

1 H.488

2 An act relating to the fiscal year 2026 Transportation Program and
3 miscellaneous changes to laws related to transportation

4 The Senate proposes to the House to amend the bill by striking out all after
5 the enacting clause and inserting in lieu thereof the following:

6 * * * Transportation Program Adopted as Amended; Definitions * * *

7 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

8 (a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2026
9 Transportation Program appended to the Agency of Transportation's proposed
10 fiscal year 2026 budget, as amended by this act, is adopted to the extent
11 federal, State, and local funds are available.

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

13 (1) "Agency" means the Agency of Transportation.

14 (2) "Candidate project" means a project approved by the General
15 Assembly that is not anticipated to have significant expenditures for
16 preliminary engineering or right-of-way expenditures, or both, during the
17 budget year and funding for construction is not anticipated within a predictable
18 time frame.

19 (3) "Development and evaluation (D&E) project" means a project
20 approved by the General Assembly that is anticipated to have preliminary
21 engineering expenditures or right-of-way expenditures, or both, during the

1 budget year and that the Agency is committed to delivering to construction on
2 a timeline driven by priority and available funding.

3 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
4 supply equipment available to the public” have the same meanings as in
5 30 V.S.A. § 201.

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

10 (6) “Mileage-based user fee” or “MBUF” means a fee for vehicle use of
11 the public road system with distance, stated in miles, as the measure of use.

12 (7) “Plug-in electric vehicle (PEV),” “plug-in hybrid electric vehicle
13 (PHEV),” and “battery electric vehicle (BEV)” have the same meanings as in
14 23 V.S.A. § 4(85).

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

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

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

1 Proposed” figure from the “As Amended” figure; 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. 1a. FISCAL YEAR 2026 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 2026 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 2026, these efforts will include the following:

19 (1) Park and Ride Program. This act provides for a fiscal year
20 expenditure of \$2,435,740.00, which will fund two construction projects to
21 create new park-and-ride facilities, the construction of improvements to two

1 existing park-and-ride facilities, funding for a municipal park-and-ride grant
2 program, and paving projects for existing park-and-ride facilities. This year's
3 Park and Ride Program will create 60 new State-owned spaces. Specific
4 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 \$21,879,965.00, which will
9 fund 33 bike and pedestrian construction projects; 17 bike and pedestrian
10 design, right-of-way, or design and right-of way projects for construction in
11 future fiscal years; and 10 scoping studies. The construction projects include
12 the creation, improvement, or rehabilitation of walkways, sidewalks, shared-
13 use paths, bike paths, and cycling lanes. Projects are funded in Arlington,
14 Bakersfield, Bennington, Bethel, Brattleboro, Bristol, Burke, Burlington,
15 Castleton, Chester, Danville, Enosburg Falls, Fairfax, Greensboro, Hardwick,
16 Hartford, Highgate, Hinesburg, Huntington, Hyde Park, Irasburg, Jericho,
17 Lyndonville, Middlebury, Montpelier, Moretown, Newfane, Newport City,
18 Northfield, Pawlet, Randolph, Royalton, Rutland City, Rutland Town,
19 Sheffield, Shelburne, Sheldon, South Burlington, Springfield, St. Albans City,
20 St. Albans Town, Swanton, Wallingford, Waterbury, West Rutland, Williston,
21 Wilmington, and Windsor. This act also provides funding for:

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 \$6,471,054.00, including local funds, which will fund 17
9 transportation alternatives construction projects; 26 transportation alternatives
10 design, right-of-way, or design and right-of-way projects; and eight scoping
11 studies. Of these 51 projects, 20 involve environmental mitigation related to
12 clean water or stormwater concerns, or both clean water and stormwater
13 concerns, and 32 involve bicycle and pedestrian facilities. Projects are funded
14 in Athens, Barre City, Bennington, Brandon, Brattleboro, Bridgewater, Bristol,
15 Burke, Burlington, Castleton, Derby, Enosburg Falls, Fairfax, Fairlee,
16 Ferrisburgh, Grafton, Guilford, Hartford, Hinesburg, Hyde Park, Jericho,
17 Londonderry, Lyndon, Montgomery, Newark, Proctor, Rockingham, Rutland
18 City, Shoreham, South Burlington, Springfield, St. Albans Town, Swanton,
19 Tinmouth, Warren, Williston, and Wilmington.

1 (4) Public Transit Program. This act provides for a fiscal year
2 expenditure of \$52,695,234.00 for public transit uses throughout the State.

3 Included in the authorization are:

4 (A) Go! Vermont, with an authorization of \$380,000.00. 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 \$340,000.00, which includes \$315,000.00 in federal
10 funds. This authorization continues to support projects that improve both
11 mobility and access to services for transit-dependent Vermonters, reduce the
12 use of single-occupancy vehicles, and reduce greenhouse gas emissions.

13 (5) Rail Program. This act provides for a fiscal year expenditure of
14 \$61,887,348.00, including local funds and \$31,894,436.00 in federal funds, for
15 intercity passenger rail service, including funding for the Ethan Allen Express
16 and Vermonter Amtrak services, and rail infrastructure that supports freight
17 rail as well. Moving freight by rail instead of trucks lowers greenhouse gas
18 emissions by up to 75 percent, on average.

19 * * * Rail Program; Technical Correction * * *

20 Sec. 2. RAIL PROGRAM

1 (a) Within the Agency of Transportation's Proposed Fiscal Year 2026
2 Transportation Program for Rail the following project is deleted: Barre-
3 Berlin-Montpelier 04-9038-WACR Subsidy.

4 (b) Within the Agency of Transportation's Proposed Fiscal Year 2026
5 Transportation Program for Rail, the following project is added: Hartford
6 HRRD(1) 25G002-White River Junction Depot Repairs.

7 (c) Within the Agency of Transportation's Proposed Fiscal Year 2026
8 Transportation Program for Rail, spending authority for Hartford HRRD(1)
9 25G002-White River Junction Depot Repairs is authorized as follows:

10	<u>FY26</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
11	Other	0	260,000	260,000
12	Total	0	260,000	260,000
13	<u>Sources of funds</u>			
14	State	0	260,000	260,000
15	Total	0	260,000	260,000

16 * * * Town Highway Non-Federal Disasters * * *

17 Sec. 2a. TOWN HIGHWAY NON-FEDERAL DISASTERS

18 (a) Within the Agency of Transportation's Proposed Fiscal Year 2026
19 Transportation Program for Town Highway Non-Federal Disasters, spending is
20 authorized as follows:

21	<u>FY26</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
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1	Grants	1,150,000	1,150,000	0
2	Total	1,150,000	1,150,000	0
3	<u>Sources of funds</u>			
4	State	1,150,000	0	-1,150,000
5	Other	0	1,150,000	1,150,000
6	Total	1,150,000	1,150,000	0

7 **(b) Within the Agency of Transportation’s Proposed Fiscal Year 2026**
8 **Transportation Program for Town Highway Non-Federal Disasters, the**
9 **following footnote is added: “Other funds of \$1,150,000 are amounts**
10 **appropriated from the PILOT Special Fund established pursuant to 32 V.S.A.**
11 **§ 3709.”**

12 * * * Unobligated Fund Balance for Fiscal Year 2026 * * *

13 Sec. 3. UNOBLIGATED TRANSPORTATION FUND BALANCE; FISCAL
14 YEAR 2026

15 Notwithstanding any other provision of law, the Secretary of
16 Administration shall ensure an unobligated fund balance of at least
17 \$686,000.00 exists in the Transportation Fund in fiscal year 2026 after the
18 close of fiscal year 2025. It is the intent of the General Assembly that in the
19 creation of the fiscal year 2026 budget adjustment proposal and the fiscal year
20 2027 budget proposal, the unobligated fund balance required pursuant to this

1 section shall be utilized to offset estimated Transportation Fund revenue losses
2 from fee and tax reductions enacted during the 2025 legislative session.

3 * * * State and Federal Funding Updates * * *

4 Sec. 4. STATE AND FEDERAL FUNDING UPDATES

5 (a) On or before September 30, 2025 and December 15, 2025, the Secretary
6 of Transportation shall provide the Joint Transportation Oversight Committee
7 with a briefing on the status of State Transportation Fund revenues and federal
8 funding for the fiscal year 2026 Transportation Program, and any impacts on
9 the fiscal year 2026 Transportation Program. The briefing shall include:

10 (1) a summary of federal funding that has been received to date, federal
11 funding that is anticipated later in the State fiscal year, federal funding that is
12 delayed, and federal funding that has been reduced or subject to rescission;

13 (2) a summary of the Transportation Fund revenues to date in State
14 fiscal year 2026;

15 (3) a summary of the impacts on the fiscal year 2026 Transportation
16 Program that are caused by changes in State Transportation Fund revenues
17 from the consensus forecast or delays or reductions in federal funding; and

18 (4) a summary of any legislative action that may be necessary to address
19 reductions in State revenues or federal funding.

20 (b) Upon becoming aware of a significant change in State revenues or a
21 reduction in federal funding, rescission of federal grants, or delay of

1 anticipated federal funding that will impact the Agency's ability to carry out
2 significant portions of the fiscal year 2026 Transportation Program, the
3 Secretary of Transportation may request that the Joint Transportation
4 Oversight Committee meet within 14 days to review the Agency's plan to
5 address the reduction in funding.

6 (c) In the event of a decrease in overall State or federal funding for the
7 fiscal year 2026 Transportation Program that is in excess of four percent, the
8 Secretary shall submit to the Joint Transportation Oversight Committee a
9 written report detailing the impact of the decrease on projects that are in the
10 2026 Transportation Program.

11 * * * Project Dashboard * * *

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

13 § 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;

14 ADVANCEMENTS, CANCELLATIONS, AND DELAYS

15 * * *

16 (q)(1) The Agency's annual proposed Transportation Program shall include
17 the following information depicted in a graphical dashboard:

18 (A) the percentage of projects in each section of the Transportation
19 Program that have been delayed by more than one year from the preliminary
20 plan projected completion date; and

1 (B) the percentage of projects in each section of the Transportation
2 Program whose cost has increased by more than 50 percent or \$5,000,000.00,
3 whichever is less, from the preliminary plan cost estimate.

4 (2) The Agency shall provide the House and Senate Committees on
5 Transportation with quarterly updates to the dashboard provided pursuant to
6 subsection (a) of this section.

7 Sec. 6. 19 V.S.A. § 10g(g) is amended to read:

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;~~

13 ~~(2) all projects for which total estimated costs have increased by more~~
14 ~~than \$5,000,000.00 from the estimate in the adopted Transportation Program~~
15 ~~for the prior fiscal year or by more than 75 percent from the estimate in the~~
16 ~~adopted Transportation Program for the prior fiscal year;~~

17 ~~(3) all projects for which the total estimated costs have, for the first~~
18 ~~time, increased by more than \$10,000,000.00 from the Preliminary Plan~~
19 ~~estimate or by more than 100 percent from the Preliminary Plan estimate; and~~

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

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

5 * * * Relinquishment of Vermont Route 36 in the Town of St. Albans * * *

6 Sec. 7. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN
7 OF ST. ALBANS

8 Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly authorizes the
9 Secretary of Transportation to enter into an agreement with the Town of St.
10 Albans to relinquish a segment of the State highway in the Town of St. Albans
11 known as Vermont Route 36. The segment authorized to be relinquished
12 begins at mile marker 0.00, just east of the "Black Bridge" (B2), and continues
13 14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where
14 Vermont Route 36 meets the boundary of the City of St. Albans, and includes
15 the 0.106-mile westbound section of Vermont Route 36 and approaches at the
16 entrance to the St. Albans Bay Town Park.

17 * * * State-Owned Railroads; Rail Trails * * *

18 Sec. 8. 5 V.S.A. chapter 58 is redesignated to read:

19 CHAPTER 58. ~~STATE ACQUISITION OF~~ STATE-OWNED RAILROADS
20 AND RAIL TRAILS

1 Sec. 9. 5 V.S.A. § 3408 is amended to read:

2 § 3408. RAILBANKING; NOTIFICATION

3 (a) If the Secretary finds that the continued operation of any State-owned
4 railroad property is not economically feasible under present conditions, ~~he or~~
5 ~~she~~ the Secretary may place the line in railbanked status after giving advance
6 notice of ~~such~~ the planned railbanking to the House and Senate Committees on
7 Transportation when the General Assembly is in session, and when the General
8 Assembly is not in session, to the Joint Transportation Oversight Committee.

9 The Agency, on behalf of the State, shall continue to hold the right-of-way of a
10 railbanked line for reactivation of railroad service or for other public purposes
11 not inconsistent with future reactivation of railroad service. ~~Such~~ The
12 railbanking shall not be treated, for purposes of any law or rule of law, as an
13 abandonment of the use of the rights-of-way for railroad purposes.

14 * * *

15 (c)(1) The Secretary may, after consulting with municipalities, adopt rules
16 consistent with the provisions of section 3408a of this chapter governing the
17 interim trail use of State-owned railroad rights-of-way that have been placed in
18 railbanked status.

19 (2) Signs indicating the rules shall be conspicuously posted in or near all
20 areas affected.

1 (3) Any person who violates ~~these~~ rules adopted pursuant to this
2 subsection shall be subject to a penalty of not more than \$300.00.

3 Sec. 10. 5 V.S.A. § 3408a is added to read:

4 § 3408a. USE OF RAIL TRAILS

5 (a) Definitions. As used in this section:

6 (1) “Rail trail” means the right-of-way of a State-owned railroad line
7 that has been authorized for railbanking and interim trail use pursuant to
8 16 U.S.C. § 1247(d) or section 3408 of this chapter.

9 (2) “Trail sponsor” means the Agency of Transportation in the case of a
10 rail trail maintained by the Agency or the municipality in the case of a rail trail
11 maintained by a municipality.

12 (b) Use of rail trails. The following acts are prohibited within a rail trail
13 right-of-way:

14 (1) Throwing, dropping, or discarding bottles, cans, paper, garbage,
15 rubbish, sewage, or other material of any kind.

16 (2) Cutting, mutilating, or removing any tree, shrub, flower, plant, top
17 soil, or sod or attempting to do so.

18 (3) Injury, defacement, removal, or destruction of the surface of the rail
19 trail or a rail trail’s structures, appurtenances, recreation facilities, or property.

1 (4) Except as authorized by the trail sponsor, erecting, placing, or
2 displaying any advertising materials, posters, or placards of any kind. This
3 prohibition shall not apply to official signs erected by the trail sponsor.

4 (5) Except as authorized by the trail sponsor, entering or remaining on
5 the rail trail for the purpose of:

6 (A) selling, hiring, or leasing any goods or services; or

7 (B) distributing samples, pamphlets, or advertising materials, except
8 for official information authorized by the trail sponsor.

9 (6) Parades, demonstrations, picnics, games, entertainment, or
10 organizations, except at times and locations approved by the trail sponsor.

11 (7) Harassing or molesting wildlife, except for fishing.

12 (8) Using or discharging any firearms or other weapons or fireworks,
13 except by a person authorized by the trail sponsor or as otherwise permitted by
14 law.

15 (9) Igniting fires for any purpose, except in fireplaces or firepits at
16 locations designated by the trail sponsor or for trail maintenance purposes.

17 (10) Soliciting alms or contributions.

18 (11) Use of motorized vehicles, except for:

VT LEG #383241 v.1

1 appointed by the Governor with the advice and consent of the Senate. The
2 Governor shall so far as is possible appoint Board members whose interests
3 and expertise lie in various areas of the transportation field. The Governor
4 shall appoint the ~~chair~~ Chair, and the Board may vote to appoint other officers.
5 The members of the Board shall be appointed for terms of three years. Board
6 members may be appointed for two additional three-year terms but shall not be
7 eligible for further reappointment. ~~No~~ Not more than four members of the
8 Board shall belong to the same political party. No member of the Board shall:

9 * * *

10 Sec. 12. 19 V.S.A. § 5 is amended to read:

11 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

12 * * *

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

14 * * *

15 (4) provide appellate review, when requested in writing, regarding legal
16 disputes in the execution of contracts awarded by the Agency or by
17 municipalities cooperating with the Agency to advance projects in the State's
18 Transportation Program, except that the Agency shall provide appellate review
19 relating to bids and the competitive negotiation process under 19 V.S.A. § 10a;

1 urbanized area of Chittenden County, or providing on demand services in that
2 area, with the approval of the Agency of Transportation.

3 * * *

4 § 10. IMPLEMENTATION

5 * * *

6 ~~(c) Immediately upon joining the Authority, the municipality shall appoint~~
7 ~~two commissioners as provided herein. The initial terms of the commissioners~~
8 ~~of the initial members shall be arranged by the Chittenden County Regional~~
9 ~~Planning Commission so that the terms of approximately one-third of the~~
10 ~~commissioners shall expire in each year. The initial terms of commissioners~~
11 ~~from municipalities joining after March 7, 1973, shall be set by the Board of~~
12 ~~Commissioners.~~

13 * * *

14 * * * Town Highways * * *

15 Sec. 14. 19 V.S.A. § 306 is amended to read:

16 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

17 (a) General State aid to town highways.

18 (1) An annual appropriation to class 1, 2, and 3 town highways shall be
19 made. This appropriation shall increase over the previous fiscal year's
20 appropriation by the same percentage change as the following, whichever is

1 less, or shall remain at the previous fiscal year's appropriation if either of the
2 following are negative or zero:

3 (A) the percentage change of the Agency's total appropriations
4 funded by Transportation Fund revenues, excluding appropriations ~~for town~~
5 ~~highways~~ under this subsection (a) and subsections (e) and (h) of this section,
6 for the most recently closed fiscal year as compared to the fiscal year
7 immediately preceding the most recently closed fiscal year; or

8 * * *

9 (e) State aid for town highway structures.

10 (1) There shall be an annual appropriation for grants to municipalities
11 for maintenance (including actions to extend life expectancy) and for
12 construction of bridges and culverts; for maintenance and construction of other
13 structures, including causeways and retaining walls, intended to preserve the
14 integrity of the traveled portion of class 1, 2, and 3 town highways; and for
15 alternatives that eliminate the need for a bridge, culvert, or other structure,
16 such as the construction or reconstruction of a highway, the purchase of parcels
17 of land that would be landlocked by closure of a bridge, the payment of
18 damages for loss of highway access, and the substitution of other means of
19 access. This appropriation shall increase over the previous fiscal year's
20 appropriation by the same percentage change as the following, whichever is

1 less, or shall remain at the previous fiscal year's appropriation if either of the
2 following are negative or zero:

3 (A) the percentage change in the Agency's total appropriations
4 funded by Transportation Fund revenues, excluding appropriations under this
5 subsection (e) and subsections (a) and (h) of this section, for the most recently
6 closed fiscal year as compared to the fiscal year immediately preceding the
7 most recently closed fiscal year; or

8 (B) the percentage change in the Bureau of Labor Statistics
9 Consumer Price Index for All Urban Consumers (CPI-U).

10 (2) For purposes of subdivision (1)(B) 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 appropriation will be made compared to the CPI-U for the month
15 ending on June 30 in the calendar year two years prior to the first day of the
16 fiscal year for which the appropriation will be made.

17 (3) Each fiscal year, the Agency shall approve qualifying projects with a
18 total estimated State share cost of \$7,200,000.00 at a minimum as new grants.
19 ~~The Agency's proposed appropriation for the Program shall take into account~~
20 ~~the estimated amount of qualifying invoices submitted to the Agency with~~
21 ~~respect to project grants approved in prior years but not yet completed as well~~

1 ~~as with respect to new project grants to be approved in the fiscal year~~
2 Beginning with State fiscal year 2027, the minimum total estimated State share
3 cost for the approved grants shall increase over the prior fiscal year's minimum
4 total estimated State share cost by the same percentage as the appropriation for
5 State aid for town highway structures is increased pursuant to subdivision (1)
6 of this subsection.

7 (4) In a given fiscal year, should expenditures in the Town Highway
8 Structures Program exceed the amount appropriated, the Agency shall advise
9 the Governor of the need to request a supplemental appropriation from the
10 General Assembly to fund the additional project cost, provided that the Agency
11 has previously committed to completing those projects.

12 ~~(3)(5)~~ Funds received as grants for State aid for town highway structures
13 may be used by a municipality to satisfy a portion of the matching
14 requirements for federal earmarks, subject to subsection 309b(c) of this title.

15 * * *

16 (h) Class 2 Town Highway Roadway Program.

17 (1) There shall be an annual appropriation for grants to municipalities
18 for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2
19 town highways. ~~However, municipalities~~ Municipalities that have no State
20 highways or class 1 town highways within their borders may use the grants for
21 such activities with respect to both class 2 and class 3 town highways. ~~Each~~

1 ~~fiscal year, the Agency shall approve qualifying projects with a total estimated~~
2 ~~State share cost of \$8,600,000.00 at a minimum as new grants. The Agency's~~
3 ~~proposed appropriation for the Program shall take into account the estimated~~
4 ~~amount of qualifying invoices submitted to the Agency with respect to project~~
5 ~~grants approved in prior years but not yet completed as well as with respect to~~
6 ~~new project grants to be approved in the fiscal year. This appropriation shall~~
7 ~~increase over the previous fiscal year's appropriation by the same percentage~~
8 ~~change as the following, whichever is less, or shall remain at the previous~~
9 ~~fiscal year's appropriation if either of the following are negative or zero:~~

10 (A) the percentage change in the Agency's total appropriations
11 funded by Transportation Fund revenues, excluding appropriations under this
12 subsection (h) and subsections (a) and (e) of this section, for the most recently
13 closed fiscal year as compared to the fiscal year immediately preceding the
14 most recently closed fiscal year; or

15 (B) the percentage change in the Bureau of Labor Statistics
16 Consumer Price Index for All Urban Consumers (CPI-U).

17 (2) For purposes of subdivision (1)(B) of this subsection, the percentage
18 change in the CPI-U is calculated by determining the increase or decrease, to
19 the nearest one-tenth of a percent, in the CPI-U for the month ending on June
20 30 in the calendar year one year prior to the first day of the fiscal year for
21 which the appropriation will be made compared to the CPI-U for the month

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

3 (3) Each fiscal year, the Agency shall approve qualifying projects with a
4 total estimated State share cost of \$8,600,000.00 at a minimum as new grants.
5 Beginning with State fiscal year 2027, the minimum total estimated State share
6 cost for the approved grants shall increase over the prior fiscal year's minimum
7 total estimated State share cost by the same percentage as the appropriation for
8 the Class 2 Town Highway Roadway Program is increased pursuant to
9 subdivision (1) of this subsection.

10 (4) In a given fiscal year, should expenditures in the Class 2 Town
11 Highway Roadway Program exceed the amount appropriated, the Agency shall
12 advise the Governor of the need to request a supplemental appropriation from
13 the General Assembly to fund the additional project cost, provided that the
14 Agency has previously committed to completing those projects. Funds
15 received as grants for State aid under the Class 2 Town Highway Roadway
16 Program may be used by a municipality to satisfy a portion of the matching
17 requirements for federal earmarks, subject to subsection 309b(c) of this title.

18 * * *

1 Sec. 15. CANCELLATION OF LOCALLY MANAGED PROJECTS;

2 PROCESS; IMPROVEMENTS; REPORT

3 The Agency of Transportation, in consultation with the Transportation
4 Board, the Vermont League of Cities and Towns, and the Vermont Association
5 of Planning and Development Agencies, shall engage a consultant to examine
6 the requirements of 19 V.S.A. § 309c, cancellation of locally managed
7 projects, to evaluate the obligations, risks, and benefits imposed by the
8 provisions of that section on the State and the local sponsor of a locally
9 managed project and to identify potential changes to the provisions of that
10 section to ensure that State and federal transportation funding resources are
11 appropriately administered. The Agency shall, on or before January 15, 2026,
12 submit a written report to the House and Senate Committees on Transportation
13 regarding the consultant's findings and any recommendations for legislative
14 action.

15 Sec. 16. MUNICIPAL TRANSPORTATION ASSETS; ASSESSMENT;

16 FUNDING NEEDS; REPORT

17 (a) The Agency of Transportation, in consultation with the Vermont
18 League of Cities and Towns and the Vermont Association of Planning and
19 Development Agencies, shall engage a consultant to:

20 (1) review current municipal practices relating to planning for ongoing
21 maintenance, upgrades, and replacement of municipal transportation assets,

1 including roads, pavement, bridges, culverts, signals, signage, highway
2 equipment, and highway facilities;

3 (2) develop a framework for a system to assess the current condition of
4 municipal highway networks and the potential impacts of improvements to or
5 degradation of those networks on the State's transportation system;

6 (3) develop a prioritization process to direct State funding to the repair,
7 upgrade, or replacement of specific municipal transportation assets based on
8 the need for such work in the context of the asset's role in the State and
9 regional highway networks; and

10 (4) identify and recommend potential statutory changes to implement
11 the assessment framework developed pursuant to subdivision (2) of this
12 subsection and the prioritization process developed pursuant to subdivision (3)
13 of this subsection.

14 (b) The Agency of Transportation shall, not later than January 15, 2027,
15 submit a written report to the House and Senate Committees on Transportation
16 regarding the consultant's findings and recommendations for legislative action.

17 Sec. 17. STATE TOWN HIGHWAY AID; MUNICIPAL GRANT

18 PROGRAMS; EFFICIENCIES; IMPROVEMENTS; REPORT

19 (a) The Agency of Transportation, in consultation with the Vermont
20 League of Cities and Towns and the Vermont Association of Planning and
21 Development Agencies, shall engage a consultant to evaluate the State's Town

1 Highway Aid and municipal grant programs administered by the Agency to
2 identify potential efficiencies and improvements related to the administration
3 of Town Highway Aid and municipal grant programs. The consultant shall
4 evaluate the various funding streams authorized pursuant to 19 V.S.A. § 306 as
5 well as programs administered through the Agency's Municipal Assistance
6 Bureau, including the Bicycle and Pedestrian Grant Program, Transportation
7 Alternatives Program, Municipal Mitigation Program, Municipal Park and
8 Ride Program, Better Roads Program, Municipal Highway and Stormwater
9 Mitigation Program, and Grants in Aid.

10 (b) On or before January 15, 2026, the Agency shall submit a written report
11 to the House and Senate Committees on Transportation regarding the
12 consultant's findings and any recommendations for legislative or
13 administrative actions to improve or increase the efficiency of the Town
14 Highway Aid and municipal grant programs.

15 * * * Mileage-Based User Fee * * *

16 Sec. 18. 2023 Acts and Resolves No. 62, Secs. 27–29 are amended to read:

17 Sec. 27. MILEAGE-BASED USER FEE LEGISLATIVE INTENT

18 It is the intent of the General Assembly for the State:

19 (1) to start collecting a mileage-based user fee from all battery-electric
20 vehicles registered in Vermont starting on ~~July 1, 2025, which is expected to~~
21 ~~be the first day of the first fiscal year when more than 15 percent of new~~

1 ~~pleasure car registrations in the State are plug-in electric vehicles (PEVs) or~~
2 before January 1, 2027 subject to sufficient funding being available for
3 implementation;

4 (2) to ~~start subjecting~~ subject plug-in hybrid electric vehicles (PHEVs)
5 that are a pleasure car to an ~~increased~~ annual or a biennial ~~registration~~ electric
6 vehicle infrastructure fee starting on ~~July~~ January 1, 2025, and that PHEVs
7 shall not be subject to a mileage-based user fee;

8 (3) to ~~work towards~~ examine collecting a fee on ~~kWhs~~ electricity that
9 ~~are~~ is dispensed through certain electric vehicle supply equipment available to
10 the public so as to supplant lost ~~gas~~ fuel tax revenue from out-of-state PEVs
11 traveling in Vermont; and

12 (4) to not commence collecting a mileage-based user fee until ~~such~~ the
13 General Assembly has enacted legislation that establishes the amount of the fee
14 and codifies any necessary authorizing language ~~is codified~~ in statute and that
15 legislation becomes effective.

16 Sec. 28. MILEAGE-BASED USER FEE AUTHORIZATION

17 (a) Within the Agency of Transportation's Proposed Fiscal Year 2024
18 Transportation Program for Environmental Policy and Sustainability, the
19 Agency of Transportation, including the Department of Motor Vehicles, is
20 authorized to apply for and accept a competitive federal Strategic Innovation
21 for Revenue Collection grant established pursuant to the Infrastructure

1 Investment and Jobs Act, Pub. L. No. 117-58 (IIJA), Sec. 13001, with up to
2 \$350,000.00 in Transportation Fund monies authorized for the nonfederal
3 match in fiscal year 2024 and ~~a to-be-determined amount for the nonfederal~~
4 ~~match in subsequent fiscal years~~ up to \$350,000.00 in Transportation Fund
5 monies authorized for the nonfederal match in fiscal year 2025.

6 (b) ~~As permitted under federal regulations and grant terms, the~~ The Agency
7 ~~shall utilize grant monies to design~~ State or federal funding, or both, authorized
8 to be used for the purpose of designing a mileage-based user fee that is
9 consistent with Secs. 27 and 29 of this act.

10 (c) Subject to State procurement requirements and the availability of
11 sufficient funding, the Agency may retain one or more contractors or
12 consultants, or both, to assist with the design of a process to commence
13 collecting a mileage-based user fee on ~~July 1, 2025~~ January 1, 2027.

14 Sec. 29. MILEAGE-BASED USER FEE DESIGN

15 (a) Definitions. As used in Secs. 27–30 of this act:

16 (1) “Account manager” means a person under contract with the Agency
17 of Transportation or Department of Motor Vehicles to administer and manage
18 the mileage-based user fee.

19 (2) “Annual vehicle miles traveled” means the total number of miles that
20 a BEV is driven between annual inspections as reported ~~by an inspection~~
21 ~~mechanic~~ to the Department of Motor Vehicles.

1 (3) “Mileage-based user fee” means the total amount that an owner or
2 lessee of a BEV registered in Vermont owes the State and is calculated by:

3 (A) multiplying the mileage-based user fee rate by the annual vehicle
4 miles traveled ~~or~~;

5 (B) in the case of a terminating event, by multiplying the mileage-
6 based user fee rate by the vehicle miles traveled between the last Vermont
7 annual inspection and the terminating event; or

8 (C) in the absence of a recorded odometer reading during the mileage
9 reporting period, by multiplying the mileage-based user fee by the 98th
10 percentile of estimated annual vehicle miles traveled for a pleasure car in
11 Vermont.

12 (4) “Mileage-based user fee rate” means the per-mile usage fee charged
13 to the owner or lessee of a BEV registered in Vermont.

14 (5) “Mileage reporting period” means the time between annual
15 inspections or the time between ~~an~~ the most recent annual inspection and a
16 terminating event.

17 (6) “Pleasure car” has the same meaning as in 23 V.S.A. § 4(28).

18 (7) “Plug-in electric vehicle (PEV)” has the same meaning as in
19 23 V.S.A. § 4(85) and includes battery electric vehicles (BEVs) and plug-in
20 hybrid electric vehicles (PHEVs), which have the same meaning as in
21 23 V.S.A. § 4(85)(A) and (B).

1 (8) “Terminating event” means either the registering of a BEV that had
2 been registered in Vermont in a different state or a change in ownership or
3 lesseeship of the BEV, or both.

4 (b) Commencement date. The Agency shall design a process to collect a
5 mileage-based user fee for miles driven by a BEV registered in Vermont to
6 commence collecting revenue on ~~July 1, 2025~~ January 1, 2027.

7 (c) Covered vehicles. The Agency shall design a process to collect a
8 mileage-based user fee based on the annual vehicle miles traveled by BEVs
9 registered in the State.

10 (d) Imposition of a mileage-based user fee. The Agency shall design a
11 process to collect a mileage-based user fee from the owner or lessee of a BEV
12 registered in Vermont for each mileage reporting period ~~within 60 days after~~
13 ~~the Vermont annual inspection~~ on an annual, quarterly, or monthly basis
14 selected by the owner or lessee and reconciled upon renewal of the vehicle
15 registration or within 60 days after a terminating event that closes the mileage
16 reporting period.

17 Sec. 19. INTENT

18 It is the intent of the General Assembly that:

19 (1) the mileage-based user fee for a BEV pleasure car be approximately
20 equivalent to the average amount collected by the State in fuel tax revenue
21 from the use of a non-PEV pleasure car registered in Vermont and the average

1 amount collected by the State in fuel tax revenue and Electric Vehicle
2 Infrastructure fee from the use of a PHEV pleasure car; and
3 (2) that the mileage-based user fee for BEV pleasure cars will be an
4 interim step towards gradually expanding the mileage-based user fee to all
5 motor vehicles.

6 Sec. 20. MILEAGE-BASED USER FEE; FUNDING; DESIGN; UPDATES

7 The Agency of Transportation shall report to the Joint Transportation
8 Oversight Committee on or before September 30, 2025 and December 15,
9 2025 regarding the status of federal grants and other funding for the design of
10 the mileage-based user fee pursuant to the provisions of 2023 Acts and
11 Resolves No. 62, Secs. 27–29, as amended by Sec. 12 of this act, and the
12 Agency’s progress in designing the mileage-based user fee.

13 * * * Authority to Transfer Monies in State Fiscal Year 2026 * * *

14 Sec. 21. AUTHORIZATION TO USE MONIES TO CONTINUE

15 PARTNERSHIP WITH DRIVE ELECTRIC VERMONT IN STATE

16 FISCAL YEAR 2026

17 In State fiscal year 2026, the Secretary of Transportation is authorized to
18 spend up to \$325,000.00 in remaining monies appropriated to the Electrify
19 Your Fleet Program in State Fiscal Year 2024 to continue the Agency of
20 Transportation’s partnership with Drive Electric Vermont. The monies shall

1 be used for programs and activities that support increased ownership and use
2 of PEVs in the State through:
3 (1) stakeholder coordination;
4 (2) consumer education and outreach;
5 (3) infrastructure development; and
6 (4) the provision of technical assistance and support to Vermont
7 municipalities and Vermont businesses desiring to electrify their vehicle fleets.

8 * * * Consideration of Vehicle Miles Traveled in Project Planning * * *

9 Sec. 22. 19 V.S.A. § 1 is amended to read:

10 § 1. DEFINITIONS

11 As used in this title:

12 * * *

13 (26) “Vehicle miles traveled” means the estimated sum of the miles
14 traveled by all motor vehicle trips within a specific area during a calendar year.

15 Sec. 23. 19 V.S.A. § 10b is amended to read:

16 § 10b. STATEMENT OF POLICY; GENERAL

17 (a) The Agency shall be the responsible agency of the State for the
18 development of transportation policy. It shall develop a mission statement to
19 reflect:

(2) the need for transportation projects that will improve the State's economic infrastructure; as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways; reduce vehicle miles traveled within the State when feasible; and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b.

11 Sec. 24. 19 V.S.A. § 10c is amended to read:

13 * * *

16 * * *

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4 * * *

6 § 10i. TRANSPORTATION PLANNING PROCESS

7 * * *

11 * * *

14 (4) achieving the recommendations of the CEP; and

17 * * *

* * * Medical Transports * * *

Sec. 26. PUBLIC TRANSIT DEMAND RESPONSE VOLUNTEER

COORDINATORS; GRANTS; APPROPRIATION

(a) The Agency of Transportation is authorized to utilize up to \$600,000.00 in one-time funds appropriated from the Transportation Fund to the Agency of Transportation in fiscal year 2026 for the purpose of providing grants to public transit agencies to hire volunteer coordinators. Volunteer coordinators hired with grants provided pursuant to this section shall be responsible for the identification, recruitment, and retention of volunteers to provide transportation services to individuals enrolled in the State's demand response transportation programs.

(b) The Agency shall, to the extent possible, seek to provide grants to public transit providers in a manner that is geographically balanced and ensures the distribution of volunteer coordinators throughout the State.

(c) Not later than December 15, 2026, the Agency, in consultation with public transit agencies that receive grants pursuant to this section, shall submit a written report the House and Senate Committees on Transportation regarding the extent to which grants issued pursuant to this section resulted in an increase in volunteer capacity in the State.

1 Sec. 27. MEDICAID NON-EMERGENCY TRANSPORTATION

2 In fiscal year 2026, prior to executing a contract to provide Medicaid Non-
3 Emergency Transportation services, the Department of Vermont Health Access
4 shall provide to the Joint Fiscal Committee for review and approval a detailed
5 analysis demonstrating that by executing such a contract:

6 (1) there will be no degradation of service to eligible individuals; and

7 (2) the financial stability of the State's public transportation systems
8 will be maintained.

9 Sec. 28. VOLUNTEERS PROVIDING TRANSPORTATION SERVICES;

10 BACKGROUND CHECKS; EXPANSION OF VOLUNTEER

11 POOL; REPORT

12 (a) On or before July 15, 2025, the Department of Vermont Health Access
13 shall commence meeting with the Vermont Public Transit Association, the
14 Agency of Transportation, and, in the discretion of the Commissioner of
15 Vermont Health Access, other stakeholders to identify potential, federally
16 permissible opportunities to expand the Medicaid Non-Emergency
17 Transportation program's pool of volunteer drivers. As part of this work, the
18 Department and Association shall collaborate to determine if there are specific
19 classes of offenses that currently prevent volunteer drivers from providing
20 transportation services through the Medicaid Non-Emergency Transportation
21 program.

1 (1) The Vermont Public Transit Association shall, to the extent possible,
2 gather and provide to the Department anonymized information from its
3 members regarding:

4 (A) the number of potential volunteers who were barred from
5 providing transportation services through the Medicaid Non-Emergency
6 Transportation program due to a background check during the past year;

7 (B) which of the background checks currently required by the
8 Medicaid Non-Emergency Transportation program resulted in potential
9 volunteers being barred from providing transportation services, broken out by
10 percentage; and

11 (C) a summary of the offenses that resulted in potential volunteers
12 being barred from providing transportation services through the Medicaid Non-
13 Emergency Transportation program, broken out by:

14 (i) the type of offense;

15 (ii) whether the offense was a felony or misdemeanor;

16 (iii) whether the offense was under State or federal law;

17 (iv) the percentage of potential volunteers who were barred from
18 providing transportation services through the Medicaid Non-Emergency
19 Transportation program for each type of offense; and

1 (v) to the extent that it is possible to determine, the number of
2 rides that could have been provided by the individuals barred under each type
3 of offense.

4 (2) The Department shall utilize the information provided by the
5 Association pursuant to subdivision (1) of this subsection to determine, to the
6 extent possible, whether the identified offenses are:

7 (A) fraud-based or otherwise implicate potential Medicaid fraud,
8 waste, and abuse;

9 (B) an offense that otherwise bars an individual from providing
10 transportation services through the Medicaid Non-Emergency Transportation
11 program; or

12 (C) an offense that caused harm to an individual other than the
13 offender, or otherwise negatively impacted the safety of the general public.

14 (b) The Department of Vermont Health Access and the Vermont Public
15 Transit Association shall, on or before January 30, 2026, make themselves
16 available to provide an update to the House Committees on Transportation and
17 on Health Care and to the Senate Committees on Transportation and on Health
18 and Welfare regarding the work performed pursuant to this section and
19 opportunities that were identified to expand the Medicaid Non-Emergency
20 Transportation program's pool of volunteer drivers.

1 Sec. 29. VOLUNTEER DRIVERS; PUBLICITY; OUTREACH

2 (a) The Commissioner of Motor Vehicles, in consultation with the Vermont
3 Public Transit Association, shall identify and pursue opportunities to
4 communicate with the Vermont driving public regarding volunteer and
5 community driver participation in the State's demand response transportation
6 programs, including the Older Adults and Persons with Disabilities program
7 and the Medicaid Non-Emergency Transportation program. Outreach
8 conducted pursuant to this section may include:

9 (1) invitations for individuals to voluntarily indicate their interest
10 through the operator licensing and vehicle registration processes, subject to any
11 data privacy requirements under State or federal law;

12 (2) notices or other public outreach placed on the Department's website
13 or other internet-based platforms; and

14 (3) messaging by the Agency of Transportation on social media
15 platforms, including providing links to informational resources provided by the
16 Vermont Public Transit Association.

17 (b) The Department of Vermont Health Access shall develop informational
18 materials related to eligibility for the Medicaid Non-Emergency Transportation
19 program. The Department shall, in consultation with the Agency of
20 Transportation and other relevant stakeholders, make the materials available to
21 the public on the Department's website and other internet-based platforms.

1 Sec. 30. COORDINATION OF HEALTH CARE AND TRANSPORTATION
2 SERVICES; WORKING GROUP; REPORT

3 (a) The Secretary of Transportation, in consultation with the Commissioner
4 of Vermont Health Access, shall convene a working group to improve the
5 coordination of health care and transportation services in relation to individuals
6 enrolled in the State's demand response transportation programs. The working
7 group shall be composed of stakeholders identified by the Secretary in
8 consultation with the Commissioner of Vermont Health Access, including
9 representatives of the Vermont Association of Hospitals and Health Systems,
10 independent dialysis and methadone facilities, and the Vermont Public
11 Transportation Association.

12 (b) The working group shall examine various options for improving the
13 coordination of health care and transportation services, including:

14 (1) opportunities to coordinate the scheduling of health care
15 appointments and treatments to maximize the use of shared rides; and

16 (2) opportunities to improve communication between the public transit
17 agencies and health care providers to facilitate coordination of health care and
18 transportation services for individuals enrolled in the State's demand response
19 transportation programs.

20 (c) On or before January 15, 2026, the Secretary and Commissioner shall
21 submit a written report to the House Committees on Transportation and on

1 Health Care and the Senate Committees on Transportation and on Health and
2 Welfare with the working group's findings and any recommendations for
3 legislative action.

4 * * * Vehicle Identification Numbers for Certain Vehicles * * *

5 Sec. 31. ULTRA-LOW VOLUME VEHICLE MANUFACTURING; KIT-
6 CARS; HOMEBUILT MOTOR VEHICLES; VEHICLE
7 IDENTIFICATION NUMBER; REPORT

8 (a)(1) The Commissioner of Motor Vehicles, in consultation with the
9 Secretary of Natural Resources and representatives of the ultra-low volume
10 vehicle manufacturing industry in Vermont, shall examine processes for
11 issuing vehicle identification numbers to ultra-low volume motor vehicles, kit-
12 cars, and homebuilt motor vehicles and opportunities to facilitate the
13 registration of such vehicles.

14 (2) As used in this section:

15 (A) "Homebuilt motor vehicle" means a motor vehicle that is
16 constructed or assembled by an individual from new or used parts, or both, and
17 is not a kit-car.

18 (B) "Kit-car" means a motor vehicle that is constructed by an
19 individual from a manufactured kit that includes some or all parts and
20 components necessary to construct the motor vehicle.

1 (C) “Ultra-low volume motor vehicle” means a vehicle that is
2 manufactured for sale by a manufacturer whose annual worldwide production
3 is not more than 325 motor vehicles.

4 (b) In preparing the report, the Commissioner shall:

5 (1) examine the potential to waive some or all Vermont motor vehicle
6 emissions requirements for ultra-low volume motor vehicles, kit-cars, and
7 homebuilt motor vehicles;

8 (2) identify a cost-effective process for certifying the safety of ultra-low
9 volume motor vehicles, kit-cars, and homebuilt motor vehicles; and

10 (3) develop a streamlined process to provide State Vehicle Identification
11 Numbers to ultra-low volume motor vehicles, kit-cars, and homebuilt motor
12 vehicles.

13 (c) On or before January 15, 2026, the Commissioner shall submit a written
14 report to the House and Senate Committees on Transportation regarding the
15 Commissioner’s findings and identifying any legislative action necessary to
16 enable the issuance of vehicle identification numbers to and registration of
17 ultra-low volume motor vehicles, kit-cars, and homebuilt motor vehicles.

18 * * * Railroad Lease Extensions * * *

19 Sec. 32. 5 V.S.A. § 3405 is amended to read:

20 § 3405. LEASE FOR CONTINUED OPERATION

1 (a) The Secretary, as agent for the State, with the approval of the General
2 Assembly, or if the General Assembly is not in session, approval of the Joint
3 Transportation Oversight Committee, is authorized to lease or otherwise
4 arrange for the continued operation of all or any State-owned railroad property
5 to any responsible person, provided that approval for the operation, if
6 necessary, is granted by the federal Surface Transportation Board under 49
7 C.F.R. Part 1150 (certificate to construct, acquire, or operate railroad lines).
8 The transaction shall be subject to any further terms and conditions as in the
9 opinion of the Secretary are necessary and appropriate to accomplish the
10 purpose of this chapter.

11 (b) To preserve continuity of service on State-owned railroads, the
12 Secretary may enter into a short-term lease or operating agreement, for a term
13 not to exceed six months, with a responsible railroad operator. The Secretary
14 shall notify the House and Senate Committees on Transportation within 10
15 calendar days after entering into any lease or agreement pursuant to this
16 subsection.

17 (c) The Secretary shall notify the House and Senate Committees on
18 Transportation or, if the General Assembly is not in session, the Joint
19 Transportation Oversight Committee when there are 12 months remaining on
20 the operating lease for any State-owned railroad, and when there are 12 months

1 remaining on a lease extension for the operating lease for any State-owned
2 railroad.

3 * * * Dig Safe * * *

4 Sec. 33. 30 V.S.A. § 7006 is amended to read:

5 § 7006. MARKING OF UNDERGROUND UTILITY FACILITIES

6 A company notified in accordance with section 7005 of this title shall,
7 within ~~48~~ 72 hours, exclusive of Saturdays, Sundays, and legal holidays, ~~of~~
8 after the receipt of the notice, mark the approximate location of its
9 underground utility facilities in the area of the proposed excavation activities;
10 provided, however, if the company advises the person that the proposed
11 excavation area is of such length or size that the company cannot reasonably
12 mark all of the underground utility facilities within ~~48~~ 72 hours, the person
13 shall notify the company of the specific locations in which the excavation
14 activities will first occur and the company shall mark facilities in those
15 locations within ~~48~~ 72 hours and the remaining facilities within a reasonable
16 time thereafter. A company and an excavator may by agreement fix a later
17 time for the company's marking of the facilities, provided the marking is made
18 prior to excavation activities. For the purposes of this chapter, the approximate
19 location of underground facilities shall be marked with stakes, paint, or other
20 physical means as designated by the Commission.

21 Sec. 34. 30 V.S.A. § 7006a is amended to read:

1 § 7006a. MAINTENANCE OF UNDERGROUND UTILITY FACILITY

2 MARKINGS

3 After a company has marked its underground facilities in accordance with
4 section 7006 of this title, the excavator shall be responsible for maintenance of
5 the designated markings. In the event said markings are obliterated, destroyed,
6 or removed, the person engaged in excavation activities shall notify the System
7 referred to in section 7002 of this title that remarking is needed. The System
8 shall then notify all member companies whose facilities may be affected. ~~The~~
9 Each applicable company shall within ~~48~~ 72 hours, exclusive of Saturdays,
10 Sundays, and legal holidays, following receipt of the notice, remark the
11 location of its underground utility facilities.

12 * * * Legal Trails * * *

13 Sec. 35. 19 V.S.A. chapter 3 is amended to read:

14 CHAPTER 3. TOWN HIGHWAYS

15 § 301. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (2) “Legislative body” ~~includes boards of selectmen, aldermen, and~~
19 ~~village trustees~~ means a “legislative body” as defined in 24 V.S.A. § 2001.

20 (3) ~~“Selectmen” includes village trustees and aldermen~~ “Selectboard”
21 means a “selectboard” as defined in 24 V.S.A. § 2001.

1 * * *

2 (8) "Trail" means a public right-of-way that is not a highway and that:

3 (A) municipalities have the authority to exclusively or cooperatively
4 maintain;

5 (B) previously was a designated town highway having the same
6 width as the designated town highway, or a lesser width if so designated; or

7 ~~(B)(C)~~ a new public right-of-way laid out as a trail by the ~~selectmen~~
8 legislative body for the purpose of providing access to abutting properties or
9 for recreational use. Nothing in this section shall be deemed to independently
10 authorize the condemnation of land for recreational purposes or to affect the
11 authority of ~~selectmen~~ legislative bodies to reasonably regulate the uses of
12 recreational trails.

13 § 302. CLASSIFICATION OF TOWN HIGHWAYS

14 (a) For the purposes of this section and receiving State aid, all town
15 highways shall be categorized into one or another of the following classes:

16 * * *

17 (2) Class 2 town highways are those town highways selected as the most
18 important highways in each town. As far as practicable, they shall be selected
19 with the purposes of securing trunk lines of improved highways from town to
20 town and to places that by their nature have more than normal amount of

1 traffic. The ~~selectmen~~ legislative body, with the approval of the Agency, shall
2 determine which highways are to be class 2 highways.

3 (3) Class 3 town highways:

4 (A) Class 3 town highways are all traveled town highways other than
5 class 1 or 2 highways. The ~~selectmen~~ legislative body, after conference with a
6 representative of the Agency, shall determine which highways are class 3 town
7 highways.

8 * * *

9 (5) Trails shall not be considered highways ~~and the town.~~ A
10 municipality shall have the authority to maintain trails but shall not be
11 responsible for any maintenance, including culverts and bridges.

12 * * *

13 § 303. TOWN HIGHWAY CONTROL

14 Town highways shall be under the general supervision and control of the
15 ~~selectmen~~ legislative body of the town where the roads are located. ~~Selectmen~~
16 The legislative body of a town shall supervise all expenditures.

17 § 304. DUTIES OF SELECTBOARD

18 (a) It shall be the duty and responsibility of the selectboard of the town to,
19 or acting as a board, it shall have the authority to:

20 * * *

