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1	TO THE HONORABLE SENATE:
2	The Committee on Transportation to which was referred House Bill No.
3	868 entitled "An act relating to the fiscal year 2025 Transportation Program
4	and miscellaneous changes to laws related to transportation" respectfully
5	reports that it has considered the same and recommends that the Senate
6	propose to the House that the bill be amended by striking out all after the
7	enacting clause and inserting in lieu thereof the following:
8	* * * Transportation Program Adopted as Amended; Definitions * * *
9	Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS
10	(a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2025
11	Transportation Program appended to the Agency of Transportation's proposed
12	fiscal year 2025 budget (Revised February 15, 2024), as amended by this act,
13	is adopted to the extent federal, State, and local funds are available.
14	(b) Definitions. 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.

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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)" and "electric vehicle
7	supply equipment available to the public" have the same meanings as in
8	<u>30 V.S.A. § 201.</u>
9	(5) "Front-of-book project" means a project approved by the General
10	Assembly that is anticipated to have construction expenditures during the
11	budget year or the following three years, or both, with expected expenditures
12	shown over four years.
13	(6) "Mileage-based user fee" or "MBUF" means a fee for vehicle use of
14	the public road system with distance, stated in miles, as the measure of use.
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

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1	Proposed" figure from the "As Amended" figure; 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; and "State" in any tables amending authorizations indicates that the
5	source of funds is State monies in the Transportation Fund, unless otherwise
6	specified.
7	* * * Summary of Transportation Investments * * *
8	Sec. 2. FISCAL YEAR 2025 TRANSPORTATION INVESTMENTS
9	INTENDED TO REDUCE TRANSPORTATION-RELATED
10	GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
11	USE, AND SAVE VERMONT HOUSEHOLDS MONEY
12	This act includes the State's fiscal year 2025 transportation investments
13	intended to reduce transportation-related greenhouse gas emissions, reduce
14	fossil fuel use, and save Vermont households money in furtherance of the
15	policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive
16	Energy Plan and the Vermont Climate Action Plan and to satisfy the Executive
17	and Legislative Branches' commitments to the Paris Agreement climate goals.
18	In fiscal year 2025, these efforts will include the following:
19	(1) Park and Ride Program. This act provides for a fiscal year
20	expenditure of \$1,464,833.00, which will fund one construction project to
21	create a new park-and-ride facility; the design and construction of

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1	improvements to one existing park-and-ride facility; funding for a municipal
2	park-and-ride grant program; and paving projects for existing park-and-ride
3	facilities. This year's Park and Ride Program will create 60 new State-owned
4	spaces. Specific additions and improvements include:
5	(A) Manchester—construction of 50 new spaces; and
6	(B) Sharon—design and construction of 10 new spaces.
7	(2) Bike and Pedestrian Facilities Program. This act provides for a
8	fiscal year expenditure, including local match, of \$11,648,752.00, which will
9	fund 28 bike and pedestrian construction projects; 21 bike and pedestrian
10	design, right-of-way, or design and right-of way projects for construction in
11	future fiscal years; and eight scoping studies. The construction projects
12	include the creation, improvement, or rehabilitation of walkways, sidewalks,
13	shared-use paths, bike paths, and cycling lanes. Projects are funded in
14	Arlington, Bennington, Bethel, Brattleboro, Burke, Burlington, Castleton,
15	Chester, Enosburg Falls, Fair Haven, Fairfax, Hartford, Hyde Park, Jericho,
16	Manchester, Middlebury, Montpelier, Moretown, Newport City, Northfield,
17	Pawlet, Richford, Royalton, Rutland City, Rutland Town, Shaftsbury,
18	Shelburne, Sheldon, South Burlington, Springfield, St. Albans City, St. Albans
19	Town, Sunderland, Swanton, Tunbridge, Vergennes, Wallingford, Waterbury,
20	and West Rutland. This act also provides funding for:

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1	(A) some of Local Motion's operation costs to run the bike ferry on
2	the Colchester Causeway, which is part of the Island Line Trail;
3	(B) a small-scale municipal bicycle and pedestrian grant program for
4	projects to be selected during the fiscal year;
5	(C) projects funded through the Safe Routes to School Program; and
6	(D) community grants along the Lamoille Valley Rail Trail (LVRT).
7	(3) Transportation Alternatives Program. This act provides for a fiscal
8	year expenditure of \$5,416,614.00, including local funds, which will fund 28
9	transportation alternatives construction projects; 28 transportation alternatives
10	design, right-of-way, or design and right-of-way projects; and three studies,
11	including scoping, historic preservation, and connectivity. Of these 59
12	projects, 21 involve environmental mitigation related to clean water or
13	stormwater concerns, or both clean water and stormwater concerns, and 38
14	involve bicycle and pedestrian facilities. Projects are funded in Athens, Barre
15	City, Brandon, Bridgewater, Bristol, Burke, Burlington, Cambridge, Castleton,
16	Colchester, Derby, Enosburg Falls, Fair Haven, Fairfax, Franklin, Hartford,
17	Hinesburg, Hyde Park, Jericho, Londonderry, Lyndon, Mendon, Middlebury,
18	Montgomery, Newark, Newfane, Proctor, Richford, Richmond, Rockingham,
19	Rutland City, Sharon, Shelburne, South Burlington, Springfield, St. Albans
20	Town, Swanton, Tinmouth, Vergennes, Wardsboro, Warren, Weston,
21	Williston, Wilmington, and Winooski.

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1	(4) Public Transit Program. This act provides for a fiscal year
2	expenditure of \$54,940,225.00 for public transit uses throughout the State.
3	Included in the authorization are:
4	(A) Go! Vermont, with an authorization of \$405,000.00. This
5	authorization supports transportation demand management (TDM) strategies,
6	including the State's Trip Planner and commuter services, to promote the use
7	of carpools and vanpools.
8	(B) Mobility and Transportation Innovations (MTI) Grant Program,
9	with an authorization of \$3,500,000.00, which includes \$3,000,000.00 in
10	federal Carbon Reduction Funds. This authorization continues to support
11	projects that improve both mobility and access to services for transit-dependent
12	Vermonters, reduce the use of single-occupancy vehicles, and reduce
13	greenhouse gas emissions.
14	(5) Rail Program. This act provides for a fiscal year expenditure of
15	\$48,746,831.00, including local funds, for intercity passenger rail service,
16	including funding for the Ethan Allen Express and Vermonter Amtrak services,
17	and rail infrastructure that supports freight rail as well. Moving freight by rail
18	instead of trucks lowers greenhouse gas emissions by up to 75 percent, on
19	average.
20	(6) Transformation of the State Vehicle Fleet. The Department of
21	Buildings and General Services, which manages the State Vehicle Fleet,

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1	currently has 14 plug-in hybrid electric vehicles and 15 battery electric
2	vehicles in the State Vehicle Fleet. In fiscal year 2025, the Commissioner of
3	Buildings and General Services will continue to purchase and lease vehicles
4	for State use in accordance with 29 V.S.A. § 903(g), which requires, to the
5	maximum extent practicable, that the Commissioner purchase or lease hybrid
6	or plug-in electric vehicles (PEVs), as defined in 23 V.S.A. § 4(85), with not
7	less than 75 percent of the vehicles purchased or leased being hybrid or PEVs.
8	(7) Electric vehicle supply equipment (EVSE). This act provides for a
9	fiscal year expenditure of \$4,833,828.00 to increase the presence of EVSE in
10	Vermont in accordance with the State's federally approved National Electric
11	Vehicle Infrastructure (NEVI) Plan, which will lead to the installation of
12	Direct Current Fast Charging (DC/FC) along designated alternative fuel
13	corridors. In addition to monies that were previously appropriated, this act
14	provides for a fiscal year expenditure of \$1,700,000.00 for EVSE at
15	workplaces or multiunit dwellings, or both.
16	(8) Vehicle incentive programs and expansion of the PEV market.
17	(A) Incentive Program for New PEVs, MileageSmart, Replace Your
18	Ride, and Electrify Your Fleet. No additional monies are authorized for the
19	State's vehicle incentive programs in this act, but it is estimated that prior
20	appropriations of approximately the following amounts will be available in
21	fiscal year 2025:

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1	(i) \$2,600,000.00 for the Incentive Program for New PEVs;
2	(ii) \$2,000,000.00 for MileageSmart; and
3	(iii) \$900,000.00 for the Replace Your Ride Program.
4	(B) eBike Incentive Program. This act authorizes one-time funds of
5	up to \$140,000.00 in incentives under the eBike Incentive Program.
6	(9) Promoting Resilient Operations for Transformative, Efficient, and
7	Cost-Saving Transportation (PROTECT) Formula Program. This act provides
8	for a fiscal year expenditure of \$3,871,435.00 under the PROTECT Formula
9	Program. This year's PROTECT Formula Program funds will support
10	increased resiliency at three bridge sites (Coventry, Wilmington, and
11	Shaftsbury) in alignment with the VTrans Resilience Improvement Plan.
12	* * * Public Transit; Carbon Reduction Program;
13	Environmental Policy and Sustainability Program; Central Garage;
14	Electric Vehicle Supply Equipment (EVSE) * * *
15	Sec. 2. PUBLIC TRANSIT; CARBON REDUCTION PROGRAM;
16	ENVIRONMENTAL POLICY AND SUSTAINABILITY
17	PROGRAM; CENTRAL GARAGE; ELECTRIC VEHICLE SUPPLY
18	EQUIPMENT (EVSE)
19	(a) Public Transit.

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1	(1) Within the	e Agency of Tra	nsportation's Proposed	Fiscal Year 2025
2	Transportation Prog	ram for Public T	ransit, authorized spen	ding is amended as
3	follows:			
4	FY25	As Proposed	As Amended	Change
5	Person. Svcs.	4,612,631	4,612,631	0
6	Operat. Exp.	119,894	119,894	0
7	Grants	51,907,700	50,207,700	-1,700,000
8	Total	56,640,225	54,940,225	-1,700,000
9	Sources of funds			
10	State	9,807,525	9,807,525	0
11	Federal	46,692,700	44,992,700	-1,700,000
12	Interdept.	140,000	140,000	0
13	Total	56,640,225	54,940,225	-1,700,000
14	(2) The amen	dment set forth i	n subdivision (1) of th	is subsection shall
15	be reflected in a \$1,	700,000.00 redu	ction of Carbon Reduc	tion Funding for the
16	Capital-CRF CRFP	(24) (for Capital	Support for E-Vehicle	es), from
17	\$4,000,000.00 to \$2	,300,000.00.		
18	(b) Environment	al Policy and Su	stainability Program.	
19	(1) Within the	e Agency of Tra	nsportation's Proposed	Fiscal Year 2025
20	Transportation Prog	ram for the Envi	ronmental Policy and	Sustainability
21	Program, authorized	l spending is ame	ended as follows:	

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1	<u>FY25</u>	As Proposed	As Amended	Change
2	Person. Svcs.	6,953,362	6,953,362	0
3	Operat. Exp.	76,411	1,776,411	1,700,000
4	Grants	1,480,000	1,480,000	0
5	Total	8,509,773	10,209,773	1,700,000
6	Sources of funds			
7	State	531,909	531,909	0
8	Federal	6,800,327	8,500,327	1,700,000
9	Local	1,177,537	1,177,537	0
10	Total	8,509,773	10,209,773	1,700,000
11	(2) Of the fur	nds authorized b	y this subsection, the E	nvironmental Policy
12	and Sustainability P	rogram, in cons	ultation with Central G	arage, shall spend
13	\$1,700,000.00 for el	lectrification of	the Central Garage flee	<u>t.</u>
14	(c) Central Gara	ge. Within the	Agency of Transportation	on's Proposed
15	Fiscal Year 2025 Tr	ansportation Pro	ogram for the Central G	arage, authorized
16	spending is amende	d as follows:		
17	<u>FY25</u>	As Proposed	As Amended	Change
18	Person. Svcs.	5,480,920	5,480,920	0
19	Operat. Exp.	19,170,315	17,470,315	-1,700,000
20	Total	24,651,235	22,951,235	-1,700,000
21	Sources of funds			

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1	Int. Svc.	24,651,235	22,951,235	-1,700,000
2	Total	24,651,235	22,951,235	-1,700,000
3	(d) Electric vehic	cle supply equip	ment (EVSE). Notwith	nstanding of
4	19 V.S.A. § 11a or a	any other provision	on of law to the contra	ry, the Agency shall
5	distribute \$1,700,00	0.00 in one-time	Transportation Fund r	nonies to the
6	Agency of Commerce	ce and Communi	ty Development for th	e purpose of
7	providing grants to i	ncrease Vermon	ters' access to level 1	and 2 EVSE
8	charging ports at wo	orkplaces or mult	iunit dwellings, or bot	h, as those terms are
9	defined in 2022 Act	s and Resolves N	Io. 185, Sec. E.903.	
10		* * * Highway	y Maintenance * * *	
11	Sec. 3. HIGHWAY	MAINTENANO	CE	
12	(a) Within the A	gency of Transpo	ortation's Proposed Fig	scal Year 2025
13	Transportation Prog	ram for Mainten	ance, authorized spend	ing is amended as
14	follows:			
15	<u>FY25</u>	As Proposed	As Amended	<u>Change</u>
16	Person. Svcs.	42,757,951	42,757,951	0
17	Operat. Exp.	65,840,546	63,840,546	-2,000,000
18	Total	108,598,497	106,598,497	-2,000,000
19	Sources of funds			
20	State	107,566,483	105,566,483	-2,000,000
21	Federal	932,014	932,014	0

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1	Inter Unit 100,000 100,000 0				
2	Total 108,598,497 106,598,497 -2,000,000				
3	(b) Restoring the fiscal year 2025 Maintenance Program appropriation and				
4	authorization to the level included in the Agency of Transportation's Proposed				
5	Fiscal Year 2025 Transportation Program shall be the top fiscal priority of the				
6	Agency.				
7	(1) If there are unexpended State fiscal year 2024 appropriations of				
8	Transportation Fund monies, then, at the close of State fiscal year 2024, an				
9	amount up to \$2,000,000.00 of any unencumbered Transportation Fund monies				
10	appropriated in 2023 Acts and Resolves No. 78, Secs. B.900-B.922, which				
11	would otherwise be authorized to carry forward, is reappropriated for the				
12	Agency of Transportation's Proposed Fiscal Year 2025 Transportation				
13	Program for Maintenance 30 days after the Agency sends written notification				
14	of the request for the unencumbered Transportation Fund monies to be				
15	reappropriated to the Joint Transportation Oversight Committee, provided that				
16	the Joint Transportation Oversight Committee does not send written objection				
17	to the Agency.				
18	(2) If any unencumbered Transportation Fund monies are reappropriated				
19	pursuant to subdivision (1) of this subsection, then, within the Agency of				
20	Transportation's Proposed Fiscal Year 2025 Transportation Program for				

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1	Maintenance, auth	orized spending is f	further amended to incre	ease operating
2	expenses by not m	ore than \$2,000,000).00 in Transportation F	Fund monies.
3	(3) Notwith	standing subdivisio	ns (1)–(2) of this subsec	ction, the Agency
4	may request furthe	r amendments to th	e Agency of Transporta	tion's Proposed
5	Fiscal Year 2025 7	Transportation Prog	ram for Maintenance th	rough the State
6	fiscal year 2025 bu	idget adjustment ac	<u>t.</u>	
7		* * * Town H	ighway Aid * * *	
8	Sec. 4. TOWN HI	GHWAY AID MO	NIES	
9	Within the Age	ncy of Transportation	on's Proposed Fiscal Yo	ear 2025
10	Transportation Pro	gram for Town Hig	ghway Aid, and notwith	standing the
11	provisions of 19 V	.S.A. § 306(a), auth	orized spending is ame	nded as follows:
12	<u>FY25</u>	As Proposed	As Amended	Change
13	Grants	28,672,753	29,532,753	860,000
14	Total	28,672,753	29,532,753	860,000
15	Sources of fund	<u>IS</u>		
16	State	28,672,753	29,532,753	860,000
17	Total	28,672,753	29,532,753	860,000
18		* * * Town High	way Structures * * *	
19	Sec. 5. TOWN HI	GHWAY STRUCT	FURES MONIES	

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1	(a) Within the Agency of Transportation's Proposed Fiscal Year 2025	
2	Transportation Program for Town Highway Structures, authorized spending is	
3	amended as follows:	
4	FY25As ProposedAs AmendedChange	
5	Grants 7,416,000 8,416,000 1,000,000	
6	Total 7,416,000 8,416,000 1,000,000	
7	Sources of funds	
8	State 7,416,000 8,416,000 1,000,000	
9	Total 7,416,000 8,416,000 1,000,000	
10	(b) In State fiscal year 2025, the Agency shall approve qualifying projects	
11	with a total estimated State share cost that is at least \$1,000,000.00 more than	
12	the minimum set forth in 19 V.S.A. § 306(e)(2).	
13	* * * eBike Incentives; Public Transit Programs; Authorization * * *	
14	Sec. 6. ONE-TIME EBIKE INCENTIVE PROGRAM MONIES	
15	(a) The definitions in 19 V.S.A. § 2901 shall apply to this section.	
16	(b) In fiscal year 2025, the Agency is authorized to spend up to	
17	\$140,000.00 in one-time Transportation Fund monies to provide incentives	
18	under the eBike Incentive Program established pursuant to 2021 Acts and	
19	Resolves No. 55, Sec. 28, as amended by 2022 Acts and Resolves No. 184,	
20	<u>Sec. 23.</u>	
21	* * * Agency of Transportation Duties; Bonding * * *	

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1	Sec. 7. 19 V.S.A. § 10 is amended to read:
2	§ 10. DUTIES
3	The Agency shall, except where otherwise specifically provided by law:
4	* * *
5	(9) Require any contractor or contractors employed in any project of the
6	Agency for construction of a transportation improvement to file an additional
7	surety bond to the Secretary and the Secretary's successor in office, for the
8	benefit of labor, materialmen, and others, executed by a surety company
9	authorized to transact business in this State,. The surety bond shall be in such
10	sum as the Agency shall direct, conditioned for the payment, settlement,
11	liquidation, and discharge of the claims of all creditors for material,
12	merchandise, labor, rent, hire of vehicles, power shovels, rollers, concrete
13	mixers, tools, and other appliances, professional services, premiums, and other
14	services used or employed in carrying out the terms of the contract between the
15	contractor and the State and further conditioned for the following accruing
16	during the term of performance of the contract: the payment of taxes, both
17	State and municipal, and contributions to the Vermont Commissioner of Labor,
18	accruing during the term of performance of the contract. However; provided,
19	however, in order to obtain the benefit of the security, the claimant shall file
20	with the Secretary a sworn statement of the claimant's claim, within 90 days
21	after the final acceptance of the project by the State or within 90 days from the

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1	time the taxes or contributions to the Vermont Commissioner of Labor are due
2	and payable, and, within one year after the filing of the claim, shall bring a
3	petition in the Superior Court in the name of the Secretary, with notice and
4	summons to the principal, surety, and the Secretary, to enforce the claim or
5	intervene in a petition already filed. The Secretary may, if the Secretary
6	determines that it is in the best interests of the State, accept other good and
7	sufficient surety in lieu of a bond and, in cases involving contracts for
8	\$100,000.00 or less, may waive the requirement of a surety bond.
9	* * *
10	* * * Delays; Transportation Program Statute;
11	Increased Estimated Costs; Technical Corrections * * *
12	Sec. 8. 19 V.S.A. § 10g is amended to read:
13	§ 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;
14	ADVANCEMENTS, CANCELLATIONS, AND DELAYS
15	(a) <u>Proposed Transportation Program.</u> The Agency of Transportation shall
16	annually present to the General Assembly for adoption a multiyear
17	Transportation Program covering the same number of years as the Statewide
18	Transportation Improvement Program (STIP), consisting of the recommended
19	budget for all Agency activities for the ensuing fiscal year and projected
20	spending levels for all Agency activities for the following fiscal years. The
21	Program shall include a description and year-by-year breakdown of

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1	recommended and projected funding of all projects proposed to be funded
2	within the time period of the STIP and, in addition, a description of all projects
3	that are not recommended for funding in the first fiscal year of the proposed
4	Program but that are scheduled for construction during the time period covered
5	by the STIP. The Program shall be consistent with the planning process
6	established by 1988 Acts and Resolves No. 200, as codified in 3 V.S.A.
7	chapter 67 and 24 V.S.A. chapter 117, the statements of policy set forth in
8	sections 10b–10f of this title, and the long-range systems plan, corridor studies,
9	and project priorities developed through the capital planning process under
10	section 10i of this title.
11	(b) <u>Projected spending.</u> Projected spending in future fiscal years shall be
12	based on revenue estimates as follows:
13	* * *
14	(c) <u>Systemwide performance measures.</u> The Program proposed by the
15	Agency shall include systemwide performance measures developed by the
16	Agency to describe the condition of the Vermont transportation network. The
17	Program shall discuss the background and utility of the performance measures,
18	track the performance measures over time, and, where appropriate, recommend
19	the setting of targets for the performance measures.
20	(d) [Repealed.]
21	(e) <u>Prior expenditures and appropriations carried forward.</u>

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1	* * *
2	(f) Adopted Transportation Program. Each year following enactment
3	adoption of a Transportation Program under this section, the Agency shall
4	prepare and make available to the public the Transportation Program
5	established adopted by the General Assembly. The resulting document shall
6	be entered in the permanent records of the Agency and of the Board, and shall
7	constitute the State's official Transportation Program.
8	(g) Project updates. The Agency's annual proposed Transportation
9	Program shall include project updates referencing this section and listing the
10	following:
11	(1) all proposed projects in the Program that would be new to the State
12	Transportation Program if adopted;
13	(2) all projects for which total estimated costs have increased by more
14	than \$8,000,000.00 \$5,000,000.00 from the estimate in the adopted
15	Transportation Program for the prior fiscal year or by more than 100
16	75 percent from the estimate in the prior fiscal year's approved adopted
17	Transportation Program for the prior fiscal year; and
18	(3) <u>all projects for which the total estimated costs have, for the first</u>
19	time, increased by more than \$10,000,000.00 from the Preliminary Plan
20	estimate or by more than 100 percent from the Preliminary Plan estimate; and

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1	(4) all projects funded for construction in the prior fiscal year's
2	approved adopted Transportation Program that are no longer funded in the
3	proposed Transportation Program submitted to the General Assembly, the
4	projected costs for such projects in the prior fiscal year's approved adopted
5	Transportation Program, and the total costs incurred over the life of each such
6	project.
7	(h) Should Project delays; emergency and safety issues; additional funding;
8	cancellations.
9	(1) If capital projects in the Transportation Program be are delayed
10	because of unanticipated problems with permitting, right-of-way acquisition,
11	construction, local concern, or availability of federal or State funds, the
12	Secretary is authorized to advance other projects in the approved adopted
13	Transportation Program for the current fiscal year.
14	(2) The Secretary is further authorized to undertake projects to resolve
15	emergency or safety issues that are not included in the adopted Transportation
16	Program for the current fiscal year. Upon authorizing a project to resolve an
17	emergency or safety issue, the Secretary shall give prompt notice of the
18	decision and action taken to the Joint Fiscal Office and to the House and
19	Senate Committees on Transportation when the General Assembly is in
20	session, and when the General Assembly is not in session, to the Joint
21	Transportation Oversight Committee, the Joint Fiscal Office, and the Joint

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1 Fiscal Committee when the General Assembly is not in session. Should an 2 approved 3 (3) If a project in the current adopted Transportation Program require for 4 the current fiscal year requires additional funding to maintain the approved 5 schedule in the adopted Transportation Program for the current fiscal year, the 6 Agency is authorized to allocate the necessary resources. However, the 7 Secretary shall not delay or suspend work on approved projects in the adopted 8 Transportation Program for the current fiscal year to reallocate funding for 9 other projects except when other funding options are not available. In such 10 case, the Secretary shall notify the Joint Transportation Oversight Committee, 11 the Joint Fiscal Office, and the Joint Fiscal Committee when the General 12 Assembly is not in session and the House and Senate Committees on 13 Transportation and the Joint Fiscal Office when the General Assembly is in 14 session. With respect to projects in the approved Transportation Program, the 15 Secretary shall notify, in the district affected, the regional planning 16 commission for the district where the affected project is located, the 17 municipality where the affected project is located, the legislators for the district 18 where the affected project is located, the House and Senate Committees on 19 Transportation, and the Joint Fiscal Office of any change that likely will affect 20 the fiscal year in which the project is planned to go to construction.

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1	(4) 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

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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) For purposes of Definition. 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	(1) <u>Numerical grading system; priority rating.</u> 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:

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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 (1) 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.

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1	(o) <u>Year of first inclusion</u> . For projects initially approved by the General
2	Assembly for inclusion in the State included in a Transportation Program
3	adopted after January 1, 2006, the Agency's proposed Transportation Program
4	prepared pursuant to subsection (a) of this section and the official adopted
5	Transportation Program prepared pursuant to subsection (f) of this section shall
6	include the year in which such the projects were first approved by the General
7	Assembly included in an adopted Transportation Program.
8	(p) Lamoille Valley Rail Trail. The Agency shall include the annual
9	maintenance required for the Lamoille Valley Rail Trail (LVRT), running from
10	Swanton to St. Johnsbury, in the Transportation Program it presents to the
11	General Assembly under subsection (a) of this section. The proposed
12	authorization for the maintenance of the LVRT shall be sufficient to cover:
13	* * *
14	Sec. 9. [Deleted.]
15	* * * Appropriation Calculations * * *
16	* * * Central Garage Fund * * *
17	Sec. 10. 19 V.S.A. § 13(c) is amended to read:
18	(c)(1) For the purpose specified in subsection (b) of this section, the
19	following amount, at a minimum, shall be transferred from the Transportation
20	Fund to the Central Garage Fund:
21	(A) in fiscal year 2021, \$1,355,358.00; and

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1	(B) in subsequent fiscal years, at a minimum, the amount specified in
2	subdivision (A) of this subdivision (1) as adjusted annually by increasing
3	transferred for the previous fiscal year's amount by the percentage increase in
4	the year increased by the percentage change in the Bureau of Labor Statistics
5	Consumer Price Index for All Urban Consumers (CPI-U) during the two most
6	recently closed State fiscal years if the percentage change is positive; or
7	(B) the amount transferred for the previous fiscal year if the
8	percentage change is zero or negative.
9	* * *
10	(3) For purposes of subdivision (1) of this subsection, the percentage
11	change in the CPI-U is calculated by determining the increase or decrease, to
12	the nearest one-tenth of a percent, in the CPI-U for the month ending on June
13	30 in the calendar year one year prior to the first day of the fiscal year for
14	which the transfer will be made compared to the CPI-U for the month ending
15	on June 30 in the calendar year two years prior to the first day of the fiscal year
16	for which the transfer will be made.
17	* * * Town Highway Aid * * *
18	Sec. 11. 19 V.S.A. § 306(a) is amended to read:
19	(a) General State aid to town highways.
20	(1) An annual appropriation to class 1, 2, and 3 town highways shall be
21	made. This appropriation shall increase over the previous fiscal year's

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1	appropriation by the same percentage <u>change</u> as the following, whichever is
2	less, or shall remain at the previous fiscal year's appropriation if either of the
3	following are negative or zero:
4	(A) the year-over-year increase in the two most recently closed fiscal
5	years in percentage change of the Agency's total appropriations funded by
6	Transportation Fund revenues, excluding appropriations for town highways
7	under this subsection (a), for the most recently closed fiscal year as compared
8	to the fiscal year immediately preceding the most recently closed fiscal year; or
9	(B) the percentage increase change in the Bureau of Labor Statistics
10	Consumer Price Index for All Urban Consumers (CPI-U) during the same
11	period in subdivision (1)(A) of this subsection.
12	(2) If the year-over-year change in appropriations specified in either
13	subdivision (1)(A) or (B) of this subsection is negative, then the appropriation
14	to town highways under this subsection shall be equal to the previous fiscal
15	year's appropriation For purposes of subdivision (1)(B) of this subsection, the
16	percentage change in the CPI-U is calculated by determining the increase or
17	decrease, to the nearest one-tenth of a percent, in the CPI-U for the month
18	ending on June 30 in the calendar year one year prior to the first day of the
19	fiscal year for which the appropriation will be made compared to the CPI-U for
20	the month ending on June 30 in the calendar year two years prior to the first
21	day of the fiscal year for which the appropriation will be made.

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1	* * *
2	* * * Right-of-Way Permits; Fees * * *
3	Sec. 12. 19 V.S.A. § 1112 is amended to read:
4	§ 1112. DEFINITIONS; FEES
5	(a) As used in this section:
6	(1) "Major commercial development" means a commercial development
7	for which the Agency requires the applicant to submit a traffic impact study in
8	support of its application under section 1111 of this title chapter.
9	(2) "Minor commercial development" means a commercial development
10	for which the Agency does not require the applicant to submit a traffic impact
11	study in support of its application under section 1111 of this title chapter.
12	* * *
13	(b) The Secretary shall collect the following fees for each application for
14	the following types of permits issued pursuant to section 1111 of this title
15	chapter:
16	* * *
	(3) minor commercial development: \$250.00
17	* * *
18	(c) Notwithstanding subdivision (b)(3) of this section, the Secretary may
19	waive the collection of the fee for a permit issued pursuant to section 1111 of
20	this chapter for a minor commercial development if the Governor has declared

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1	a state of emergency under 20 V.S.A. chapter 1 and the Secretary has	
2	determined that the permit applicant is facing hardship, provided that the	
3	permit is applied for during the declared state of emergency or within the six	
4	months following the conclusion of the declared state of emergency.	
5	* * * Vehicle Incentive Programs * * *	
6	* * * Replace Your Ride Program * * *	
7	Sec. 13. 19 V.S.A. § 2904(d)(2)(B) is amended to read:	
8	(B) For purposes of the Replace Your Ride Program:	
9	(i) An "older low-efficiency vehicle":	
10	* * *	
11	(VI) passed the annual inspection required under 23 V.S.A. §	
12	1222 within the prior year <u>18 months</u> .	
13	Sec. 14. 19 V.S.A. § 2904a is added to read:	
14	<u>§ 2904a. REPLACE YOUR RIDE PROGRAM FLEXIBILITY;</u>	
15	EMERGENCIES	
16	Notwithstanding subdivisions 2904(d)(2)(A) and (d)(2)(B)(i)(IV)-(VI) of	
17	this chapter, the Agency of Transportation is authorized to waive or modify the	
18	eligibility requirements for the Replace Your Ride Program under subdivisions	
19	(d)(2)(B)(i)(IV)–(VI) that pertain to the removal of an eligible vehicle as	
20	required under subdivision 2904(d)(2)(A) of this chapter provided that:	

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1	(1) the Governor has declared a state of emergency under 20 V.S.A.
2	chapter 1 and, due to the event or events underlying the state of emergency,
3	motor vehicles registered in Vermont have been damaged or totaled;
4	(2) the waived or modified eligibility requirements are prominently
5	posted on any websites maintained by or at the direction of the Agency for
6	purposes of providing information on the vehicle incentive programs;
7	(3) the waived or modified eligibility requirements are only applicable:
8	(A) upon a showing that the applicant for an incentive under the
9	Replace Your Ride Program was a registered owner of a motor vehicle that
10	was damaged or totaled due to the event or events underlying the state of
11	emergency at the time of the event or events underlying the state of
12	emergency; and
13	(B) for six months after the conclusion of the state of emergency; and
14	(4) the waiver or modification of eligibility requirements and resulting
15	impact are addressed in the annual reporting required under section 2905 of
16	this chapter.
17	* * * Electrify Your Fleet Program * * *
18	Sec. 15. 2023 Acts and Resolves No. 62, Sec. 21 is amended to read:
19	Sec. 21. ELECTRIFY YOUR FLEET PROGRAM; AUTHORIZATION
20	* * *

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1	(d) Program structure. The Electrify Your Fleet Program shall reduce the
2	greenhouse gas emissions of persons operating a motor vehicle fleet in
3	Vermont by structuring purchase and lease incentive payments on a first-come,
4	first-served basis to replace vehicles other than a plug-in electric vehicle (PEV)
5	cycled out of a motor vehicle fleet or avoid the purchase of vehicles other than
6	a PEV for a motor vehicle fleet. Specifically, the Electrify Your Fleet Program
7	shall:
8	* * *
9	(2) provide \$2,500.00 purchase and lease incentives equal to 25 percent
10	of the purchase price, but not to exceed \$2,500.00, for:
11	* * *
12	(C) electric bicycles and electric cargo bicycles with a base MSRP of
13	\$6,000.00 <u>\$10,000.00</u> or less;
14	(D) adaptive electric cycles with any base MSRP;
15	(E) electric motorcycles with a base MSRP of \$30,000.00 or less; and
16	(F) electric snowmobiles with a base MSRP of \$20,000.00 or less;
17	and
18	(G) electric all-terrain vehicles (ATVs), as defined in 23 V.S.A.
19	§ 3501 and including electric utility terrain vehicles (UTVs), with a base
20	<u>MSRP of \$50,000.00 or less;</u>
21	* * *

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1	* * * eBike Incentives; Eligibility * * *
2	Sec. 16. 2023 Acts and Resolves No. 62, Sec. 22 is amended to read:
3	Sec. 22. MODIFICATIONS TO EBIKE INCENTIVE PROGRAM;
4	REPORT
5	* * *
6	(d) Reporting. The Agency of Transportation shall address incentives for
7	electric bicycles, electric cargo bicycles, and adaptive electric cycles provided
8	pursuant to this section in the January 31, 2024 annual report required under
9	19 V.S.A. § 2905, as added by Sec. 19 of this act, including:
10	(1) the demographics of who received an incentive under the eBike
11	Incentive Program;
12	(2) a breakdown of where vouchers were redeemed;
13	(3) a breakdown, by manufacturer and type, of electric bicycles, electric
14	cargo bicycles, and adaptive electric cycles incentivized;
15	(4) a detailed summary of information provided in the self-certification
16	forms and a description of the Agency's post-voucher sampling audits and
17	audit findings, together with any recommendations to improve program design
18	and cost-effectively direct funding to recipients who need it most; and
19	(5) a detailed summary of information collected through participant
20	surveys.

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1	* * * Annual Reporting * * *
2	Sec. 17. 19 V.S.A. § 2905 is amended to read:
3	§ 2905. ANNUAL REPORTING; VEHICLE INCENTIVE PROGRAMS
4	(a) The Agency shall annually evaluate the programs established under
5	sections 2902–2904 of this chapter to gauge effectiveness and shall submit a
6	written report on the effectiveness of the programs and the State's marketing
7	and outreach efforts related to the programs to the House and Senate
8	Committees on Transportation, the House Committee on Environment and
9	Energy, and the Senate Committee on Finance Natural Resources and Energy
10	on or before the 31st day of January in each year following a year that an
11	incentive was provided through one of the programs.
12	(b) The report shall also include:
13	(1) any intended modifications to program guidelines for the upcoming
14	fiscal year along with an explanation for the reasoning behind the
15	modifications and how the modifications will yield greater uptake of PEVs and
16	other means of transportation that will reduce greenhouse gas emissions; and
17	(2) any recommendations on statutory modifications to the programs,
18	including to income and vehicle eligibility, along with an explanation for the
19	reasoning behind the statutory modification recommendations and how the
20	modifications will yield greater uptake of PEVs and other means of
21	transportation that will reduce greenhouse gas emissions; and

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1	(3) any recommendations for how to better conduct outreach and
2	marketing to ensure the greatest possible uptake of incentives under the
3	programs.
4	(c) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this
5	section shall continue to be required if an incentive is provided through one of
6	the programs unless the General Assembly takes specific action to repeal the
7	report requirement.
8	* * * Authority to Transfer Monies in State Fiscal Year 2024 * * *
9	Sec. 18. TRANSFER OF MONIES FROM VEHICLE INCENTIVE
10	PROGRAMS TO EBIKE INCENTIVE PROGRAM IN STATE
11	FISCAL YEAR 2024
12	(a) Notwithstanding 32 V.S.A. § 706 and any appropriations or
13	authorizations of monies for vehicle incentive programs created under
14	19 V.S.A. §§ 2902–2904, in State fiscal year 2024 the Secretary of
15	Transportation may transfer up to \$50,000.00 from any vehicle incentive
16	program created under 19 V.S.A. §§ 2902-2904 to the eBike Incentive
17	Program established pursuant to 2021 Acts and Resolves No. 55, Sec. 28, as
18	amended by 2022 Acts and Resolves No. 184, Sec. 23.
19	(b) Any funds transferred pursuant to this section are intended to advance
20	funding to the eBike Incentive Program in State fiscal year 2024 to continue
21	the program pending the appropriation of additional funds effective in State

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1	fiscal year 2025. Any funds transferred by the Secretary pursuant to
2	subsection (a) of this section shall be restored to the program or programs from
3	which they were transferred by a transfer from the fiscal year 2025
4	appropriations made to the eBike Incentive Program.
5	(c) Any transfers made pursuant to subsections (a) of this section shall be
6	reported to the Joint Transportation Oversight Committee and the Joint Fiscal
7	Office within 30 days after the transfer.
8	* * * Authority to Transfer Monies in State Fiscal Year 2025 * * *
9	Sec. 19. TRANSFER OF MONIES BETWEEN VEHICLE INCENTIVE
10	PROGRAMS IN STATE FISCAL YEAR 2025
11	(a) Notwithstanding 32 V.S.A. § 706 and any appropriations or
12	authorizations of monies for vehicle incentive programs created under
13	19 V.S.A. §§ 2902–2904, in State fiscal year 2025 the Secretary of
14	Transportation may transfer up to 50 percent of any remaining monies for a
15	vehicle incentive program created under 19 V.S.A. §§ 2902–2904 to any other
16	vehicle incentive program created under 19 V.S.A. §§ 2902–2904 that has less
17	than \$500,000.00 available for distribution as a vehicle incentive.
18	(b) Any transfers made pursuant to subsection (a) of this section shall be
19	reported to the Joint Transportation Oversight Committee and the Joint Fiscal
20	Office within 30 days after the transfer.

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1	* * * Electric Vehicle Supply Equipment (EVSE) * * *
2	Sec. 20. 19 V.S.A. chapter 29 is amended to read:
3	CHAPTER 29. VEHICLE INCENTIVE PROGRAMS; ELECTRIC
4	VEHICLE SUPPLY EQUIPMENT
5	§ 2901. DEFINITIONS
6	As used in this chapter:
7	* * *
8	(4) <u>"Electric vehicle supply equipment (EVSE)</u> " and "electric vehicle
9	supply equipment available to the public" have the same meanings as in
10	<u>30 V.S.A. § 201.</u>
11	(5) "Plug-in electric vehicle (PEV)," "battery electric vehicle (BEV),"
12	and "plug-in hybrid electric vehicle (PHEV)" have the same meanings as in
13	23 V.S.A. § 4(85).
14	* * *
15	<u>§ 2906. ELECTRIC VEHICLE SUPPLY EQUIPMENT GOALS</u>
16	It shall be the goal of the State to have, as practicable, level 3 EVSE
17	charging ports available to the public:
18	(1) within three driving miles of every exit of the Dwight D. Eisenhower
19	National System of Interstate and Defense Highways within the State;

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1	(2) within 25 driving miles of another level 3 EVSE charging port
2	available to the public along a State highway, as defined in subdivision 1(20)
3	of this title; and
4	(3) co-located with or within a safe and both walkable and rollable
5	distance of publicly accessible amenities such as restrooms, restaurants, and
6	convenience stores to provide a safe, consistent, and convenient experience for
7	the traveling public along the State highway system.
8	§ 2907. ANNUAL REPORTING; ELECTRIC VEHICLE SUPPLY
9	EQUIPMENT
10	(a) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall:
11	(1) file a report, with a map, on the State's efforts to meet its federally
12	required Electric Vehicle Infrastructure Deployment Plan, as updated, and the
13	goals set forth in section 2906 of this chapter with the House and Senate
14	Committees on Transportation not later than January 15 each year until the
15	Deployment Plan is met; and
16	(2) file a report on the current operability of EVSE available to the
17	public and deployed through the assistance of Agency funding with the House
18	and Senate Committees on Transportation not later than January 15 each year.
19	(b) The reports required under subsection (a) of this section can be
20	combined when filing with the House and Senate Committees on

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1	Transportation and shall prominently be posted on the Agency of
2	Transportation's website.
3	Sec. 21. REPEAL OF CURRENT EVSE MAP REPORT AND EXISTING
4	GOALS
5	2021 Acts and Resolves No. 55, Sec. 30, as amended by 2022 Acts and
6	Resolves No. 184, Sec. 4 (EVSE network in Vermont goals; report of annual
7	map) is repealed.
8	Sec. 22. [Deleted.]
9	Sec. 23. [Deleted.]
10	* * * Beneficial Electrification Report * * *
11	Sec. 24. ELECTRIC DISTRIBUTION UTILITIES; EVSE-RELATED
12	SERVICE UPGRADES; REPORT
13	In the report due not later than January 15, 2025, pursuant to 2021 Acts and
14	Resolves No. 55, Sec. 33, the Public Utility Commission shall include a
15	reporting of service upgrade practices related to the installation of electric
16	vehicle supply equipment (EVSE) across all electric distribution utilities,
17	including a comparison of EVSE-related service upgrade practices, a
18	description of the frequency and typical costs of EVSE-related service
19	upgrades, and rate-payer impact.
20	* * * Expansion of Public Transit Service * * *
21	* * * Mobility Services Guide; Car Share * * *

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1	Sec. 25. MOBILITY SERVICES GUIDE; ORAL UPDATE
2	(a) The Agency of Transportation, in consultation with existing nonprofit
3	mobility services organizations incorporated in the State of Vermont for the
4	purpose of providing Vermonters with transportation alternatives to personal
5	vehicle ownership, such as through carsharing, and other nonprofit
6	organizations working to achieve the goals of the Comprehensive Energy Plan,
7	the Vermont Climate Action Plan, and the Agency of Transportation's
8	community engagement plan for environmental justice, shall develop a web-
9	page-based guide to outline the different mobility service models that could be
10	considered for deployment in Vermont.
11	(b) At a minimum, the web-page-based guide required under subsection (a)
12	of this section shall include the following:
13	(1) definitions of program types or options, such as car sharing, mobility
14	for all, micro-transit, bike sharing, and other types of programs that meet the
15	goals identified in subsection (a) of this section;
16	(2) information related to existing initiatives, including developmental
17	and pilot programs, that meet any of the program types or options defined
18	pursuant to subdivision (1) of this subsection and information related to any
19	pertinent studies or reports, whether completed or ongoing, related to the
20	program types or options defined pursuant to subdivision (1) of this
21	subsection;

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1	(3) details of other existing programs that may provide a foundation for
2	or complement a new program in a manner that is not duplicative or
3	competitive; and
4	(4) for each possible program type or option defined pursuant
5	subdivision (1) of this subsection, additional details outlining:
6	(A) the range of start-up, capital, facilities, and ongoing operating
7	and maintenance costs;
8	(B) the service area characteristics;
9	(C) the revenue capture options;
10	(D) technical assistance resources; and
11	(E) existing or potential funding resources.
12	(c) The Agency of Transportation shall make itself available to provide an
13	oral update and demonstration of the web-page-based guide required under
14	subsection (a) of this section to the House and Senate Committees on
15	Transportation not later than February 15, 2025.
16	* * * Mobility and Transportation Innovations (MTI) Grant Program * * *
17	Sec. 26. 19 V.S.A. § 10n is added to read:
18	§ 10n. MOBILITY AND TRANSPORTATION INNOVATIONS (MTI)
19	<u>GRANT PROGRAM</u>
20	(a) The Mobility and Transportation Innovations (MTI) Grant Program is
21	created within the Public Transit Section of the Agency. The MTI Grant

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1	Program shall support innovative transportation demand management
2	programs and transit initiatives that improve mobility and access to services for
3	transit-dependent Vermonters, reduce the use of single-occupancy vehicles,
4	reduce greenhouse gas emissions, and complement existing mobility
5	investments.
6	(b) Grant awards of not more than \$100,000.00 per recipient for capital or
7	operational costs, or both, may be used to create new or expand existing
8	programs for one or more of the following: matching funds for other grant
9	awards; program delivery costs; or the extension of existing programs.
10	(c) Funding under the MTI Grant Program shall not be used to supplant
11	existing State funding for the same project or program.
12	(d) In each year in which funding for grants is available:
13	(1) The Agency shall establish an application period of at least four
14	months.
15	(2) The Agency shall provide direct assistance to entities requiring
16	technical assistance or prereview of a draft application during the application
17	period.
18	(3) Grant awards shall be distributed not later than November 30 in each
19	year in which they are offered.
20	* * * Vermont Rail Plan; Amtrak * * *
21	Sec. 27. DEVELOPMENT OF NEW VERMONT RAIL PLAN; BICYCLE

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1	STORAGE; REPORT
2	(a) As the Agency of Transportation develops the new Vermont Rail Plan,
3	it shall consider and address the following:
4	(1) adding additional daily service on the Vermonter for some or all of
5	the service area; and
6	(2) expanding service on the Valley Flyer to provide increased service
7	on the Vermonter route.
8	(b) The Agency of Transportation shall consult with Amtrak and the State-
9	Amtrak Intercity Passenger Rail Committee (SAIPRC) on passenger education
10	of and sufficient capacity for bicycle storage on Amtrak trains on the
11	Vermonter and Ethan Allen Express routes.
12	(c) The Agency of Transportation shall provide an oral update on the
13	development of the Vermont Rail Plan in general and the requirements of
14	subsection (a) of this section specifically and the consultation efforts required
15	under subsection (b) of this section to the House and Senate Committees on
16	Transportation not later than February 15, 2025.
17	* * * Replacement for the Vermont State Design Standards * * *
18	Sec. 28. REPLACEMENT FOR THE VERMONT STATE DESIGN
19	STANDARDS
20	(a) In preparing the replacement for the Vermont State Design Standards,
21	the Agency of Transportation shall do all of the following:

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1	(1) Release a draft of the replacement to the Vermont State Design
2	Standards and related documents not later than January 1, 2026.
3	(2) Conduct not fewer than four public hearings across the State
4	concerning the replacement to the Vermont State Design Standards and related
5	documents.
6	(3) Provide a publicly available responsiveness summary detailing the
7	public participation activities conducted in developing the final draft of the
8	replacement for the Vermont State Design Standards and related documents, as
9	applicable; a description of the matters on which members of the public or
10	stakeholders, or both, were consulted; a summary of the views of the
11	participating members of the public and stakeholders; and significant
12	comments, criticisms, and suggestions received by the Agency and the
13	Agency's specific responses, including an explanation of any modifications
14	made in response.
15	(4) In alignment with the Vermont Transportation Equity Framework,
16	consult directly, through a series of large-group, specialty focus groups and
17	one-on-one meetings, with key stakeholders in order to achieve stakeholder
18	engagement and afford a voice in the development of the replacement for the
19	Vermont State Design Standards and related documents. At a minimum,
20	stakeholders shall include the House and Senate Committees on
21	Transportation, the Federal Highway Administration (FHWA), the Vermont

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1	Agency of Commerce and Community Development (ACCD), the Vermont
2	Agency of Natural Resources (ANR), the Vermont Department of Health
3	(VDH), the Vermont Department of Public Service (DPS), the Vermont
4	League of Cities and Towns (VLCT), Vermont's regional planning
5	commissions (RPCs), the Vermont chapter of the American Association of
6	Retired Persons (AARP), Transportation for Vermonters (T4VT), Local
7	Motion, the Sierra Club, Conservation Law Foundation, the Vermont Natural
8	Resources Council, the Vermont Truck and Bus Association, the Vermont
9	Public Transportation Association (VPTA), the American Council of
10	Engineering Companies (ACEC), the Association of General Contractors
11	(AGC), and other stakeholders.
12	(b) The Agency shall provide oral updates on its progress preparing the
13	replacement to the Vermont State Design Standards, including the process
14	required under subsection (a) of this section, to the House and Senate
15	Committees on Transportation not later than February 15, 2025 and February
16	<u>15, 2026.</u>
17	* * * Complete Streets; Traffic Calming Measures; Designated Centers * * *
18	Sec. 29. 19 V.S.A. §§ 2402 and 2403 are amended to read:
19	§ 2402. STATE POLICY
20	(a) Agency of Transportation funded, designed, or funded and designed

21 projects shall seek to increase and encourage more pedestrian, bicycle, and

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1	public transit trips, with the State goal to promote intermodal access to the
2	maximum extent feasible, which will help the State meet the transportation-
3	related recommendations outlined in the Comprehensive Energy Plan (CEP)
4	issued under 30 V.S.A. § 202b and the recommendations of the Vermont
5	Climate Action Plan (CAP) issued under 10 V.S.A. § 592.
6	(b) Except in the case of projects or project components involving unpaved
7	highways, for all transportation projects and project phases managed by the
8	Agency or a municipality, including planning, development, construction, or
9	maintenance, it is the policy of this State for the Agency and municipalities, as
10	applicable, to incorporate complete streets principles that:
11	(1) serve individuals of all ages and abilities, including vulnerable users
12	as defined in 23 V.S.A. § 4(81);
13	(2) follow state-of-the-practice design guidance; and
14	(3) are sensitive to the surrounding community, including current and
15	planned buildings, parks, and trails and current and expected transportation
16	needs; and
17	(4) when desired by the municipality:
18	(A) implement street design for purposes of calming and slowing
19	traffic in State-designated centers under 24 V.S.A. chapter 76A; and
20	(B) support the land uses that develop and evolve in tandem with
21	transit and accessibility, including those that provide enhanced benefits to the

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1	public, such as through improved health and access to employment, services,
2	and housing.
3	§ 2403. PROJECTS NOT INCORPORATING COMPLETE STREETS
4	PRINCIPLES
5	(a) State projects. A State-managed project shall incorporate complete
6	streets principles unless the project manager makes a written determination,
7	supported by documentation, that one or more of the following circumstances
8	exist:
9	* * *
10	(2) The cost of incorporating complete streets principles is
11	disproportionate to the need or probable use as determined by factors including
12	land use, current and projected user volumes, population density, crash data,
13	historic and natural resource constraints, and maintenance requirements. The
14	Agency shall consult local and regional plans, as appropriate, in assessing
15	these and any other relevant factors. If the project manager bases the written
16	determination required under this subsection in whole or in part on this
17	subdivision then the project manager shall provide a supplemental written
18	determination with specific details on costs, needs, and probable uses, as
19	applicable, but shall not need to address, in the supplemental written
20	determination, any design elements desired by the municipality pursuant to
21	subdivision 2402(b)(4)(B) of this chapter.

1	* * *
2	(b) Municipal projects. A municipally managed project shall incorporate
3	complete streets principles unless the municipality managing the project makes
4	a written determination, supported by documentation, that one or more of the
5	following circumstances exist:
6	* * *
7	(2) The cost of incorporating complete streets principles is
8	disproportionate to the need or probable use as determined by factors such as
9	land use, current and projected user volumes, population density, crash data,
10	historic and natural resource constraints, and maintenance requirements. The
11	municipality shall consult local and regional plans, as appropriate, in assessing
12	these and any other relevant factors. If the municipality managing the project
13	bases the written determination required under this subsection in whole or in
14	part on this subdivision then the project manager shall provide a supplemental
15	written determination with specific details on costs, needs, and probable uses,
16	as 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	* * * Sustainability of Vermont's Transportation System;
21	Emissions Reductions * * *

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1	Sec. 30. ANALYSIS AND REPORT ON SUSTAINABILITY OPTIONS;
2	TRANSPORTATION EMISSIONS REDUCTIONS
3	(a) Findings of fact. The General Assembly finds:
4	(1) A majority of the Vermont Climate Council (VCC) voted to
5	recommend participation in the Transportation & Climate Initiative Program
6	(TCI-P), a regional cap-and-invest program, as a lead policy and regulatory
7	approach to reduce emissions from the transportation sector in the Vermont
8	Climate Action Plan (CAP), adopted in December 2021.
9	(2) Shortly before adoption of the CAP in December 2021, participating
10	in TCI-P became unviable and the VCC agreed to include in the CAP that the
11	VCC would continue work on an alternative recommendation to reduce
12	emissions from the transportation sector in Vermont and pursue participating
13	in TCI-P if it again became viable.
14	(3) An addendum to the CAP, supported by a majority of the VCC,
15	stated that: "The only currently known policy options for which there is strong
16	evidence from other states, provinces[,] and countries of the ability to
17	confidently deliver the scale and pace of emissions reductions that are required
18	of the transportation sector by the [Global Warming Solutions Act (GWSA)]
19	are one or a combination of: a) a cap and invest/cap and reduce policy
20	covering transportation fuels and/or b) a performance standard/performance-
21	based regulatory approach covering transportation fuels. Importantly, based on

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1	research associated with their potential implementation, these approaches can
2	also be designed in a cost-effective and equitable manner."
3	(4) The development of the State's Carbon Reduction Strategy (CRS),
4	which is required by the Federal Highway Administration (FHWA) pursuant to
5	the federal Infrastructure Investment and Jobs Act (IIJA) for states to access
6	federal monies under the Carbon Reduction Program and required by the
7	General Assembly pursuant to 2023 Acts and Resolves No. 62, Sec. 31, and
8	the accompanying planning and public engagement process provided the Cross
9	Section Mitigation Subcommittee of the VCC a timely opportunity to
10	undertake additional analysis required for a potential preferred
11	recommendation or recommendations to fill the gap in reductions of
12	transportation emissions.
13	(5) The CRS, which was filed with the FHWA in November 2023,
14	models that the State may meet its 2025 reduction requirement in the
15	transportation sector, but that, even with additional investments for
16	programmatic, policy, and regulatory options, the modeling shows a gap
17	between projected "business as usual" emissions in the transportation sector
18	and the portion of GWSA emission reduction requirements for 2030 and 2050
19	that are attributable to the transportation sector.
20	(6) The CRS reaffirms that, without adoption of additional polices, the
21	portion of GWSA emission reduction requirements for 2030 and 2050 that are

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1	<u>attributable to the transportation sector will not be met and states that: "Of the</u>
2	additional programs, a cap-and-invest and/or Clean Transportation Standard
3	program are likely the two most promising options to close the gap in projected
4	emissions vs. required emissions levels for the transportation sector "
5	(7) There remains a need for further, more detailed analysis of policy
6	options.
7	(b) Written analysis. The Agency of Natural Resources, specifically the
8	Climate Action Office, and the Agency of Transportation, in consultation with
9	the State Treasurer; the Departments of Finance and Management, of Motor
10	Vehicles, and of Taxes; and the VCC, including those councilors appointed by
11	the General Assembly to provide expertise in energy and data analysis,
12	expertise and professional experience in the design and implementation of
13	programs to reduce greenhouse gas emissions, and representation of a
14	statewide environmental organization as outlined in the adopted January 12,
15	2024 Transportation Addendum to the Climate Action Plan, shall prepare a
16	written analysis of policy and investment scenarios to reduce emissions in the
17	transportation sector in Vermont and meet the greenhouse gas reduction
18	requirements of 10 V.S.A. § 578, as amended by Sec. 3 of the Global Warming
19	Solutions Act (2020 Acts and Resolves No. 153).

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1	(c) Scenario development. At a minimum, the written analysis required
2	under subsection (b) of this section shall address the pros, cons, costs, and
3	benefits of the following:
4	(1) Vermont participating in regional or cap-and-invest program, such as
5	the Western Climate Initiative (WCI) and the New York Cap-and-Invest
6	program;
7	(2) Vermont adopting a clean transportation fuel standard, which would
8	be a performance standard or performance-based regulatory approach covering
9	transportation fuels; and
10	(3) Vermont implementing other potential revenue-raising, carbon-
11	pollution reduction strategies.
12	(d) Emission reduction scenarios; administration. The written analysis
13	shall include an estimate of the amount of emissions reduction to be generated
14	from a minimum of four scenarios, to include a business-as-usual, low-,
15	medium-, and high-greenhouse gas emissions reduction, analyzed under
16	subsection (c) of this section and a summary of how each proposal analyzed
17	under subsection (c) of this section would be administered.
18	(e) Revenue and cost estimate; timeline. The written analysis completed
19	pursuant to subsections (b)-(d) of this section shall be provided to the State
20	Treasurer to review cost and revenue projections for each scenario. The State

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1	Treasurer shall make a written recommendation to the General Assembly
2	regarding any viable approaches.
3	(f) Public access; committees; due date.
4	(1) The Climate Action Office shall maintain a publicly accessible
5	website with information related to the development of the written analysis
6	required under subsection (b) of this section.
7	(2) The Agencies of Natural Resources and of Transportation, in
8	consultation with the State Treasurer, shall file a status update on the
9	development of the written analysis required under subsection (b) of this
10	section with the House and Senate Committees on Transportation, the House
11	Committees on Environment and Energy and on Ways and Means, and the
12	Senate Committees on Finance and on Natural Resources and Energy not later
13	than November 15, 2024.
14	(3) The Agencies of Natural Resources and of Transportation, in
15	consultation with the State Treasurer, shall file the written analysis required
16	under subsection (b) of this section and the State Treasurer's written
17	recommendation to the General Assembly regarding any viable approaches
18	required under subsection (e) of this section with the House and Senate
19	Committees on Transportation, the House Committees on Environment and
20	Energy and on Ways and Means, and the Senate Committees on Finance and
21	on Natural Resources and Energy not later than February 15, 2025.

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1	(g) Use of consultant. The Agencies of Natural Resources and of
2	Transportation shall retain a consultant that is an expert in comprehensive
3	transportation policy with a core focus on emission reductions and economic
4	modeling to undertake the analysis and to provide the State Treasurer with any
5	additional information needed to inform the State Treasurer's
6	recommendations regarding any viable approaches required under subsections
7	(b)–(e) of this section.
8	(h) Costs.
9	(1) If the costs of the consultant required under subsection (g) of this
10	section are eligible expenditures under the U.S. Environmental Protection
11	Agency's (EPA) Climate Pollution Reduction Grants (CPRG) program, then
12	that shall be the source of funding to cover the costs of the consultant required
13	under subsection (g) of this section.
14	(2) The State Treasurer may use funds appropriated in State fiscal year
15	2025 to complete the work required under subsection (e) of this section,
16	including administrative costs and third-party consultation.
17	* * * Better Connections Grant Program * * *
18	Sec. 31. 19 V.S.A. § 319 is added to read:
19	§ 319. BETTER CONNECTIONS GRANT PROGRAM
20	(a) The Better Connections Grant Program is created and shall be
21	administered and staffed by the Policy, Planning and Research Bureau of the

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1	Agency in collaboration with the Agency of Commerce and Community
2	Development and the Agency of Natural Resources.
3	(b) The Program shall be funded through appropriations to the Agency for
4	policy, planning, and research.
5	(c) The Program shall provide planning grants to aid municipalities to
6	coordinate municipal land use decisions with transportation investments that
7	build community resilience to:
8	(1) provide a safe, multimodal, and resilient transportation system that
9	supports the Vermont economy;
10	(2) support downtown and village economic development and
11	revitalization efforts; and
12	(3) lead directly to project implementation demonstrated by municipal
13	capacity and readiness to implement.
14	Sec. 32. [Deleted.]
15	* * * Electric and Plug-In Hybrid Vehicles; Road Usage Surcharge * * *
16	Sec. A. 23 V.S.A. § 361 is amended to read:
17	§ 361. PLEASURE CARS
18	(a) The annual registration fee for a pleasure car, as defined in subdivision
19	4(28) of this title, and including a pleasure car that is a plug-in electric vehicle,
20	as defined in subdivision 4(85) of this title, shall be \$89.00, and the biennial
21	fee shall be \$163.00.

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1	(b) The Commissioner shall collect an annual road usage surcharge for a
2	pleasure car that is a battery electric vehicle, as defined in subdivision 4(85)(A)
3	of this title, equal to the amount of the annual fee collected in subsection (a) of
4	this section, or a biennial road usage surcharge equal to two times the annual
5	fee collected in subsection (a) of this section.
6	(c) The Commissioner shall collect an annual road usage surcharge for a
7	pleasure car that is a plug-in hybrid electric vehicle, as defined in subdivision
8	4(85)(B) of this title, equal to one-half the amount of the annual fee collected
9	in subsection (a) of this section, or a biennial road usage surcharge equal to the
10	annual fee collected in subsection (a) of this section.
11	(d) The annual and biennial road usage surcharges collected in subsections
12	(b) and (c) of this section shall be allocated to the Transportation Fund for the
13	purpose of increasing Vermonters' access to electric vehicle supply equipment
14	(EVSE) charging ports through a program or programs selected by the
15	Secretary, which may include programs administered by the Agency of
16	Commerce and Community Development.
17	Sec. B. ROAD USAGE SURCHARGE; ELECTRIC VEHICLES
18	The Department of Motor Vehicles shall implement a public outreach
19	campaign regarding road usage surcharges for battery electric vehicles and
20	plug-in electric hybrid vehicles not later than October 1, 2024. The campaign

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1	shall disseminate information on the Department's web page and through other
2	outreach methods.
3	Sec. C. 23 V.S.A. § 361 is amended to read:
4	§ 361. PLEASURE CARS
5	<mark>* * *</mark>
6	(b) The Commissioner shall collect an annual road usage surcharge for a
7	pleasure car that is a battery electric vehicle, as defined in subdivision 4(85)(A)
8	of this title, equal to the amount of the annual fee collected in subsection (a) of
9	this section, or a biennial road usage surcharge equal to two times the annual
10	fee collected in subsection (a) of this section.[Repealed.]
11	* * *
12	(d) The annual and biennial road usage surcharges collected in subsections
13	(b) and subsection (c) of this section shall be allocated to the Transportation
14	Fund-for the purpose of increasing Vermonters' access to electric vehicle
15	supply equipment (EVSE) charging ports through a program or programs
16	selected by the Secretary, which may include programs administered by the
17	Agency of Commerce and Community Development.
18	* * * Central Garage; Authority to Purchase Real Property * * *
19	Sec. D. CENTRAL GARAGE; REAL PROPERTY; FACILITY DESIGN;
20	AUTHORITY

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1	(a) Pursuant to 19 V.S.A. § 26(b), the Secretary of Transportation is
2	authorized to use up to \$2,000,000.00 in Central Garage Fund reserve funds for
3	the purpose of purchasing real property of approximately 23.5 acres on the
4	Paine Turnpike in Berlin, adjacent to State-owned property, on which to site a
5	new Central Garage.
6	(b) Notwithstanding 19 V.S.A. § 13(a), the Secretary may use Central
7	Garage Fund reserve funds for design services necessary to construct a new
8	Central Garage on the Berlin site.
9	* * * Railroad Leases * * *
10	Sec. E. 5 V.S.A. § 3405 is amended to read:
11	§ 3405. LEASE FOR CONTINUED OPERATION
12	(a) The Secretary, as agent for the State, with the approval of the Governor
13	and the General Assembly or, if the General Assembly is not in session,
14	approval of a special committee consisting of the Joint Fiscal Committee and
15	the Chairs of the House and Senate Committees on Transportation, is
16	authorized to lease or otherwise arrange for the continued operation of all or
17	any State-owned railroad property to any responsible person, provided that
18	approval for the operation, if necessary, is granted by the federal Surface
19	Transportation Board under 49 C.F.R. Part 1150 (certificate to construct,
20	acquire, or operate railroad lines). The transaction shall be subject to any

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1	further terms and conditions as in the opinion of the Secretary are necessary
2	and appropriate to accomplish the purpose of this chapter.
3	(b) To preserve continuity of service on State-owned railroads, the
4	Secretary may enter into a short-term lease or operating agreement, for a term
5	not to exceed six months, with a responsible railroad operator. Within 10 days
6	of entering into any lease or agreement, the Secretary shall report the details of
7	the transaction to the members of the House and Senate Committees on
8	Transportation.
9	* * * Traffic Control Devices; Adoption of MUTCD Revisions * * *
10	Sec. F. 23 V.S.A. § 1025 is amended to read:
11	§ 1025. STANDARDS
12	(a) The U.S. Department of Transportation Federal Highway
13	Administration's Manual on Uniform Traffic Control Devices for Streets and
14	Highways (MUTCD) for streets and highways, as amended, shall be the
15	standards for all traffic control signs, signals, and markings within the State.
16	Revisions to the MUTCD shall be adopted according to the implementation or
17	compliance dates established in federal rules.
17 18	compliance dates established in federal rules. (b) The latest revision of the MUTCD shall be adopted upon its effective
18	(b) The latest revision of the MUTCD shall be adopted upon its effective

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1	be constructed according to the MUTCD standards applicable at the design
2	stage.
3	(c) Existing signs, signals, and markings shall be valid until such time as
4	they are replaced or reconstructed. When new traffic control devices are
5	erected or placed or existing traffic control devices are replaced or repaired, the
6	equipment, design, method of installation, placement, or repair shall conform
7	with the MUTCD.
8	(b)(d) The standards of the MUTCD shall apply for both State and local
9	authorities as to traffic control devices under their respective jurisdiction.
10	(c)(e) Traffic and control signals at intersections with exclusive pedestrian
11	walk cycles shall be of sufficient duration to allow a pedestrian to leave the
12	curb and travel across the roadway before opposing vehicles receive a green
13	light. Determination of the length of the signal shall take into account the
14	circumstances of persons with ambulatory disabilities.
15	* * * Reporting Requirements; Repeal * * *
16	Sec. G. 19 V.S.A. § 7(k) is amended to read:
17	(k) Upon being apprised of the enactment of a federal law that makes
18	provision for a federal earmark or the award of a discretionary federal grant for
19	a transportation project within the State of Vermont, the Agency shall
20	promptly notify the members of the House and Senate Committees on
21	Transportation and the Joint Fiscal Office. Such notification shall include all

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1	
1	available summary information regarding the terms and conditions of the
2	federal earmark or grant. As used in this section, "federal earmark" means a
3	congressional designation of federal aid funds for a specific transportation
4	project or program. When the General Assembly is not in session, upon
5	obtaining the approval of the Joint Transportation Oversight Committee, the
6	Agency is authorized to add new projects to the Transportation Program in
7	order to secure the benefits of federal earmarks or discretionary grants.
8	[Repealed.]
9	Sec. H. 19 V.S.A. § 42 is amended to read:
10	§ 42. REPORTS PRESERVED ; CONSOLIDATED TRANSPORTATION
11	REPORT
12	(a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements
13	of this section, sections 10g and 12a, and subsections 7(k), 10b(d), 11f(i), and
14	12b(d) of this title shall be preserved absent specific action by the General
15	Assembly repealing the reports or reporting requirements.
16	(b) Annually, on or before January 15, the Agency shall submit a
17	consolidated transportation system and activities report to the House and
18	Senate Committees on Transportation. The report shall consist of:
19	(1) Financial and performance data of all public transit systems, as
20	defined in 24 V.S.A. § 5088(6), that receive operating subsidies in any form
21	from the State or federal government, including subsidies related to the Elders

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1	and Persons with Disabilities Transportation Program for service and capital
2	equipment. This component of the report shall:
3	(A) be developed in cooperation with the Public Transit Advisory
4	Council;
5	(B) be modeled on the Federal Transit Administration's National
6	Transit Database Program with such modifications as appropriate for the
7	various services and guidance found in the most current State policy plan; and
8	(C) show as a separate category financial and performance data on
9	the Elders and Persons with Disabilities Transportation Program.
10	(2) Data on pavement conditions of the State highway system.
11	(3) A description of the conditions of bridges, culverts, and other
12	structures on the State highway system and on town highways.
13	(4) Department of Motor Vehicles data, including the number of
14	vehicle registrations and licenses issued, revenues by category, transactions by
15	category, commercial motor vehicle statistics, and any other information the
16	Commissioner deems relevant.
17	(5) A summary of updates to the Agency's strategic plans and
18	performance measurements used in its strategic plans.
19	(6) A summary of the statuses of aviation, rail, and public transit
20	programs.

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1	(7) Data and statistics regarding highway safety, including trends in
2	vehicle crashes and fatalities, traffic counts, and trends in vehicle miles
3	traveled.
4	(8) An overview of operations and maintenance activities, including
5	winter maintenance statistics.
6	(9) A list of projects for which the construction phase was completed
7	during the most recent construction season.
8	(10) Such other information that the Secretary determines the
9	Committees on Transportation need to perform their oversight role.
10	* * * Effective Dates * * *
11	Sec EFFECTIVE DATES
12	(a) This section, Sec. 18 (vehicle incentive programs transfers; fiscal year
13	2024), Sec. D (central garage; purchase of real property), and Sec. E (railroad
14	leases; 5 V.S.A. § 3405) shall take effect on passage.
15	(b) Sec. A (electric vehicle road usage surcharge; 23 V.S.A. § 361) shall
16	take effect on passage and shall be fully implemented not later than January 1,
17	<u>2025.</u>
18	(c) Sec. C (amendments to electric vehicle road usage surcharges; 23
19	V.S.A. § 361) shall take effect on the effective date of a mileage-based user fee
20	for pleasure cars that are battery electric vehicles, as defined in 23 V.S.A.
21	<u>§ 4(85)(A))</u>

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1	(d) All other sections shall	take effect on July	1, 2024.
2			
3			
4	(Committee vote:)	
5			
6			Senator
7			FOR THE COMMITTEE