

1                    ***[VTRANS PROPOSALS AS MODIFIED BY LEG. COUNSEL]***

2

3                    Introduced by House Committee on Transportation

4                    Date:

5                    Subject: Transportation; annual Transportation Program

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

7                    State’s annual Transportation Program and make miscellaneous changes to

8                    laws related to transportation.

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

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

12                    \* \* \* Transportation Program Adopted as Amended; Definitions \* \* \*

13                    Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

14                    (a) Adoption. The Agency of Transportation’s Proposed Fiscal Year 2026

15                    Transportation Program appended to the Agency of Transportation’s proposed

16                    fiscal year 2026 budget, as amended by this act, is adopted to the extent

17                    federal, State, and local funds are available.

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

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

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

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

11           (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle  
12           supply equipment available to the public” have the same meanings as in  
13           30 V.S.A. § 201.

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

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

20           (7) “Secretary” means the Secretary of Transportation.

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

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

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

14           Sec. 2. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN  
15                           OF ST. ALBANS

16           Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly authorizes the  
17           Secretary of Transportation to enter into an agreement with the Town of St.  
18           Albans to relinquish a segment of the State highway in the Town of St. Albans  
19           known as Vermont Route 36. The segment authorized to be relinquished  
20           begins at mile marker 0.00, just east of the “Black Bridge” (B2), and continues  
21           14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where

1 Vermont Route 36 meets the boundary of the City of St. Albans, and includes  
2 the 0.106-mile westbound section of Vermont Route 36 and approaches at the  
3 entrance to the St. Albans Bay Town Park.

4 \* \* \* Recovery of Funding for Cancelled Local Projects \* \* \*

5 Sec. 3. 19 V.S.A. § 309c is amended to read:

6 § 309c. CANCELLATION OF LOCALLY MANAGED PROJECTS

7 (a)(1) Notwithstanding section 309a of this title, a municipality or other  
8 local sponsor responsible for a locally managed project through a grant  
9 agreement with the Agency shall be responsible for the repayment, in whole or  
10 in part, of ~~federal funds required by the Federal Highway Administration or~~  
11 ~~other federal agency~~ funds provided pursuant to the grant agreement because  
12 of cancellation of the project by the municipality or other local sponsor due to  
13 circumstances or events wholly or partly within the municipality's or other  
14 local sponsor's control.

15 (2) Prior to any ~~such~~ determination that cancellation of a project was  
16 due to circumstances or events wholly or partly within a municipality's or  
17 other local sponsor's control, the Agency shall consult with the municipality or  
18 other local sponsor to attempt to reach an agreement to determine the scope of  
19 the municipality's or other local sponsor's repayment obligation.

20 (b)(1) Within 15 days ~~of~~ after an Agency determination under subsection  
21 (a) of this section, a municipality or other local sponsor may petition the Board

1 for a hearing to determine if cancellation of the project was due to  
2 circumstances or events ~~in whole~~ wholly or ~~in part~~ partly outside the  
3 municipality's or local sponsor's control.

4 (2) The Board shall hold a hearing on the petition within 30 days of  
5 following its receipt and shall issue an appropriate order within 30 days  
6 ~~thereafter~~ after the hearing. If the Board determines that cancellation of the  
7 project was due in whole or in part to circumstances or events outside the  
8 municipality's or local sponsor's control, it shall order that the municipality's  
9 or local sponsor's repayment obligation be reduced ~~proportionally, in whole or~~  
10 ~~in part~~ in proportion to the degree to which circumstances or events outside of  
11 the municipality's or local sponsor's control caused the cancellation of the  
12 project.

13 (3) The municipality or other local sponsor shall have no obligation to  
14 make a repayment under this section until the Board issues its order.

15 \* \* \* State-Owned Railroads; Rail Trails \* \* \*

16 Sec. 4. 5 V.S.A. chapter 58 is redesignated to read:

17 Chapter 58. ~~State Acquisition of~~ State-Owned Railroads and Rail Trails

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

19 § 3408. RAILBANKING; NOTIFICATION

20 (a) If the Secretary finds that the continued operation of any State-owned  
21 railroad property is not economically feasible under present conditions, ~~he or~~

1 ~~she~~ the Secretary may place the line in railbanked status after giving advance  
2 notice of ~~such~~ the planned railbanking to the House and Senate Committees on  
3 Transportation when the General Assembly is in session, and when the General  
4 Assembly is not in session, to the Joint Transportation Oversight Committee.  
5 The Agency, on behalf of the State, shall continue to hold the right-of-way of a  
6 railbanked line for reactivation of railroad service or for other public purposes  
7 not inconsistent with future reactivation of railroad service. ~~Such~~ The  
8 railbanking shall not be treated, for purposes of any law or rule of law, as an  
9 abandonment of the use of the rights-of-way for railroad purposes.

10 \* \* \*

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

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

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

19 Sec. 6. 5 V.S.A. § 3408a is added to read:

20 § 3408a. USE OF RAIL TRAILS

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

1           (1) “Rail trail” means the right-of-way of a State-owned railroad line  
2           that has been authorized for railbanking and interim trail use pursuant to  
3           16 U.S.C. § 1247(d) or section 3408 of this chapter.

4           (2) “Trail sponsor” means the Agency of Transportation in the case of a  
5           rail trail maintained by the Agency or the municipality in the case of a rail trail  
6           maintained by a municipality.

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

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

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

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

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

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

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

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

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

5           (7) Hunting, trapping, or molesting wildlife, except for fishing at  
6           locations approved by the trail sponsor.

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

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

12           (10) Soliciting alms or contributions.

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

14           (A) maintenance purposes;

15           (B) snowmobiles, subject to applicable State rules, when the  
16           Vermont Association of Snow Travelers, Inc. has declared the Statewide  
17           Snowmobile Trail System officially open;

18           (C) Other Power Driven Mobility Devices (OPDMD) utilized by an  
19           individual with a disability as permitted by the Agency’s Rail Trail  
20           Accessibility Policy;



1           (D) electric bicycles as permitted pursuant to applicable State rules;

2           and

3           (E) other circumstances that the trail sponsor determines are  
4           appropriate.

5           (12) Overnight camping, except at areas designated for that purpose by  
6           the trail sponsor.

7           (c) Penalty. Any person who violates the provisions of subsection (b) of  
8           this section shall be subject to a civil penalty of not more than \$300.00.

9                           \* \* \* Transportation Board \* \* \*

10          Sec. 7. 19 V.S.A. § 3 is amended to read:

11          § 3. TRANSPORTATION BOARD; CREATION; MEMBERS

12          ~~A transportation board~~ The Transportation Board is formed to be attached to  
13          the Agency of Transportation. There shall be seven members of the Board,  
14          appointed by the Governor with the advice and consent of the Senate. The  
15          Governor shall so far as is possible appoint Board members whose interests  
16          and expertise lie in various areas of the transportation field. The Governor  
17          shall appoint the ~~chair~~ Chair, and the Board may vote to appoint other officers.  
18          The members of the Board shall be appointed for terms of three years. Board  
19          members may be appointed for two additional three-year terms but shall not be  
20          eligible for further reappointment. ~~Ne~~ Not more than four members of the  
21          Board shall belong to the same political party. No member of the Board shall:

1 \* \* \*

2 Sec. 8. 19 V.S.A. § 5 is amended to read:

3 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

4 \* \* \*

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

6 \* \* \*

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

12 (5) provide appellate review, when requested in writing, of decisions of  
13 the Secretary in administering the provisions of Title 24, relating to ~~junkyards~~  
14 salvage yards;

15 \* \* \*

16 \* \* \* Effective Date \* \* \*

17 Sec. 9. EFFECTIVE DATE

18 This act shall take effect on July 1, 2025.