

1 **[AGENCY OF TRANSPORTATION PROPOSALS AS MODIFIED BY**
2 **LEG. COUNSEL AND LEG. COUNSEL TECHNICAL CORRECTIONS**
3 **APPROVED BY AGENCY OF TRANSPORTATION]**

4 Introduced by Committee on Transportation

5 Date:

6 Subject: Transportation; annual Transportation Program; electric vehicle
7 supply equipment (EVSE); EVSE Grant Program; vehicle incentives;
8 Vermont Association of Snow Travelers (VAST); 2021
9 Transportation Bill; electric bicycle incentives; bicyclists; pedestrians;
10 bicycle and pedestrian facilities; Transportation Board; judicial
11 review; on-premises signs; right-of-way permits; 1111 permits;
12 municipal site plan review; Smugglers' Notch; electric vehicle supply
13 equipment fees; technical corrections

14 Statement of purpose of bill as introduced: This bill proposes to adopt the
15 State's annual Transportation Program and make miscellaneous changes to
16 laws related to transportation.

17 An act relating to the Transportation Program and miscellaneous changes to
18 laws related to transportation

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

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

3 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

4 (a) The Agency of Transportation’s Proposed Fiscal Year 2023

5 Transportation Program appended to the Agency of Transportation’s proposed
6 fiscal year 2023 budget, as amended by this act, is adopted to the extent
7 federal, State, and local funds are available.

8 (b) As used in this act, unless otherwise indicated:

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

10 (2) “Direct-current fast charger (DCFC),” “level 3 charger,” or “level 3
11 EVSE” means electric vehicle supply equipment that uses dedicated direct
12 current (DC) to provide energy to a plug-in electric vehicle.

13 (3) “Electric vehicle supply equipment (EVSE)” has the same meaning
14 as in 30 V.S.A. § 201.

15 (4) “Level 1 charger” or “level 1 EVSE” means EVSE that plugs
16 directly into a standard 120-volt AC outlet and supplies an average output of
17 1.3 to 2.4 kilowatts.

18 (5) “Level 2 charger” or “level 2 EVSE” means a galvanically
19 connected electric vehicle supply equipment with a single-phase input voltage
20 range from 208 to 240 volts AC and a maximum output current less than or
21 equal to 80 amperes AC.

1 (6) “Secretary” means the Secretary of Transportation.

2 (7) “TIB funds” means monies deposited in the Transportation

3 Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

4 (8) The table heading “As Proposed” means the Proposed

5 Transportation Program referenced in subsection (a) of this section; the table

6 heading “As Amended” means the amendments as made by this act; the table

7 heading “Change” means the difference obtained by subtracting the “As

8 Proposed” figure from the “As Amended” figure; and the terms “change” or

9 “changes” in the text refer to the project- and program-specific amendments,

10 the aggregate sum of which equals the net “Change” in the applicable table

11 heading.

12 * * * Electric Vehicle Supply Equipment Infrastructure * * *

13 Sec. 2. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT

14 INFRASTRUCTURE

15 (a) State highway network. The Agency of Transportation is authorized to

16 spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to

17 install direct-current fast chargers (DCFC) along the State highway network

18 consistent with the goals established in 2021 Acts and Resolves No. 55, Sec.

19 30. This authorization shall be used by the Agency to purchase and install

20 DCFC or to provide grants for persons to purchase and install DCFC, or both.

1 (b) Housing, employers, and community attractions. The Agency of
2 Commerce and Community Development is authorized to spend up to
3 \$10,000,000.00 in total and as appropriated in the fiscal year 2023 budget to
4 establish and administer one or more grant programs, which may build upon
5 the existing EVSE Grant Program, to support the continued buildout of level 1
6 and 2 EVSE at multi-unit dwellings, including multi-unit affordable housing as
7 defined in 2021 Acts and Resolves No. 55, Sec. 29(a)(2) and workplaces and
8 level 1, 2, and DCFC EVSE at community attractions.

9 (c) State parks and fishing access areas. The Agency of Natural Resources
10 is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year
11 2023 budget to install level 1 and 2 EVSE at State parks and fishing access
12 areas managed by the State. This authorization shall be used by the Agency of
13 Natural Resources to purchase and install level 1 and 2 EVSE or to provide
14 grants for persons to purchase and install level 1 and 2 EVSE, or both.

15 (d) Purpose. The purpose of the expenditures authorized in subsections
16 (a)–(c) of this section is to respond to negative economic impacts to the
17 tourism, travel, and hospitality industries caused by the COVID-19 public
18 health emergency and to provide assistance to low- and moderate-income
19 households that were impacted by the COVID-19 public health emergency.

20 (e) Eligibility criteria. Notwithstanding 2020 Acts and Resolves No. 139,
21 Sec. 25, 2021 Acts and Resolves No. 55, Sec. 29, and any prior iterations of

1 funding criteria used to distribute State EVSE grant awards through programs
2 involving the EVSE Interagency Workgroup, the Agencies of Transportation,
3 of Commerce and Community Development, and of Natural Resources may
4 modify eligibility criteria for and programmatic implementation of any existing
5 State EVSE grant programs to ensure that available federal monies are best
6 utilized to build a network of EVSE throughout Vermont so as to support the
7 widespread adoption of plug-in electric vehicles, as defined in 23 V.S.A.
8 § 4(85), amongst Vermonters, including those of low and moderate income,
9 and provide increased access to a reliable network of EVSE to better serve and
10 support the travel, tourism, and hospitality industries.

11 * * * Vehicle Incentive Programs * * *

12 Sec. 3. VEHICLE INCENTIVE PROGRAMS

13 (a) Incentive Program for New PEVs. The Agency is authorized to spend
14 up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the
15 Incentive Program for New PEVs established in 2019 Acts and Resolves No.
16 59, Sec. 34, as amended.

17 (b) Partnership with Drive Electric Vermont. The Agency is authorized to
18 spend up to \$2,000,000.00 as appropriated in the fiscal year 2023 budget on
19 the Agency’s existing partnership with Drive Electric Vermont.

1 (c) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00
2 as appropriated in the fiscal year 2023 budget on MileageSmart as established
3 in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

4 (d) Replace Your Ride Program. The Agency is authorized to spend up to
5 \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace
6 Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as
7 amended.

8 (e) eRecreation Incentive Program. The Agency is authorized to spend up
9 to \$2,000,000.00 as appropriated in the fiscal year 2023 budget on an
10 eRecreation Incentive Program with up to \$1,000,000.00 of that \$2,000,000.00
11 available for incentives for the purchase of electric bicycles, as defined in 23
12 V.S.A. § 4(46), and with up to \$1,000,000.00 of that \$2,000,000.00 available
13 for incentives for the purchase of all-terrain vehicles, as defined in 23 V.S.A.
14 § 3501, and snowmobiles, as defined in 23 V.S.A. § 3201, that do not contain
15 an internal combustion engine as manufactured and sold. Incentives shall be
16 available to all Vermonters who self-certify as to having an income at 80
17 percent of the State median income.

18 (f) Purpose. The purpose of the expenditures authorized in subsections (a)
19 and (c)–(e) of this section is to provide assistance to low- and moderate-
20 income households that were impacted by the COVID-19 public health
21 emergency.

1 (g) Eligibility criteria. Notwithstanding this section; 2019 Acts and
2 Resolves No. 59, Sec. 34, as amended by 2020 Acts and Resolves No. 121,
3 Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves
4 No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Secs. 18, 19, and 21; and
5 2021 Acts and Resolves No. 55, Sec. 27, as amended by Sec. 5 of this act, the
6 Agency may modify the eligibility criteria for and programmatic
7 implementation of the Incentive Program for New PEVs, MileageSmart, the
8 Replace Your Ride Program, and the eRecreation Incentive Program to ensure
9 that available federal monies are best utilized to encourage Vermonters with
10 low and moderate income to adopt more efficient modes of personal
11 transportation.

12 (h) Administration expenses. Unless prohibited by federal or State law, the
13 Agency may use up to 15 percent of any single authorization in subsections (a)
14 and (c)–(e) for costs associated with administering and promoting the vehicle
15 incentive programs.

16 * * * Vermont Association of Snow Travelers Authorizations * * *
17 Sec. 4. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)

18 AUTHORIZATIONS

19 The Agency of Transportation, through the Department of Motor Vehicles,
20 is authorized to spend:

1 (1) \$50,000.00 in one-time General Fund monies, as appropriated in
2 Sec. B.1100(12)(A) of the fiscal year 2023 budget, in grants to the Vermont
3 Association of Snow Travelers (VAST) to support the Law Enforcement and
4 Safety Program; and

5 (2) \$1,000,000.00 in one-time General Fund monies, as appropriated in
6 Sec. B.1100(12)(B) of the fiscal year 2023 budget, in grants to VAST to
7 support the Equipment Grant-in-Aid Program.

8 * * * Amendments to the 2021 Transportation Bill * * *

9 * * * Electric Bicycle Incentives Administrative Costs * * *

10 Sec. 5. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to
11 read:

12 (D) Replace Your Ride Program. Sec. 27 of this act creates a new
13 program to be known as the Replace Your Ride Program, which will be the
14 State’s program to incentivize Vermonters to remove older low-efficiency
15 vehicles from operation and switch to modes of transportation that produce
16 fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~
17 \$1,495,000.00 for incentives under the Program and capped startup and
18 administrative costs.

19 (E) Electric bicycle incentives. Sec. 28 of this act authorizes up to
20 ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric
21 bicycle and capped administrative costs.

1 Sec. 6. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

2 (d) Authorization. In fiscal year 2022, the Agency is authorized to spend
3 up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on
4 the Replace Your Ride Program established under this section, with up to
5 ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for
6 startup costs, outreach education, and costs associated with developing and
7 administering the Replace Your Ride Program.

8 Sec. 7. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

9 (b) Authorization.

10 (1) In fiscal year 2022, the Agency is authorized to spend up to
11 \$50,000.00 in one-time Transportation Fund monies on the electric bicycle
12 incentives and up to \$5,000.00 on the costs associated with developing and
13 administering the electric bicycle incentives.

14 (2) If less than \$5,000.00 is expended on administrative costs associated
15 with developing and administering the electric bicycle incentives under
16 subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only
17 be authorized for startup costs, outreach education, and costs associated with
18 developing and administering the Replace Your Ride Program in addition to
19 the authorization in Sec. 27(d) of this act.

1 (d) Pilot program funding shall be awarded with consideration of broad
2 geographic distribution as well as service models ranging from restricted
3 private parking to publicly accessible parking so as to examine multiple
4 strategies to increase access to EVSE.

5 * * *

6 * * * Bicycle and Pedestrian Planning Integration Pilot Program * * *

7 Sec. 9. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION
8 PILOT PROGRAM

9 (a) Establishment. The Agency of Transportation shall establish a pilot
10 program to support the continued development and buildout of bicycle and
11 pedestrian infrastructure. The purpose of the pilot program is to do at least one
12 of the following:

13 (1) ensure alignment and integration of municipal and State bicycle and
14 pedestrian infrastructure deployment and to provide a framework for municipal
15 prioritization of bicycle and pedestrian projects that can integrated into the
16 VTrans Project Selection and Project Prioritization (VPSP2) process as
17 projects are evaluated for funding through State-sponsored programs, including
18 the Bike and Pedestrian Program, the Transportation Alternatives Program, and
19 the Downtown Transportation Fund; or

20 (2) integrate bicycle and pedestrian elements into Agency-developed
21 projects.

1 (b) The Board shall hear all matters within its jurisdiction and make
2 findings of fact. It shall state its rulings of law when required. Upon ~~appeal to~~
3 ~~a Superior Court~~ judicial review, the Board’s findings of fact shall be accepted
4 unless clearly erroneous.

5 Sec. 13. 5 V.S.A. §§ 43 and 44 are amended to read:

6 § 43. ~~REVIEW BY SUPERIOR COURT~~ JUDICIAL REVIEW

7 A party to a cause who feels aggrieved by the final order, judgment, or
8 decree of the Board may ~~appeal to a Superior Court under Rule 74 of the~~
9 ~~Vermont Rules of Civil Procedure~~ seek judicial review in accordance with 19
10 V.S.A. § 5(c). However, the Board, before final judgment, may permit an
11 interlocutory appeal to be taken by any party to ~~a Superior~~ the Supreme Court
12 for determination of questions of law in the same manner as the Supreme Court
13 may by rule provide for appeals before final judgment from a Superior Court.
14 Notwithstanding the provisions of the Vermont Rules of Civil Procedure or the
15 Vermont Rules of Appellate Procedure, neither the time for filing a notice of
16 appeal nor the filing of a notice of appeal, as provided in this section, shall
17 operate as a stay of enforcement of an order of the Board unless the Board or a
18 ~~Superior~~ the Supreme Court grants a stay under the provisions of section 44 of
19 this ~~title~~ chapter.

1 § 44. POWERS OF ~~SUPERIOR~~ THE SUPREME COURT

2 ~~A Superior~~ The Supreme Court may reverse or affirm the judgments,
3 orders, or decrees of the Transportation Board and may remand a cause to it
4 with mandates, as law or equity shall require; and the Board shall enter its
5 judgment, order, or decree in accordance with these mandates. Appeals to the
6 ~~Superior~~ Supreme Court shall not have the effect of vacating any judgment,
7 order, or decree of the Board, but the ~~Superior~~ Supreme Court, upon notice to
8 interested parties, may suspend execution of a Board judgment under a decree
9 as justice and equity require unless otherwise specifically provided by law.

10 Sec. 14. 5 V.S.A. § 207(d) is amended to read:

11 (d) The application for a certificate of approval of the site selected shall be
12 in writing and substantially describe the property involved and the general
13 purposes for which it is to be acquired and the manner in which the acquisition
14 is asserted to serve the public interest. The application shall designate the
15 names of all owners or persons known to be interested in lands adjoining the
16 property and their residences, if known, and shall contain such further matter
17 as the Board by rule shall determine. The application shall be supported by
18 documentation showing that the proposed facility has received municipal
19 approval. After evaluating the application, the Board shall issue its order
20 giving notice of the time and place of hearing on the application. The
21 applicant shall give notice of the proceedings to all persons owning or

1 interested in adjoining lands by delivery of a true copy of the application and
2 order for hearing by registered or certified mail to the last known address of
3 each of the persons; the notice to be mailed at least 12 days prior to the date of
4 the hearing. Notice of the hearing and a general statement of the purpose shall
5 be published at least once in a newspaper of common circulation in the town
6 where the property described in the application is situated at least two days
7 before the date of the hearing, and a similar notice shall be posted in a public
8 place at least 12 days before the hearing. Upon compliance by the applicant
9 with the foregoing provisions for notice, the Board shall hear the applicant and
10 all parties interested on the question of approval of the site or sites and shall
11 consider and determine whether in the public interest the application ought to
12 be granted. Whenever the Board makes an order granting or denying a
13 certificate of approval of an airport, or a restricted landing area, approval to use
14 or operate an airport or a restricted landing area or other air navigation facility,
15 an aggrieved person may ~~have the decision reviewed on the record by the~~
16 ~~Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~
17 seek judicial review in accordance with 19 V.S.A. § 5(c).

18 Sec. 15. 5 V.S.A. § 3788 is amended to read:

19 § 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

20 The order of the Board relating to any matter upon which it may act under
21 the authority of this chapter shall be communicated in writing to the petitioners

1 and to all persons to whom notice of the hearing on such petition was given.
2 Any person aggrieved by such order, who was a party to such proceedings,
3 may ~~appeal from such order to the Superior Court in accordance with Rule 74~~
4 ~~of the Vermont Rules of Civil Procedure~~ seek judicial review in accordance
5 with 19 V.S.A. § 5(c).

6 Sec. 16. 9 V.S.A. § 4100b is amended to read:

7 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

8 (a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the
9 provisions of this chapter.

10 * * *

11 (h) Within 20 days after any order or decision of the Board, any party to the
12 proceeding may apply for a rehearing with respect to any matter determined in
13 the proceeding or covered or included in the order or decision. The application
14 for rehearing shall set forth fully every ground upon which it is claimed that
15 the decision or order complained of is unlawful or unreasonable. No appeal
16 from any order or decision of the Board shall be taken unless the appellant
17 makes an application for rehearing as provided in this subsection, and when the
18 application for rehearing has been made, no ground not set forth in the
19 application shall be urged, relied on, or given any consideration by the Board
20 unless the Board for good cause shown allows the appellant to specify
21 additional grounds. Any party to the proceeding may appeal the final order,

1 including all interlocutory orders or decisions, to the ~~Superior~~ Supreme Court
2 within 30 days after the date the Board rules on the application for
3 reconsideration of the final order or decision. All findings of the Board upon
4 all questions of fact properly before the court shall be prima facie lawful and
5 reasonable. The order or decision appealed from shall not be set aside or
6 vacated except for errors of law. No additional evidence shall be heard or
7 taken by the ~~Superior~~ Supreme Court on appeals from the Board.

8 (i) In cases where the Board finds that a violation of this chapter has
9 occurred or there has been a failure to show good cause under section 4089 or
10 4098 of this title, the ~~Superior Court~~ the Board, upon petition, shall determine
11 reasonable attorney’s fees and costs and award them to the prevailing party.

12 Sec. 17. 19 V.S.A. § 5 is amended to read:

13 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

14 (a) General duties and responsibilities; exceptions. The regulatory and
15 quasi-judicial functions relating to transportation shall be vested in the Board,
16 except that the duties and responsibilities of the Commissioner of Motor
17 Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue
18 to be vested in the Commissioner.

19 (b) Naming transportation facilities.

20 (1) Except as otherwise authorized by law, the Board is the sole
21 authority responsible for naming transportation facilities owned, controlled, or

1 maintained by the State, including highways and the bridges thereon, airports,
2 rail facilities, rest areas, and welcome centers. The Board shall exercise its
3 naming authority only upon petition of the legislative body of a municipality of
4 the State, of the head of an Executive Branch agency or department of the
5 State, or of 50 Vermont residents.

6 (2) The Board shall hold a public hearing for each facility requested to
7 be named. The Board shall adopt rules governing notice and conduct of
8 hearings, the standards to be applied in rendering decisions under this
9 subsection, and any other matter necessary for the just disposition of naming
10 requests. The Board shall issue a decision, which shall be subject to review on
11 the record by ~~a Superior~~ the Supreme Court pursuant to ~~Rule 74 of the~~
12 ~~Vermont Rules of Civil Procedure~~ subsection (c) of this section. The Board
13 may delegate the responsibility to hold a hearing to a hearing officer or a single
14 Board member, subject to the procedure of subsection (c) of this section, but
15 shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this
16 subsection.

17 (c) Hearing examiners; report of findings; final orders; judicial review.
18 The Board may delegate the responsibility to hear quasi-judicial matters, and
19 other matters as it may deem appropriate, to a hearing examiner or a single
20 Board member, to hear a case and make findings in accordance with 3 V.S.A.
21 chapter 25, except that highway condemnation proceedings shall be conducted

1 pursuant to the provisions of chapter 5 of this title. A hearing examiner or
2 single Board member so appointed shall report the findings of fact in writing to
3 the Board. Any order resulting from those findings shall be rendered only by a
4 majority of the Board. Final orders of the Board issued pursuant to section 20
5 of this title (small claims against the Agency) may be reviewed on the record
6 by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
7 Procedure. All other final orders of the Board may be reviewed on the record
8 by the Supreme Court.

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

10 * * *

11 (e) Offices and assistance. Suitable offices and office equipment shall be
12 provided by the State for the Board at Montpelier. The Board may employ
13 clerical or other employees and assistants whom it deems necessary in the
14 performance of its duties and in the investigation of matters within its
15 jurisdiction.

16 (f) Jurisdiction; subpoenas; witness fees. The Board shall have the power
17 to determine and adjudicate all matters over which it is given jurisdiction. It
18 may render judgments and make orders and decrees. Whenever the Board is
19 sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of
20 witnesses or the production of evidence. The fees for travel and attendance of

1 witnesses shall be the same as for witnesses and officers appearing before a
2 Civil Division of the Superior Court.

3 (g) Reports to the General Assembly. From time to time, the Board may
4 report to the General Assembly with suggestions of amendment to existing law
5 or of new legislation as it deems necessary and any information concerning the
6 companies, matters, and things under the jurisdiction of the Board and Agency
7 that, in its opinion, will be of interest to the General Assembly.

8 (h) Appeals from the Agency to the Board. Unless otherwise provided by
9 law, when an appeal is allowed from the Agency to the Board, the appeal shall
10 be taken by filing a notice of appeal with the Secretary within 30 days of the
11 date of the Agency decision from which the appeal is taken. The Secretary
12 shall promptly forward the notice of appeal to the Board, together with the
13 Agency’s record of decision.

14 * * * On-Premises Signs * * *

15 Sec. 18. 10 V.S.A. § 493 is amended to read:

16 § 493. ON-PREMISES SIGNS

17 Owners or occupants of real property may erect and maintain on the
18 property; on-premises signs advertising the sale or lease of the property or
19 activities being conducted on the property. Those signs shall be subject to the
20 regulations set forth below.

1 (b)(1) ~~As used in this subsection, “commercial vehicle” means truck-~~
2 ~~tractor-semitrailer combinations and truck tractor trailer combinations.~~

3 ~~(2) Commercial Single-unit motor vehicles over 40 feet in length and~~
4 ~~combination vehicles over 45 feet in total length are prohibited from operating~~
5 ~~on the Smugglers’ Notch segment of Vermont Route 108.~~

6 ~~(2)(3) Either~~ Both the operator of a commercial vehicle who violates
7 this subsection, ~~or~~ and the operator’s employer, unless they are the same
8 person, shall be subject to a civil penalty of ~~\$1,000.00~~ \$1,500.00. If the
9 violation results in substantially impeding the flow of traffic on Vermont Route
10 108, the penalty shall be ~~\$2,000.00~~ \$3,000.00. For a second or subsequent
11 conviction within a three-year period, the penalty shall be doubled.

12 (3) This prohibition in subdivision (1) of this subsection (b) shall not
13 apply to law enforcement, fire, emergency medical services, and search and
14 rescue vehicles involved in training or responding to real world incidents.

15 (c) The Agency shall erect signs conforming to the standards established by
16 section 1025 of this title to indicate the closures and restrictions authorized
17 under this section.

18 * * * Repeal of EVSE Fees Sunset * * *

19 Sec. 22. SUNSET REPEAL

20 2019 Acts and Resolves No. 59, Sec. 38 (repeal of 32 V.S.A. § 604 (electric
21 vehicle supply equipment fees) on July 1, 2022) is repealed.

1 ~~stormwater and highways, including eligible salt and sand shed projects.~~

2 [Repealed.]

3 (2) ~~In fiscal years 2020 and 2021, Grant Program funds shall be awarded~~
4 ~~for any eligible activity and in accordance with the priorities established in~~
5 ~~subdivision (4) of this subsection.~~ [Repealed.]

6 (3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program
7 funds, or such lesser sum if all eligible applications amount to less than
8 \$1,100,000.00, shall be reserved for municipalities for environmental
9 mitigation projects relating to stormwater and highways, including eligible salt
10 and sand shed projects.

11 (4) Regarding ~~Grant Program funds awarded in fiscal years 2020 and~~
12 ~~2021, and~~ the balance of Grant Program funds not reserved for environmental
13 mitigation projects in fiscal year 2022 and thereafter, in evaluating applications
14 for Transportation Alternatives grants, the Agency shall give preferential
15 weighting to projects involving as a primary feature a bicycle or pedestrian
16 facility. The degree of preferential weighting and the circumstantial factors
17 sufficient to overcome the weighting shall be in the complete discretion of the
18 Agency.

19 Sec. 26. 19 V.S.A. § 996(a) is amended to read:

20 (a) The Agency of Transportation shall work with municipal
21 representatives to revise the Agency of Transportation’s town road and bridge

1 standards in order to incorporate a suite of practical and cost-effective best
2 management practices, as approved by the Agency of Natural Resources, for
3 the construction, maintenance, and repair of all existing and future State and
4 town highways. These best management practices shall address activities that
5 have a potential for causing pollutants to enter the groundwater and waters of
6 the State, including stormwater runoff and direct discharges to State waters.
7 The best management practices shall not supersede any requirements for
8 stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that
9 apply to State and town highways. ~~The Agency of Transportation shall report
10 to the House and Senate committees on Transportation, the house committee
11 on fish, wildlife and water resources, and the Senate Committee on Natural
12 Resources and Energy by January 15, 2011, on the best management practices
13 to be incorporated into the Agency of Transportation’s Town Road and Bridge
14 Standards.~~

15 * * * Effective Dates * * *

16 Sec. 27. EFFECTIVE DATES

17 (a) This section and Sec. 20 (repeal of 32 V.S.A. § 604 sunset) shall take
18 effect on passage.

19 (b) Notwithstanding 1 V.S.A. § 214, Secs. 5–8 (amendments to the 2021
20 Transportation Bill) shall take effect retroactively on July 1, 2021.

21 (c) All other sections shall take effect on July 1, 2022.