

PUC Suggested Transportation Statute Revisions

Rationale: The Public Utility Commission, which used to be called the Public Service Board, has not regulated transportation in decades. 19 V.S.A. § 6(b), which was last amended in 1989, states, in relevant part: “The Transportation Board is successor to the Public Service Board . . . in the regulatory and quasi-judicial functions related to transportation.” Consistent with 19 V.S.A. § 6(b), the nine changes below replace the Public Utility Commission’s name with that of the Transportation Board.

20 V.S.A. § 3065 Penalties

- (a) A person who knowingly violates, or causes to be violated, a provision of sections 3062-3064 of this title, or a regulation made by the ~~Public Utility Commission~~Transportation Board in pursuance thereof, shall be imprisoned not more than 18 months or fined not more than \$2,000.00, or both.

24 V.S.A. § 5106 Exemption from regulation

The public transportation systems and facilities operating under this authority are exempt from any of the regulatory provisions of Title 30, except that the ~~Public Utility Commission~~Transportation Board may impose any regulatory provisions of Title 30 that it may determine from time to time to be necessary.

24 App. V.S.A ch. 801, § 5 Exemption from regulation

The public transportation systems and facilities operating under this Authority are generally exempt from any of the regulatory provisions of Title 30 of the Vermont Statutes Annotated. However, the ~~Public Utility Commission~~Transportation Board may impose those regulatory provisions of Title 30 of the Vermont Statutes Annotated that it may determine from time to time to be necessary.

25 V.S.A. § 241 Application of provisions

This subchapter shall apply to every person, partnership, unincorporated association, or corporation that shall drive or float lumber in any stream. The use of any such stream for such purpose shall constitute an election on the part of such person, partnership, unincorporated association, or corporation to be subject to the provisions of this subchapter and to be bound thereby. This subchapter shall apply to every owner of the land adjoining any stream so used for the purpose of driving or floating lumber, unless, within 60 days after an alleged injury, the owner notifies, in writing, the ~~Public Utility Commission~~Transportation Board that the provisions of this subchapter are not intended to apply.

25 V.S.A. § 242 Petition to Public Utility Commission

When damage is done to such owner by such lumber in the driving or floating of the same and such owner and the owner of the lumber do not agree upon the damages, either party may prefer a petition to the ~~Public Utility Commission~~Transportation Board setting forth the injury alleged to be sustained and praying for the redress provided for by this subchapter.

25 V.S.A. § 243 Notice and hearing; decision

Upon due notice to all parties in interest, the ~~Public Utility Commission~~ **Transportation Board** shall hear and determine the cause of such injury to the land or other property adjoining such stream. When the ~~Commission Board~~ determines that such injury was caused by the driving or floating of lumber, it shall fix the compensation to be paid therefor, including expense for witnesses and a reasonable attorney fee, and render decision accordingly, which decision shall be final and a bar to any other action brought for such damages.

25 V.S.A. § 244 Judgment on decision

A party in interest may file in the Superior Court for the county in which the inquiry was held a certified copy of the decision of the ~~Commission Board~~ awarding compensation, whereupon such court shall render judgment in accordance therewith and notify the parties thereof. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though such judgment had been rendered in an action duly heard and determined by such court, and there shall be no appeal therefrom.

25 V.S.A. § 245 Bond of foreign corporation

A foreign corporation, before driving or floating any logs, lumber, or other timber in any stream in this State, shall file in the Office of the Secretary of State for the benefit of the owners of land adjoining any stream used by such corporation, a good and sufficient bond to be approved by the Secretary and in such sum as he or she directs. Such bond shall be given to the Secretary as trustee of the corporation, for each and all of the riparian owners, and shall be conditioned for the payment of all damages and compensation awarded by the ~~Commission Board~~ and any judgment rendered by any court from which an appeal has not been taken. Upon breach of the condition of such bond, the Secretary, upon application by a riparian owner whose award by the ~~Commission Board~~ or judgment remains unpaid for more than 30 days, shall institute proceedings thereon in his or her name as trustee for the benefit of all landowners to whom such corporation may be indebted, as hereinbefore provided, at the time such proceedings shall be instituted.

32 V.S.A. § 8394 Petition and hearing for relief from taxes

Upon the written petition of any railroad corporation operating a railroad located in whole or in part within this State, setting forth that the financial condition of such corporation is such that the payment of any taxes assessed against it under the provisions of this chapter would imperil the continued operation of such railroad and would be detrimental to the general good of the State, the ~~Public Utility Commission~~ **Transportation Board** shall fix a time and place for hearing thereon and give due notice thereof, including notice to the Attorney General who shall attend such hearing and represent the interests of the State.