

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Transportation; annual Transportation Program; Municipal Equipment

4 and Vehicle Loan Fund; Agency of Transportation; State highway

5 design standards; bonding; bridge inspections; Public Transit

6 Advisory Council; public private partnerships; Transportation Board

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

8 State's annual Transportation Program and make miscellaneous changes to the

9 laws relating to transportation.

10 An act relating to the fiscal year 2027 Transportation Program and
11 miscellaneous changes to laws related to transportation

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

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

14 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

15 (a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2027

16 Transportation Program appended to the Agency of Transportation's proposed

17 fiscal year 2027 budget, as amended by this act, is adopted to the extent

18 federal, State, and local funds are available.

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

20 (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.

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

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

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

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

17 * * * Repeal of Municipal Equipment and Vehicle Loan Fund Rules * * *

18 Sec. 2. RULES REGARDING MUNICIPAL HEAVY EQUIPMENT LOAN
19 FUND; REPEAL

20 The Rules Regarding Municipal Heavy Equipment Loan Fund (CVR 14-
21 053-002) are repealed. The Municipal Equipment and Vehicle Loan Fund, as

1 the successor to the Municipal Heavy Equipment Loan Fund, shall be
2 administered as provided pursuant to 29 V.S.A. § 1601.

3 * * * Statement of Policy; Highways and Bridges * * *

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

5 § 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

6 * * *

7 (b) For projects that are not on the National Highway System, the Agency
8 shall ~~develop and implement~~ maintain State standards and guidance for
9 geometric design. ~~Design speeds may be lower than legal speeds.~~ Design
10 speeds lower than legal speeds may be used without the requirement of a
11 formal design exception, ~~provided appropriate warnings are posted if~~
12 appropriate warning signs, signals, and markings are used as provided pursuant
13 to 23 V.S.A. § 1025.

14 * * *

15 * * * Agency of Transportation Duties * * *

16 Sec. 4. 19 V.S.A. § 10 is amended to read:

17 § 10. DUTIES

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

19 * * *

20 (8)(A) Require any contractor or contractors employed in any project of
21 the Agency for construction of a transportation improvement to file in the

1 office of the Secretary a good and sufficient surety bond to the State of
2 Vermont, executed by a surety company authorized to transact business in this
3 State in ~~such~~ the sum as required by the Agency ~~shall direct~~, conditioned for
4 the compliance by the contractor or contractors and their agents and servants,
5 with all matters and things set forth and specified to be by the principal kept,
6 done, and performed at the time and in the manner in the contract between the
7 Agency and the contractor or contractors specified and to pay over, make
8 good, and reimburse the State of Vermont for all loss or losses and damage or
9 damages that the State of Vermont may sustain by reason of failure or default
10 on the part of the contractor or contractors. The Agency is authorized to
11 require any other condition in the bond that may ~~from time to time~~ be
12 necessary. The Secretary ~~at his or her discretion as to~~, as the Secretary
13 determines is in the best interest of the State, may accept other good and
14 sufficient surety in lieu of a bond and, in cases involving contracts for
15 ~~\$100,000.00~~ \$250,000.00 or less, may waive the requirement of a performance
16 bond.

17 (B) During an emergency event, the Secretary may, in the Secretary's
18 discretion, waive the bonding requirements of this subdivision (8) for
19 immediate, temporary stabilization work related to public safety or State
20 infrastructure. Permanent work shall be subject to the requirements of
21 subdivision (A) of this subdivision (8).

1 (9)(A) Require any contractor or contractors employed in any project of
2 the Agency for construction of a transportation improvement to file an
3 additional surety bond to the Secretary and the Secretary's successor in office,
4 for the benefit of labor, materialmen, and others, executed by a surety company
5 authorized to transact business in this State. The surety bond shall be in ~~such~~
6 the sum as required by the Agency shall direct, conditioned for the payment,
7 settlement, liquidation, and discharge of the claims of all creditors for
8 material; merchandise; labor; rent; hire of vehicles, power shovels, rollers,
9 concrete mixers, tools, and other appliances; professional services;
10 premiums; and other services used or employed in carrying out the terms of
11 the contract between the contractor and the State ~~and~~. The surety bond shall be
12 further conditioned for the following accruing during the term of performance
13 of the contract: the payment of taxes, both State and municipal, and the
14 payment of unemployment insurance contributions to the Vermont
15 Commissioner of Labor; ~~provided, however, in~~.

16 (B) In order to obtain the benefit of the security, the claimant shall
17 file with the Secretary a sworn statement of the claimant's claim, within 90
18 days after the final acceptance of the project by the State or within 90 days
19 from the time the taxes or unemployment contributions ~~to the Vermont~~
20 ~~Commissioner of Labor~~ are due and payable, and, within one year after the
21 filing of the claim, shall bring a petition in the Superior Court in the name of

1 the Secretary, with notice and summons to the principal, surety, and the
2 Secretary, to enforce the claim or intervene in a petition already filed. The
3 Secretary may, if the Secretary determines that it is in the best interests of the
4 State, accept other good and sufficient surety in lieu of a bond and, in cases
5 involving contracts for ~~\$100,000.00~~ \$250,000.00 or less, may waive the
6 requirement of a surety bond.

7 (C) During an emergency event, the Secretary may, in the Secretary's
8 discretion, waive the requirements of this subdivision (9) for immediate
9 emergency stabilization work related to public safety or State infrastructure.
10 Permanent work shall be subject to the requirements of subdivision (A) of this
11 subdivision (9).

12 * * *

13 * * * Bridge Inspections; Posting; Closure * * *

14 Sec. 5. 19 V.S.A. § 1514 is added to read:

15 § 1514. BRIDGE INSPECTION; POSTING; CLOSURE

16 (a) Definition. As used in this section, "bridge" means a structure to which
17 the National Bridge Inspection Standards apply pursuant to 23 C.F.R.
18 § 650.303.

19 (b) Bridge inspections. The Agency shall inspect bridges on State
20 highways and town highways in accordance with the requirements of the
21 National Bridge Inspection Standards.

1 (c) Municipally maintained bridges.

2 (1) For a bridge for which a municipality has maintenance
3 responsibility, the Agency shall advise the municipality of its inspection
4 findings and any noted deficiencies.

5 (2) The Agency shall notify a municipality if a bridge for which the
6 municipality has maintenance responsibility requires posting or closure and,
7 upon receiving notification, the municipality shall post or close the bridge, as
8 appropriate.

9 (3) If necessary to protect the public from an imminent hazard, the
10 Agency may post or close a bridge for which a municipality has maintenance
11 responsibility.

12 (4) A municipality shall be responsible for all costs and expenses related
13 to the posting or closure of a bridge for which it has maintenance
14 responsibilities, including the costs of any required notifications, procedures,
15 signage or traffic control devices, and barricades.

16 (d) Agency-maintained bridges.

17 (1) For any bridge for which the Agency has maintenance responsibility,
18 the Agency shall have the sole responsibility and authority to determine
19 whether the bridge shall be posted or closed, except that a municipality may
20 close an Agency-maintained bridge during an emergency.

(e) Enforcement and penalties. In addition to any other penalties provided by law, a person that violates a bridge posting or closure by a municipality or the Agency shall be subject to a civil penalty of not more than \$1,000.00.

§ 2302. TRAFFIC VIOLATION DEFINED

* * *

(13) a violation of 19 V.S.A. § 1514, relating to use of a bridge in violation of a posting or closure.

* * *

* * * Public Transit Advisory Council * * *

Sec. 7. 24 V.S.A. § 5084 is amended to read:

§ 5084. PUBLIC TRANSIT ADVISORY COUNCIL

(a) The Public Transit Advisory Council shall be created by the Secretary of Transportation under 19 V.S.A. § 7(f)(5), ~~to~~ and shall consist of the following members:

* * *

(8) a representative of ~~the Community of Vermont Elders~~ AARP Vermont;

(9) ~~a representative of private bus operators and taxi services;~~
[Repealed.]

(10) a representative of Vermont ~~intercity~~ private bus operators;

* * *

* * * Public Private Partnership Sunset Extension * * *

Sec. 8. 2018 Acts and Resolves No. 158, Sec. 21 as amended by 2023 Acts and Resolves No. 62, Sec. 41 is further amended to read:

Sec. 21. REPEAL OF TRANSPORTATION P3 AUTHORITY

19 V.S.A. chapter 26, subchapter 2 shall be repealed on July 1, ~~2026~~ 2029.

* * * Transportation Board * * *

Sec. 9. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

* * *

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

* * *

(7) provide appellate review, when requested in writing by an applicant or permittee, of Agency decisions and rulings regarding private and commercial access to State highway rights-of-way pursuant to the permit process established in section 1111 of this title;

* * *

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2026.