of this subsection, the percentage
12 change in the CPI-U is calculated by determining the increase or decrease, to
13 the nearest one-tenth of a percent, in the CPI-U for the month ending on June
14 30 in the calendar year one year prior to the first day of the fiscal year for
15 which the transfer will be made compared to the CPI-U for the month ending
16 on June 30 in the calendar year two years prior to the first day of the fiscal year
17 for which the transfer will be made.

18 * * * Town Highway Aid * * *

19 Sec. 5. 19 V.S.A. § 306(a) is amended to read:

20 (a) General State aid to town highways.

1 (1) An annual appropriation to class 1, 2, and 3 town highways shall be
2 made. This appropriation shall increase over the previous fiscal year's
3 appropriation by the same percentage change as the following, whichever is
4 less, or shall remain at the previous fiscal year's appropriation if either of the
5 following are negative or zero:

6 (A) ~~the year-over-year increase in the two most recently closed fiscal~~
7 ~~years in~~ percentage change of the Agency's total appropriations funded by
8 Transportation Fund revenues, excluding appropriations for town highways
9 under this subsection (a), for the most recently closed fiscal year as compared
10 to the fiscal year immediately preceding the most recently closed fiscal year; or

11 (B) the percentage ~~increase~~ change in the Bureau of Labor Statistics
12 Consumer Price Index for All Urban Consumers (CPI-U) ~~during the same~~
13 ~~period in subdivision (1)(A) of this subsection.~~

14 (2) ~~If the year-over-year change in appropriations specified in either~~
15 ~~subdivision (1)(A) or (B) of this subsection is negative, then the appropriation~~
16 ~~to town highways under this subsection shall be equal to the previous fiscal~~
17 ~~year's appropriation~~ For purposes of subdivision (1)(B) of this subsection, the
18 percentage change in the CPI-U is calculated by determining the increase or
19 decrease, to the nearest one-tenth of a percent, in the CPI-U for the month
20 ending on June 30 in the calendar year one year prior to the first day of the
21 fiscal year for which the appropriation will be made compared to the CPI-U for

1 the month ending on June 30 in the calendar year two years prior to the first
2 day of the fiscal year for which the appropriation will be made.

3 * * *

4 * * * Right-of-Way Permits; Fees * * *

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

6 § 1112. DEFINITIONS; FEES

7 (a) As used in this section:

8 (1) “Major commercial development” means a commercial development
9 for which the Agency requires the applicant to submit a traffic impact study in
10 support of its application under section 1111 of this ~~title~~ chapter.

11 (2) “Minor commercial development” means a commercial development
12 for which the Agency does not require the applicant to submit a traffic impact
13 study in support of its application under section 1111 of this ~~title~~ chapter.

14 * * *

15 (b) The Secretary shall collect the following fees for each application for
16 the following types of permits issued pursuant to section 1111 of this ~~title~~
17 chapter:

18 * * *

19 (3) minor commercial development:

\$250.00

* * *

1 (c) Notwithstanding subsection (b)(3) of this section, the Secretary may
2 waive the collection of the fee for a permit issued pursuant to section 1111 of
3 this chapter for a minor commercial development if the Governor has declared
4 a state of emergency under 20 V.S.A. chapter 1 and the Secretary has
5 determined that the permit applicant is facing hardship, provided that the
6 permit is applied for during the declared state of emergency or within the six
7 months following the conclusion of the declared state of emergency.

8 * * * Vehicle Incentive Programs * * *

9 * * * MileageSmart * * *

10 Sec. 7. 19 V.S.A. § 2903(b)(2) is amended to read:

11 (2) provide not more than one point-of-sale voucher worth up to
12 \$5,000.00 to an individual who is a member of a household with an adjusted
13 gross income that is ~~at or below~~ set at an amount not to exceed 80 percent of
14 the State median income.

15 * * * Replace Your Ride Program * * *

16 Sec. 8. 19 V.S.A. § 2904 is amended to read:

17 § 2904. REPLACE YOUR RIDE PROGRAM

18 * * *

19 (d) Eligibility. Applicants must qualify through both income and the
20 removal of an eligible vehicle with an internal combustion engine.

21 (1) Income eligibility.

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* * *

(B) The higher incentive amount of up to \$5,000.00 is available to the following, provided that all other eligibility requirements are met:

* * *

(vi) an individual who is a member of a household with an adjusted gross income that is ~~at or below~~ set at an amount not to exceed 80 percent of the State median income.

(2) Vehicle removal.

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

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

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

* * *

1 (VI) passed the safety inspection portion, but not necessarily
2 the emissions or on board diagnostic (OBD) systems inspection portion, of the
3 annual inspection required under 23 V.S.A. § 1222 within the prior year.

4 * * *

5 Sec. 9. 19 V.S.A. § 2904a is added to read:

6 § 2904a. REPLACE YOUR RIDE PROGRAM FLEXIBILITY;

7 EMERGENCIES

8 Notwithstanding subdivisions 2904(d)(2)(A) and (d)(2)(B)(i)(IV)–(VI) of
9 this chapter, the Agency of Transportation is authorized to waive or modify the
10 eligibility requirements for the Replace Your Ride Program under subdivisions
11 (d)(2)(B)(i)(IV)–(VI) that pertain to the removal of an eligible vehicle as
12 required under subdivision 2904(d)(2)(A) of this chapter provided that:

13 (1) the Governor has declared a state of emergency under 20 V.S.A.
14 chapter 1 and, due to the event or events underlying the state of emergency,
15 motor vehicles registered in Vermont have been damaged or totaled;

16 (2) the waived or modified eligibility requirements are prominently
17 posted on any websites maintained by or at the direction of the Agency for
18 purposes of providing information on the vehicle incentive programs;

19 (3) the waived or modified eligibility requirements are only applicable:

20 (A) upon a showing that the applicant for an incentive under the
21 Replace Your Ride Program was a registered owner of a motor vehicle that

1 was damaged or totaled due to the event or events underlying the state of
2 emergency at the time of the event or events underlying the state of
3 emergency; and

4 (B) for six months after the conclusion of the state of emergency; and
5 (4) the waiver or modification of eligibility requirements and resulting
6 impact are addressed in the annual reporting required under section 2905 of
7 this chapter.

8 * * * Electrify Your Fleet Program * * *

9 Sec. 10. 2023 Acts and Resolves No. 62, Sec. 21 is amended to read:

10 Sec. 21. ELECTRIFY YOUR FLEET PROGRAM; AUTHORIZATION

11 * * *

12 (d) Program structure. The Electrify Your Fleet Program shall reduce the
13 greenhouse gas emissions of persons operating a motor vehicle fleet in
14 Vermont by structuring purchase and lease incentive payments on a first-come,
15 first-served basis to replace vehicles other than a plug-in electric vehicle (PEV)
16 cycled out of a motor vehicle fleet or avoid the purchase of vehicles other than
17 a PEV for a motor vehicle fleet. Specifically, the Electrify Your Fleet Program
18 shall:

19 * * *

20 (2) provide \$2,500.00 purchase and lease incentives for:

21 * * *

1 (C) electric bicycles and electric cargo bicycles with a base MSRP of
2 ~~\$6,000.00~~ \$10,000.00 or less;

3 (D) adaptive electric cycles with any base MSRP;

4 (E) electric motorcycles with a base MSRP of ~~\$30,000.00~~ or less; ~~and~~

5 (F) electric snowmobiles with a base MSRP of ~~\$20,000.00~~ or less;

6 and

7 (G) electric all-terrain vehicles (ATVs), as defined in 23 V.S.A.

8 § 3501 and including electric utility terrain vehicles (UTVs), with a base

9 MSRP of \$50,000.00 or less;

10 * * *

11 * * * Annual Reporting * * *

12 Sec. 11. 19 V.S.A. § 2905 is amended to read:

13 § 2905. ANNUAL REPORTING; VEHICLE INCENTIVE PROGRAMS

14 (a) The Agency shall annually evaluate the programs established under
15 sections 2902–2904 of this chapter to gauge effectiveness and shall submit a
16 written report on the effectiveness of the programs and the State’s marketing
17 and outreach efforts related to the programs to the House and Senate
18 Committees on Transportation, the House Committee on Environment and
19 Energy, and the Senate Committee on ~~Finance~~ Natural Resources and Energy
20 on or before the 31st day of January in each year following a year that an
21 incentive was provided through one of the programs.

1 (b) The report shall also include:

2 (1) any intended modifications to program guidelines for the upcoming
3 fiscal year along with an explanation for the reasoning behind the
4 modifications and how the modifications will yield greater uptake of PEVs and
5 other means of transportation that will reduce greenhouse gas emissions; ~~and~~

6 (2) any recommendations on statutory modifications to the programs,
7 including to income and vehicle eligibility, along with an explanation for the
8 reasoning behind the statutory modification recommendations and how the
9 modifications will yield greater uptake of PEVs and other means of
10 transportation that will reduce greenhouse gas emissions; and

11 (3) any recommendations for how to better conduct outreach and
12 marketing to ensure the greatest possible uptake of incentives under the
13 programs.

14 (c) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this
15 section shall continue to be required if an incentive is provided through one of
16 the programs unless the General Assembly takes specific action to repeal the
17 report requirement.

18 * * * Authority to Transfer Monies in State Fiscal Year 2025 * * *

19 Sec. 12. TRANSFER OF MONIES BETWEEN VEHICLE INCENTIVE

20 PROGRAMS IN STATE FISCAL YEAR 2025

1 (a) Notwithstanding 32 V.S.A. § 706 and any appropriations or
2 authorizations of monies for vehicle incentive programs created under
3 19 V.S.A. §§ 2902–2904, in State fiscal year 2025 the Secretary of
4 Transportation may transfer up to 50 percent of any remaining monies for a
5 vehicle incentive program created under 19 V.S.A. §§ 2902–2904 to any other
6 vehicle incentive program created under 19 V.S.A. §§ 2902–2904 that has less
7 than \$500,000.00 available for distribution as a vehicle incentive.

8 (b) Any transfers made pursuant to subsection (a) of this section shall be
9 reported to the Joint Transportation Oversight Committee and the Joint Fiscal
10 Office within 30 days after the transfer.

11 * * * Electric Vehicle Supply Equipment (EVSE) * * *

12 Sec. 13. 19 V.S.A. chapter 29 is amended to read:

13 CHAPTER 29. VEHICLE INCENTIVE PROGRAMS; ELECTRIC

14 VEHICLE SUPPLY EQUIPMENT

15 § 2901. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
19 supply equipment available to the public” have the same meanings as in
20 30 V.S.A. § 201.

1 (5) “Plug-in electric vehicle (PEV),” “battery electric vehicle (BEV),”
2 and “plug-in hybrid electric vehicle (PHEV)” have the same meanings as in
3 23 V.S.A. § 4(85).

4 * * *

5 § 2906. ELECTRIC VEHICLE SUPPLY EQUIPMENT GOALS

6 It shall be the goal of the State to have, as practicable, level 3 EVSE
7 charging ports available to the public:

8 (1) within three driving miles of every exit of the Dwight D. Eisenhower
9 National System of Interstate and Defense Highways within the State;

10 (2) within 25 driving miles of another level 3 EVSE charging port
11 available to the public along a State highway, as defined in subdivision 1(20)
12 of this title; and

13 (3) co-located with or within a safe, five-minute walk of publicly
14 accessible amenities such as restrooms, restaurants, and convenience stores to
15 provide a safe, consistent, and convenient experience for the traveling public
16 along the State highway system.

17 § 2907. ANNUAL REPORTING; ELECTRIC VEHICLE SUPPLY

18 EQUIPMENT

19 (a) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall:

20 (1) file a report, with a map, on the State’s efforts to meet its federally
21 required Electric Vehicle Infrastructure Deployment Plan, as updated, with the

1 House and Senate Committees on Transportation not later than January 15
2 each year until the Deployment Plan is met;

3 (2) file a report on additional efforts to deploy EVSE through any State
4 EVSE grant programs, including grant programs to increase Vermonters’
5 access to charging at workplaces, multiunit dwellings, and community
6 attractions with the House and Senate Committees on Transportation not later
7 than January 15 each year in a year following a calendar year in which a State
8 EVSE grant program provides funding for EVSE; and

9 (3) file a report on the current conditions of EVSE available to the
10 public and deployed through the assistance of public, State or federal, funding;
11 how other states or jurisdictions are addressing broken or unavailable EVSE
12 available to the public; and any recommendations on how best to minimize the
13 frequency that EVSE available to the public is broken or unavailable with the
14 House and Senate Committees on Transportation not later than January 15
15 each year.

16 (b) The reports required under subsection (a) of this section can be
17 combined when filing with the House and Senate Committees on
18 Transportation and shall prominently be posted on the Agency of
19 Transportation and Agency of Commerce and Community Development’s
20 websites, as applicable.

21 Sec. 14. REPEAL OF CURRENT EVSE MAP REPORT AND EXISTING

1 GOALS

2 2021 Acts and Resolves No. 55, Sec. 30, as amended by 2022 Acts and
3 Resolves No. 184, Sec. 4 (EVSE network in Vermont goals; report of annual
4 map) is repealed.

5 Sec. 15. EVSE PLAN; REPORT

6 The Agency of Transportation, in consultation with the Agencies of
7 Agriculture, Food and Markets and of Commerce and Community
8 Development, shall prepare a written plan, which may incorporate other plans
9 that have been prepared to secure federal funding under the National Electric
10 Vehicle Infrastructure Formula Program, for how to fund and maintain the
11 EVSE necessary for Vermont to meet that portion of the goals of the
12 Comprehensive Energy Plan and the Vermont Climate Action Plan. The
13 written plan shall be filed with the House and Senate Committees on
14 Transportation not later than January 15, 2025.

15 Sec. 16. RECOMMENDATION ON EVSE REGULATION

16 (a) The Agency of Agriculture, Food and Markets, in consultation with the
17 Agencies of Transportation and of Commerce and Community Development,
18 the Department of Public Service, the Public Utility Commission, the Office of
19 the Attorney General, Consumer Protection Division, Drive Electric Vermont,
20 and EVSE industry participants, shall prepare written recommendations on
21 what regulations, if any, should be placed on EVSE available to the public that

1 is not owned and operated by an electric distribution utility and on EVSE
2 available to the public that is owned and operated by an electric distribution
3 utility. The written recommendations shall include clear explanations for
4 regulatory recommendations regarding EVSE, trade professionals, fees,
5 penalties, appeals; the number of affected EVSE and trade professionals;
6 projected revenues and program costs; initial findings regarding EVSE
7 tolerances and noncompliant EVSE; and plans for education and outreach in
8 advance of the implementation of any regulations or enforcement. The written
9 recommendations shall be filed with the House and Senate Committees on
10 Transportation, the House Committees on Commerce and Economic
11 Development and on Environment and Energy, and the Senate Committees on
12 Economic Development, Housing and General Affairs, on Finance, and on
13 Natural Resources and Energy not later than November 15, 2024.

14 (b) Notwithstanding 9 V.S.A. chapter 73 and any State law or rule that may
15 authorize regulation of EVSE not owned by an electric distribution utility, the
16 State shall not implement an EVSE regulatory program or take any
17 enforcement action related to EVSE regulation before the report required under
18 subsection (a) of this section is filed.

19 * * * Beneficial Electrification * * *

20 **Sec. 17.** BENEFICIAL ELECTRIFICATION; STANDARD LEVEL OF
21 SERVICE; PUBLIC UTILITY COMMISSION; REPORT

1 (a) Legislative intent. It is the intent of the General Assembly that the
2 standard level of service to the meter, as defined in each regulated electric
3 utility’s tariffs for line extensions and service upgrades, shall enable residential
4 customers at existing locations who so request to participate in substantial
5 domestic electrification including managed level 2 charging capability for
6 electric vehicles.

7 (b) Report. The Public Utility Commission shall include the following in
8 in the report due not later than January 15, 2025 pursuant to 2021 Acts and
9 Resolves No. 55, Sec. 33:

10 (1) the Public Utility Commission’s efforts to ensure that the standard
11 level of service to the meter enables residential customers at existing locations
12 who so request to participate in substantial domestic electrification; and

13 (2) the anticipated timeline for when the standard level of service to the
14 meter across all of Vermont will enable residential customers at existing
15 locations who so request to participate in substantial domestic electrification.

16 * * * Expansion of Public Transit Service * * *

17 * * * Mobility Services Guide; Car Share * * *

18 Sec. 18. MOBILITY SERVICES GUIDE; ORAL UPDATE

19 (a) The Agency of Transportation, in consultation with existing nonprofit
20 mobility services organizations incorporated in the State of Vermont for the
21 purpose of providing Vermonters with transportation alternatives to personal

1 vehicle ownership, such as through carsharing, and other nonprofit
2 organizations working to achieve the goals of the Comprehensive Energy Plan,
3 the Vermont Climate Action Plan, and the Agency of Transportation’s
4 community engagement plan for environmental justice, shall develop a web-
5 page-based guide to outline the different mobility service models that could be
6 considered for deployment in Vermont.

7 (b) At a minimum, the web-page-based guide required under subsection (a)
8 of this section shall include the following:

9 (1) definitions of program types or options, such as car sharing, mobility
10 for all, micro-transit, bike sharing, and other types of programs that meet the
11 goals identified in subsection (a) of this section;

12 (2) information related to existing initiatives, including developmental
13 and pilot programs, that meet any of the program types or options defined
14 pursuant to subdivision (1) of this subsection and information related to any
15 pertinent studies or reports, whether completed or ongoing, related to the
16 program types or options defined pursuant to subdivision (1) of this
17 subsection;

18 (3) details of other existing programs that may impact program design,
19 such as fixed-route public transit service, Medicaid transportation service,
20 older adults and persons with disability transportation service, job access
21 transportation service, and other similar programs; and

1 (4) for each possible program type or option defined pursuant
2 subdivision (1) of this subsection, additional details outlining:

3 (A) the range of start-up, capital, facilities, and ongoing operating
4 and maintenance costs;

5 (B) the service area characteristics;

6 (C) the revenue capture options;

7 (D) technical assistance resources; and

8 (E) existing or potential funding resources.

9 (c) The Agency of Transportation shall make itself available to provide an
10 oral update and demonstration of the web-page-based guide required under
11 subsection (a) of this section to the House and Senate Committees on
12 Transportation not later than February 15, 2025.

13 * * * Mobility and Transportation Innovation (MTI) Grant Program * * *

14 Sec. 19. MOBILITY AND TRANSPORTATION INNOVATION (MTI)
15 GRANT PROGRAM; APPROPRIATION

16 (a) Appropriation. The sum of \$XXX.00 is appropriated from the
17 Transportation Fund to the Agency of Transportation in fiscal year 2025 for a
18 continuation of the Mobility and Transportation Innovation (MTI) Grant
19 Program, which was created pursuant to 2020 Acts and Resolves No. 121,
20 Sec. 16.

1 (b) Implementation. The Program shall continue to support projects that
2 improve both mobility and access to services for transit-dependent
3 Vermonters, reduce the use of single-occupancy vehicles, and reduce
4 greenhouse gas emissions but shall be expanded as follows:

5 (1) Grant awards shall be made available for both capital and
6 operational costs that expand new or existing programs and result in
7 greenhouse gas emissions reductions. Funding under the MTI Grant Program
8 shall not be used to supplant existing State funding.

9 (2) The Agency of Transportation shall expand the application period
10 for the MTI Grant Program, opening the application process in May of each
11 year that grants are offered and providing entities requiring technical assistance
12 or pre-review of a draft application direct assistance between the opening of
13 the application period and August of each year that grants are offered. Final
14 applications shall be due in early September of each year that grants are
15 offered.

16 * * * Vermont Rail Plan; Amtrak * * *

17 Sec. 20. DEVELOPMENT OF NEW VERMONT RAIL PLAN; BICYCLE
18 STORAGE; REPORT

19 (a) As the Agency of Transportation develops the new Vermont Rail Plan,
20 it shall consider and address the following:

1 (1) adding additional daily service on the Vermonter for some or all of
2 the service area; and

3 (2) expanding service on the Valley Flyer to provide increased service
4 on the Vermonter route.

5 (b) The Agency of Transportation shall consult with Amtrak and the State-
6 Amtrak Intercity Passenger Rail Committee (SAIPRC) on passenger education
7 of and sufficient capacity for bicycle storage on Amtrak trains on the
8 Vermonter and Ethan Allen Express routes.

9 (c) The Agency of Transportation shall provide an oral update on the
10 development of the Vermont Rail Plan in general and the requirements of
11 subsection (a) of this section specifically and the consultation efforts required
12 under subsection (b) of this section to the House and Senate Committees on
13 Transportation not later than February 15, 2025.

14 * * * Replacement for the Vermont State **Design** Standards * * *

15 Sec. 21. REPLACEMENT FOR THE VERMONT STATE **DESIGN**

16 STANDARDS

17 (a) In preparing the replacement for the Vermont State **Design** Standards,
18 the Agency of Transportation shall do all of the following:

19 (1) Release a draft of the replacement to the Vermont State **Design**
20 Standards and related documents not later than January 1, 2026.

1 (2) Conduct not less than four public hearings across the State
2 concerning the replacement to the Vermont State **Design** Standards and related
3 documents.

4 (3) Provide a publicly available responsiveness summary detailing the
5 public participation activities conducted in developing the final draft of the
6 replacement for the Vermont State **Design** Standards and related documents, as
7 applicable; a description of the matters on which members of the public or
8 stakeholders, or both, were consulted; a summary of the views of the
9 participating members of the public and stakeholders; and significant
10 comments, criticisms, and suggestions received by the Agency and the
11 Agency’s specific responses, including an explanation of any modifications
12 made in response.

13 (4) Consult directly, through a series of large-group, specialty focus
14 groups and one-on-one meetings, with key stakeholders in order to achieve
15 stakeholder engagement and afford a voice in the development of the
16 replacement for the Vermont State **Design** Standards and related documents.
17 **At a minimum,** stakeholders shall include the House and Senate Committees
18 on Transportation, the Federal Highway Administration (FHWA), the Vermont
19 Agency of Commerce and Community Development (ACCD), the Vermont
20 Agency of Natural Resources (ANR), the Vermont Department of Health
21 (VDH), the Vermont Department of Public Service (DPS), the Vermont

1 League of Cities and Towns (VLCT), Vermont’s regional planning
2 commissions (RPCs), the Vermont chapter of the American Association of
3 Retired Persons (AARP), Transportation for Vermonters (T4VT), Local
4 Motion, the Sierra Club, Conservation Law Foundation, the Vermont Natural
5 Resources Council, the Vermont Truck and Bus Association, the Vermont
6 Public Transportation Association (VPTA), the American Council of
7 Engineering Companies (ACEC), the Association of General Contractors
8 (AGC), and Vermont Transportation Equity Framework stakeholders.

9 (b) The Agency shall provide oral updates on its progress preparing the
10 replacement to the Vermont State Design Standards, including the process
11 required under subsection (a) of this section, to the House and Senate
12 Committees on Transportation not later than February 15, 2025 and February
13 15, 2026.

14 * * * Complete Streets; Traffic Calming Measures; Designated Centers * * *

15 Sec. 22. 19 V.S.A. §§ 2402 and 2403 are amended to read:

16 § 2402. STATE POLICY

17 (a) Agency of Transportation funded, designed, or funded and designed
18 projects shall seek to increase and encourage more pedestrian, bicycle, and
19 public transit trips, with the State goal to promote intermodal access to the
20 maximum extent feasible, which will help the State meet the transportation-
21 related recommendations outlined in the Comprehensive Energy Plan (CEP)

1 issued under 30 V.S.A. § 202b and the recommendations of the Vermont
2 Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

3 (b) Except in the case of projects or project components involving unpaved
4 highways, for all transportation projects and project phases managed by the
5 Agency or a municipality, including planning, development, construction, or
6 maintenance, it is the policy of this State for the Agency and municipalities, as
7 applicable, to incorporate complete streets principles that:

8 (1) serve individuals of all ages and abilities, including vulnerable users
9 as defined in 23 V.S.A. § 4(81);

10 (2) follow state-of-the-practice design guidance; ~~and~~

11 (3) are sensitive to the surrounding community, including current and
12 planned buildings, parks, and trails and current and expected transportation
13 needs; and

14 (4) when desired by the municipality:

15 (A) implement street design for purposes of calming and slowing
16 traffic in State-designated centers under 24 V.S.A. chapter 76A; and

17 (B) support the land uses that develop and evolve in tandem with
18 transit and accessibility, including those that provide enhanced benefits to the
19 public, such as through improved health and access to employment, services,
20 and housing.

21 § 2403. PROJECTS NOT INCORPORATING COMPLETE STREETS

1 PRINCIPLES

2 (a) State projects. A State-managed project shall incorporate complete
3 streets principles unless the project manager makes a written determination,
4 supported by documentation, that one or more of the following circumstances
5 exist:

6 * * *

7 (2) The cost of incorporating complete streets principles is
8 disproportionate to the need or probable use as determined by factors including
9 land use, current and projected user volumes, population density, crash data,
10 historic and natural resource constraints, and maintenance requirements. The
11 Agency shall consult local and regional plans, as appropriate, in assessing
12 these and any other relevant factors. If the project manager bases the written
13 determination required under this subsection in whole or in part on this
14 subdivision then the project manager shall provide a supplemental written
15 determination with specific details on costs, needs, and probable uses, as
16 applicable, but shall not need to address, in the supplemental written
17 determination, any design elements desired by the municipality pursuant to
18 subdivision 2402(b)(4)(B) of this chapter.

19 * * *

20 (b) Municipal projects. A municipally managed project shall incorporate
21 complete streets principles unless the municipality managing the project makes

1 a written determination, supported by documentation, that one or more of the
2 following circumstances exist:

3 * * *

4 (2) The cost of incorporating complete streets principles is
5 disproportionate to the need or probable use as determined by factors such as
6 land use, current and projected user volumes, population density, crash data,
7 historic and natural resource constraints, and maintenance requirements. The
8 municipality shall consult local and regional plans, as appropriate, in assessing
9 these and any other relevant factors. If the municipality managing the project
10 bases the written determination required under this subsection in whole or in
11 part on this subdivision then the project manager shall provide a supplemental
12 written determination with specific details on costs, needs, and probable uses,
13 as applicable, but shall not need to address, in the supplemental written
14 determination, any design elements desired by the municipality pursuant to
15 subdivision 2402(b)(4)(B) of this chapter.

16 * * *

17 **PLACEHOLDER FOR SUBSTITUTE FOR H.693, SEC. 24**

18 * * * Effective Date * * *

19 Sec. 23. EFFECTIVE DATE

20 This act shall take effect on July 1, 2024.