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**[EXCERPTS FROM H.969 AS INTRODUCED
PERTAINING TO TRANSPORTATION]**

[Leg. Counsel/JFO modifications (for brevity) and notes highlighted in yellow]

Sec. A.102.1 RELATIONSHIP WITH 2020 ACTS AND RESOLVES

NO. 120; REPEALS

(a) In order to respond promptly to the impact of the COVID-19 pandemic on the State of Vermont and its economy, the General Assembly enacted 2020 Acts and Resolves No. 120 in July 2020 to support the operations of State government during the first quarter of fiscal year 2021. Since that time, it has become apparent that it is preferable to enact appropriations to support the operations of State government for the entirety of fiscal year 2021, and certain appropriations from 2020 Acts and Resolves No. 120 must be repealed as set forth in subsection (b) of this section in order to provide for the full-year appropriations.

(b) The following are repealed on October 1, 2020:

* * *

(2) 2020 Acts and Resolves No. 120, Sec. A.4 (Phase I prorated appropriations fiscal year 2021 first quarter);

* * *

1 Sec. A.108 LEGEND

2 (a) The bill is organized by functions of government. The sections between
3 B.100 and B.9999 contain appropriations of funds for the upcoming budget
4 year. The sections between E.100 and E.9999 contain language that relates to
5 specific appropriations or government functions, or both. The function areas
6 by section numbers are as follows:

7 * * *

| | |
|--------------------------------------|-----------------------|
| 8 <u>B.900–B.999 and E.900–E.999</u> | <u>Transportation</u> |
|--------------------------------------|-----------------------|

9 * * *

10 (b) The D sections contain fund transfers and reserve allocations for the
11 upcoming budget year, the F section contains legislative intent for Pay Act,
12 and the G section amends the Transportation Bill.

13 [B.900–B.999 Omitted]

1 Sec. B.1100.1 FISCAL YEAR 2021 ONE-TIME TRANSPORTATION

2 FUND APPROPRIATIONS AND TRANSFERS

3 (a) In fiscal year 2021, funds are appropriated from the transportation fund
4 as follows:

5 (1) To the Agency of Digital Services: \$900,000 for the Department of
6 Motor Vehicles information technology system modernization.

7 (2) To the Agency of Transportation: \$11,400,000 allocated for the
8 following uses:

9 (A) \$7,000,000 to be distributed to municipalities not later than
10 October 31, 2020 in the same apportionments and for the same purposes
11 prescribed under 19 V.S.A. § 306(a)(3), which shall not be included in any
12 subsequent calculations for the annual appropriation for aid to town highways
13 pursuant to 19 V.S.A. § 306(a);

14 (B) \$500,000 for maintenance and roadside mowing;

15 (C) \$1,000,000 for the New PEV Incentive Program established in
16 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to \$100,000 of
17 that \$1,000,000 available to continue and expand the Agency of
18 Transportation's public-private partnership with Drive Electric Vermont to
19 support the expansion of the plug-in electric vehicle market in the State;

- 1 (D) \$500,000.00 to fund initiatives to increase public transit
2 ridership in fiscal year 2021 as authorized under 2020 Acts and Resolves
3 No. 121, Sec. 9; and
- 4 (E) \$2,400,000 for leveling and paving projects.
- 5 (b) In fiscal year 2021, \$600,000.00 is transferred from the Transportation
6 Fund to the Central Garage Fund to increase the appropriation of internal
7 service funds for the purchase of new equipment consistent with 2020 Acts and
8 Resolves No. 121, Secs. 11, 12, and 12a.

1 Sec. E.911 Transportation – town highway structures

2 (a) This appropriation is authorized notwithstanding the provisions of

3 19 V.S.A. § 306(e).

4 *[Tenth instance of amendment in Rep. Toll's amendment to H.969 proposes*

5 *to add the following, which was inadvertently excluded from H.969 as*

6 *introduced:*

7 *Sec. E.913 Transportation – town highway class 2 roadway*

8 *(a) This appropriation is authorized notwithstanding the provisions of*

9 *19 V.S.A. § 306(h).]*

1 design and right-of way projects for construction in fiscal year 2021. The
2 construction projects include the creation, improvement, or rehabilitation of
3 walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects
4 are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex,
5 Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford,
6 Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton,
7 Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford,
8 Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans
9 City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury,
10 West Rutland, Williston, and Wilmington.

11 * * *

12 (4) Public Transit Program. This act authorizes ~~\$37,852,845.00~~
13 \$38,734,820.00 in funding for public transit uses throughout the State, which is
14 a ~~30.4~~ 33.5 percent increase over fiscal year 2019 levels. An additional
15 \$3,000,000.00 flows through the State directly to the Green Mountain
16 Transportation Authority. Included in the authorization are:

17 * * *

18 (5) Rail Program. This act authorizes ~~\$30,815,640.00~~ \$31,494,448.00
19 for intercity passenger rail service and rail infrastructure throughout the State,
20 including modifications to the Burlington Vermont Rail Systems railyard to

1 accommodate overnight servicing to facilitate New York City-Burlington rail
2 service.

3 * * *

4 (8) Vehicle incentive programs. Sec. 14 of this act authorizes an
5 additional \$50,000.00 to support administrative costs associated with
6 MileageSmart, which is the State's used high fuel efficiency vehicle incentive
7 program, and to ensure that the State's emissions repair program is operational
8 not later than July 1, 2021 and the fiscal year 2021 budget appropriates and
9 authorizes the expenditure of \$1,000,000.00 in one-time Transportation Fund
10 monies for additional new plug-in electric vehicle incentives and program
11 development costs under the New PEV Incentive Program. Secs. 3 and 5 Sec.
12 3 of this act also ~~authorize~~ authorizes the Secretary of Transportation to expend
13 additional monies on the New PEV Incentive Program and MileageSmart if
14 such funding becomes available.

15 Sec. G.102 2020 Acts and Resolves No. 121, Sec. 3 is amended to read:

16 Sec. 3 AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

17 * * *

18 (e) ~~The Secretary of Administration shall, on or before July 31, 2020, file a~~
19 ~~written report listing all expenditures made during fiscal year 2020 under the~~
20 ~~authority of subsections (a) and (b) of this section to the House and Senate~~
21 ~~Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee,~~

1 ~~and Joint Transportation Oversight Committee~~ If additional funding becomes
2 available pursuant to this section, an additional \$1,600,000.00 for leveling and
3 paving projects shall be the top priority. The Agency shall have discretion,
4 within the guidelines established pursuant to subsections (a) and (b) of this
5 section, if there is more than \$1,600,000.00 available for reallocation.

6 * * *

7 (g) The ~~reports report~~ report required pursuant to ~~subsections (e) and~~
8 subsection (f) of this section shall be in addition to the report required pursuant
9 to 19 V.S.A. § 10g(e).

10 Sec. G.103. 2020 Acts and Resolves No. 121, Sec. 4 is amended to read:

11 Sec. 4 ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
12 FOR AMTRAK PROJECT; RAIL PROGRAM

13 (a) The following project is added to the development and evaluation list of
14 Rail within the Agency's Fiscal Year 2020 Transportation Program, as adopted
15 pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the ~~development and~~
16 ~~evaluation~~ construction list of Rail within the Agency's Proposed Fiscal Year
17 2021 Transportation Program, with a spending authorization of \$1,450,000.00
18 in Transportation Fund monies for construction: Burlington – Railyard
19 Realignment for Amtrak.

1 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021
2 Transportation Program for Rail, authorized spending for Statewide – Amtrak
3 Contract is reduced by \$750,000.00 in Transportation Fund monies.

4 (c) Within the Agency of Transportation’s Proposed Fiscal Year 2021
5 Transportation Program for Rail, authorized spending for Statewide – Rail
6 Section Administration is reduced by \$21,192.00 in Transportation Fund
7 monies.

8 Sec. G.104 2020 Acts and Resolves No. 121, Sec. 5(a) is amended to read:

9 (a)(1) Within the Agency of Transportation’s Proposed Fiscal Year 2021
10 Transportation Program for Maintenance, authorized spending is amended as
11 follows:

| <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|-------------------------|--------------------|-------------------|------------------|
| Personal | 45,757,089 | <u>45,757,089</u> | 0 |
| Services | | <u>45,305,185</u> | <u>-451,904</u> |
| Operating | 52,896,134 | <u>52,296,134</u> | <u>-600,000</u> |
| Expenses | | <u>54,291,051</u> | <u>1,394,917</u> |
| Grants | 240,200 | 240,200 | 0 |
| Total | 98,893,423 | <u>98,293,423</u> | <u>-600,000</u> |
| | | <u>99,836,436</u> | <u>943,013</u> |
| <u>Sources of funds</u> | | | |
| State | 96,415,636 | <u>95,815,636</u> | <u>600,000</u> |

1 spending for Morristown AV-FY21-015 is amended by increasing spending
2 authority for construction by \$230,000.00 in Transportation Fund monies.

3 (c) Coventry runway 5/23. Within the Agency of Transportation's
4 Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources
5 of funds for Coventry AV-FY20-002 is amended by reducing Transportation
6 Fund monies by \$8,000.00 and increasing federal fund monies by \$8,000.00.

7 (d) Paving. Within the Agency of Transportation's Proposed Fiscal Year
8 2021 Transportation Program for Aviation, the sources of funds for Statewide
9 AV-FY19-013 is amended by reducing Transportation Fund monies by
10 \$14,420.00 and increasing federal fund monies by \$14,420.00; and the sources
11 of funds for Statewide AV-FY21-003 is amended by reducing Transportation
12 Fund monies by \$4,000.00 and increasing federal fund monies by \$4,000.00.

13 (e) Administrative support. Within the Agency of Transportation's
14 Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized
15 spending for Statewide – Aviation Admin. Support is reduced by \$17,846.00 in
16 Transportation Fund monies.

17 Sec. G.106 2020 Acts and Resolves No. 121, Sec. 6 is amended to read:

18 Sec. 6 PROGRAM DEVELOPMENT; ROADWAY

19 (a) Within the Agency of Transportation's Proposed Fiscal Year 2021
20 Transportation Program for Program Development—Roadway, authorized
21 spending for Burlington MEGC M 5000(1) is amended as follows:

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(b) Within the Agency of Transportation’s Proposed Fiscal Year 2021
Transportation Program for Program Development—Roadway, the sources of
funds for Pittsford NH 019-3(491) is amended by reducing TIB funds by
\$946,000.00 and increasing federal fund monies by \$946,000.00.

Sec. G.107 2020 Acts and Resolves No. 121, Secs. 7b and 7c and their
corresponding reader assistance headings are added to read:

* * * Paving * * *

Sec. 7b. PROGRAM DEVELOPMENT; PAVING

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2021
Transportation Program for Program Development—Paving, authorized
spending for construction in Statewide Federal Paving is increased by
\$1,150,000.00 in Transportation Fund monies and \$4,600,000.00 in federal
fund monies.

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2021
Transportation Program for Program Development—Paving, the sources of
funds for Sharon–Bethel IM 089-1(66) is amended by increasing
Transportation Fund monies by \$124,947.00 and federal fund monies by
167,500.00 and reducing TIB funds by \$292,447.00.

* * * State Highway Bridges * * *

Sec. 7c. PROGRAM DEVELOPMENT; STATE HIGHWAY BRIDGES

1 (a) Within the Agency of Transportation’s Proposed Fiscal Year 2021
2 Transportation Program for Program Development—State Highway Bridges,
3 the sources of funds for North Hero–Grand Isle BHF 028-1(26) is amended by
4 reducing TIB funds by \$2,910,000.00 and increasing federal fund monies by
5 \$2,910,000.00.

6 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021
7 Transportation Program for Program Development—State Highway Bridges,
8 the sources of funds for Middlebury WCRS(23) is amended by reducing
9 Transportation Fund monies by \$850,000.00 and increasing federal fund
10 monies by \$850,000.00.

11 Sec. G.108 2020 Acts and Resolves No. 121, Sec. 9a is added to read:

12 Sec. 9a. PUBLIC TRANSIT; ADMINISTRATIVE SUPPORT

13 (a)(1) Within the Agency of Transportation’s Proposed Fiscal Year 2021
14 Transportation Program for Public Transit, authorized spending for State
15 Public Transportation is amended as follows:

| <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|-------------------------|--------------------|-------------------|---------------|
| Other | 6,241,403 | 7,128,955 | 887,552 |
| Total | 6,241,403 | 7,128,955 | 887,552 |
| <u>Sources of funds</u> | | | |
| State | 6,241,403 | 3,190,600 | -3,050,803 |
| Federal | 0 | 3,938,355 | 3,938,355 |

1 Total 6,241,403 7,128,955 887,552

2 (2) These amendments reflect a swap of federal fund monies for
3 Transportation Fund monies in the amount of \$3,100,000.00, which is possible
4 because of monies that are available for public transit under the Coronavirus
5 Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act),
6 an increase in federal funds in the amount of \$838,355.00, which is the result
7 of a Federal Transit Administration grant award for the replacement of buses,
8 and an increase in Transportation Fund monies in an amount of \$49,197.00,
9 which is the required match for the federal grant award for the replacement of
10 buses.

11 (b) Within the Agency of Transportation’s Proposed Fiscal Year 2021
12 Transportation Program for Public Transit, authorized spending authority for
13 Administrative Support – Public Transit Admin Support is reduced by
14 \$5,577.00 in Transportation Fund monies.

15 Sec. G.109. 2020 Acts and Resolves No. 121, Secs. 11 and 12 are amended to
16 read:

17 Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

18 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of
19 ~~\$1,605,358.00~~ \$1,005,358.00 is transferred from the Transportation Fund to
20 the Central Garage Fund created in 19 V.S.A. § 13, and \$600,000.00 of this

1 transfer shall be from one-time Transportation Fund monies appropriated and
2 authorized for expenditure pursuant to the fiscal year 2021 budget.

3 Sec. 12. CENTRAL GARAGE EQUIPMENT

4 In fiscal year 2021, the amount of ~~\$8,668,094.00~~ \$8,068,094.00 is
5 authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of
6 this amount, a minimum of \$250,000.00 shall be dedicated for the replacement
7 of Department of Motor Vehicles enforcement fleet vehicles.

8 Sec. G.110 2020 Acts and Resolves No. 121, Sec. 12a–12e and their
9 corresponding reader assistance headings are added to read:

10 Sec. 12a. CENTRAL GARAGE FUNDING

11 Within the Agency of Transportation’s Proposed Fiscal Year 2021
12 Transportation Program for Central Garage, authorized spending is amended as
13 follows:

| 14 | <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|----|-------------------------|--------------------|-------------------|---------------|
| 15 | Personal | 4,612,051 | 4,566,949 | –45,102 |
| 16 | Services | | | |
| 17 | Operating | 17,027,708 | 16,415,926 | –611,782 |
| 18 | Expenses | | | |
| 19 | Total | 21,639,759 | 20,982,875 | –656,884 |
| 20 | <u>Sources of funds</u> | | | |
| 21 | Internal | 21,639,759 | 20,982,875 | –656,884 |

1 Service Fund

2 Total 21,639,759 20,982,875 -656,884

3 * * * Town Highways * * *

4 Sec. 12b. BRATTLEBORO-HINSDALE, NH

5 Within the Agency of Transportation's Proposed Fiscal Year 2021

6 Transportation Program for Town Highway Bridge, authorized spending for

7 Brattleboro-Hinsdale, NH is amended as follows:

8 FY21 As Proposed As Amended Change

9 Other 750,000 750,000 0

10 PE 0 200,000 200,000

11 ROW 2,875,973 4,675,973 1,800,000

12 Construction 1,000,000 1,000,000 0

13 Total 4,625,973 6,625,973 2,000,000

14 Sources of funds

15 TIB 925,195 1,325,000 400,000

16 Federal 3,700,778 5,100,778 1,600,000

17 Total 4,625,973 6,625,973 2,000,000

18 Sec. 12c. MONIES FOR TOWN HIGHWAYS

19 (a) Town Highway Structures. Notwithstanding 19 V.S.A. § 306(e)(2), the

20 Agency shall not issue any new grants under the Town Highway Structures

21 Program in fiscal year 2021 and authorized spending for grants in fiscal year

1 2021 is reduced by \$1,683,500.00 in Transportation Fund monies to a total of
2 \$4,650,000.00 in Transportation Fund monies.

3 (b) Town Highway Class 2 Roadway. Notwithstanding 19 V.S.A.
4 § 306(h), the Agency shall not issue any new grants under the Class 2 Town
5 Highway Roadway Program in fiscal year 2021 and authorized spending for
6 grants in fiscal year 2021 is reduced by \$4,398,750.00 in Transportation Fund
7 monies to a total of \$3,250,000.00 in Transportation Fund monies.

8 (c) Town Highway Aid. Notwithstanding 19 V.S.A. § 306(a), the fiscal
9 year 2021 budget increases the annual appropriation for aid to town highways
10 by \$7,000,000.00 in one-time Transportation Fund monies to a total of
11 \$34,105,769.00 in Transportation Fund monies.

12 * * * Department of Motor Vehicles * * *

13 Sec. 12d. DEPARTMENT OF MOTOR VEHICLES; SAVINGS AND
14 INCREASE OF LIMITED SERVICE STAFF

15 Within the Agency of Transportation's Proposed Fiscal Year 2021
16 Transportation Program for the Department of Motor Vehicles, authorized
17 spending is increased by \$48,368.00 for personal services and reduced by
18 \$96,059.00 for operating expenses with a corresponding reduction of
19 \$47,691.00 in Transportation Fund monies as the source of funds.

20 * * * Vacancy Savings; Statewide Allocated Cost Reductions * * *

21 Sec. 12e. VACANCY SAVINGS AND STATEWIDE ALLOCATED

1 COST REDUCTIONS

2 (a) Finance and Administration. Within the Agency of Transportation's
3 Proposed Fiscal Year 2021 Transportation Program for Finance and
4 Administration, authorized spending is reduced by \$107,890.00 for personal
5 services and \$28,189.00 for operating expenses with a corresponding reduction
6 of \$136,079.00 in Transportation Fund monies as the source of funds.

7 (b) Policy and Planning. Within the Agency of Transportation's Proposed
8 Fiscal Year 2021 Transportation Program for Policy and Planning, authorized
9 spending is reduced by \$28,299.00 for personal services and \$7,392.00 for
10 operating expenses with a corresponding reduction of \$35,691.00 in
11 Transportation Fund monies as the source of funds.

12 (c) Transportation Board. Within the Agency of Transportation's Proposed
13 Fiscal Year 2021 Transportation Program for Transportation Board, authorized
14 spending is reduced by \$195.00 for personal services and \$781.00 for
15 operating expenses with a corresponding reduction of \$976.00 in
16 Transportation Fund monies as the source of funds.

17 (d) Program Development. Within the Agency of Transportation's
18 Proposed Fiscal Year 2021 Transportation Program for Program
19 Development—Administration, authorized spending is reduced by
20 \$253,808.00 for personal services and \$66,304.00 for operating expenses with

1 a corresponding reduction of \$320,112.00 in Transportation Fund monies as
2 the source of funds.

3 Sec. G.111 REPEALS

4 2020 Acts and Resolves No. 121, Secs. 5(b) (contingent funding for the
5 vehicle incentive programs) and 5b (Morristown fuel farm) are repealed.

6 * * * AMENDMENTS TO VEHICLE INCENTIVE PROGRAMS * * *

7 Sec. G.112 2019 Acts and Resolves No. 59, Sec. 34(a) as amended by 2020
8 Acts and Resolves No. 121, Sec. 14 is further amended to read:

9 (a) Vehicle incentive and emissions repair programs administration.

10 * * *

11 (2) The Agency is authorized to spend \$2,000,000.00 as appropriated in
12 the fiscal year 2020 budget, \$50,000.00 in Transportation Fund monies, and
13 any additional monies as appropriated ~~in the fiscal year 2021 budget~~ for the
14 programs described in subsection (b) and (c) of this section or Transportation
15 Fund monies authorized to be expended by the Secretary of Transportation
16 ~~pursuant to Secs. 3 and 5 of this act, or both,~~ on the programs described in
17 subsections (b) and (c) of this section. Notwithstanding any other provision of
18 law and subject to the approval of the Secretary of Administration,
19 appropriations for the programs described in subsections (b) and (c) of this
20 section remaining unexpended on June 30, 2021 shall be carried forward and
21 designated for expenditure on these programs in the subsequent fiscal year.

1 Sec. G.113 23 V.S.A. § 3502 is amended to read:

2 § 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

3 REQUIRED; EXCEPTIONS

4 (a)(1) Except as otherwise provided in this section, an individual shall not
5 operate an ATV on the VASA Trail System, on State land designated by the
6 Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway
7 that is not adjacent to the property of the operator unless the ATV:

8 (A) is registered pursuant to this title or in accordance with
9 subsection (e) of this section; and

10 (B) displays a valid VASA Trail Access Decal (TAD).

11 (2) Notwithstanding subdivision (1) of this subsection, neither
12 registration nor display of a TAD is required to operate an ATV:

13 (A) ~~on~~ On the property of the owner of the ATV;

14 (B) ~~in~~ In a ski area, off the highway, for the purpose of grooming
15 snow, maintenance, or in rescue operations;

16 (C) ~~for~~ For official use by a federal, State, or municipal agency if the
17 ATV is identified with the name or seal of the agency in a manner approved by
18 the Commissioner;

19 (D) ~~on~~ On privately owned land when the operator is specifically
20 invited to do so by the owner of the property and carries the written consent of
21 the owner.

