

1 H.443

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; transportation program

5 Statement of purpose: This bill proposes to approve, with modifications, the  
6 state's transportation program for fiscal year 2012 and to make miscellaneous  
7 changes in statutes relating to transportation.

8 An act relating to the state's transportation program

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

10 ~~Sec. 1. TRANSPORTATION PROGRAM~~

11 ~~(a) The state's proposed fiscal year 2012 transportation program appended~~  
12 ~~to the agency of transportation's proposed fiscal year 2012 budget, as amended~~  
13 ~~by this act, is adopted to the extent federal, state, and local funds are available.~~

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

15 ~~(1) "agency" means the agency of transportation;~~

16 ~~(2) "secretary" means the secretary of transportation;~~

17 ~~(3) the table heading "As Proposed" means the transportation program~~  
18 ~~referenced in subsection (a) of this section; the table heading "As Amended"~~  
19 ~~means the amendments as made by this act; the table heading "Change" means~~  
20 ~~the difference obtained by subtracting the "As Proposed" figure from the "As~~

1 ~~Amended" figure; and the term "change" or "changes" in the text refers to the~~  
2 ~~project- and program-specific amendments, the aggregate sum of which equals~~  
3 ~~the net "Change" in the applicable table heading;~~

4 ~~(4) "TIB debt service fund" refers to the transportation infrastructure~~  
5 ~~bonds debt service fund established in 32 V.S.A. § 951a; and~~

6 ~~(5) "TIB funds" refers to monies deposited in the transportation~~  
7 ~~infrastructure bond fund in accordance with 19 V.S.A. § 11f.~~

8 \* \* \* Town Highway Bridge \* \* \*

9 Sec. 2. TOWN HIGHWAY BRIDGE

10 The following modifications are made to the town highway bridge program:

11 (1) Development and engineering funding for the Fairfield BRO  
12 1448(22) project in the amount of \$16,000.00 in federal funds, \$2,000.00 in  
13 transportation funds, and \$2,000.00 in local funds is deleted.

14 (2) A new project is added for the reconstruction or replacement of  
15 bridge #48 on TH 30 over Wanzer Brook in the town of Fairfield.  
16 Development and evaluation spending in the amount of \$16,000.00 in federal  
17 funds, \$2,000.00 in transportation funds, and \$2,000.00 in local funds is  
18 authorized for the project.

~~\*\*\* Rail \*\*\*~~

~~Sec. 3. RAIL~~

~~The following modifications are made to the rail program:~~

~~(1) A new project is added to upgrade the western rail corridor to the standards required to support 286,000 pound freight traffic and inter-city passenger rail service. The western rail corridor includes connections from points in New York to the corridor between Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in Canada.~~

~~(2) Authorized spending on the three-way partnership program is amended to read as follows.~~

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	0	0	0
Other	600,000	0	-600,000
Total	600,000	0	-600,000
<u>Sources of funds</u>			
State	200,000	0	-200,000
Federal	0	0	0
Local	400,000	0	-400,000
Total	600,000	0	-600,000

1 ~~Sec. 4. Sec. 18 of No. 164 of the Acts of 2008 is amended to read:~~

2 Sec. 18. RAIL

3 The following modifications are made to the rail program:

4 (1) Authorized spending on the three-way partnership program is  
5 amended to read as follows. ~~In future budget years, funding for the program~~  
6 ~~shall be limited to the costs of specific projects.~~

7 \* \* \*

8 \* \* \* Central Garage \* \* \*

9 Sec. 5. TRANSFER TO CENTRAL GARAGE FUND

10 Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2012, the amount of  
11 \$1,120,000.00 is transferred from the transportation fund to the central garage  
12 fund created in 19 V.S.A. § 13.

13 \* \* \* Cancellation of Projects \* \* \*

14 Sec. 6. CANCELLATION OF PROJECTS

15 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of  
16 projects), the general assembly approves cancellation of the following projects:

17 (1) Program development — interstate bridges:

18 (A) Berlin-Montpelier IM 089-1(17) (rehabilitation of bridges  
19 #36N&S, #37N&S, #38N&S, #39, #40N&S, and #41N&S on I-89);

20 (B) Bethel-Williamstown IR 089-1(12) (deck replacement and  
21 structural improvements to several bridges on I-89);

1 ~~(C) Middlesex-Waterbury IR 089-2(16) (deck replacement and~~  
2 ~~structural improvements to several bridges on I-89);~~

3 ~~(D) Brattleboro IR 091-1(23) (at PE and/or ROW phase) (deck~~  
4 ~~replacement on bridges #9N&S on I-91);~~

5 ~~(E) Colchester-Highgate IM IR 089-3(18) (at PE and/or ROW phase)~~  
6 ~~(deck replacement and substructure improvements to several bridges on I-89);~~

7 ~~(F) Vernon-Putney IR 091-1(17) (at PE and/or ROW phase) (deck~~  
8 ~~replacement and substructure improvements on several bridges along I-91);~~

9 ~~(G) Guilford-Brattleboro IM 091-1(32) (proposed) (rehabilitation of~~  
10 ~~bridges #2N&S, #4N&S, #5N&S, #7, #11N&S, and #12 on I-91);~~

11 ~~(H) Hartford-Newbury IM 091-2(68) (proposed) (rehabilitation of~~  
12 ~~bridges #45N&S, #46, #47N&S, #48N&S, #49N&S, and #51N&S on I-91);~~

13 ~~(I) Hartford-Sharon-Royalton IR 089-1(10) (proposed) (deck~~  
14 ~~replacement and structural improvements to several interstate bridges);~~

15 ~~(J) Milton IM 089-3( ) (proposed) (rehabilitation of bridges #82,~~  
16 ~~#84N&S, #85, #89, #90, #91, #92N&S, and #93 on I-89);~~

17 ~~(K) Richmond IM 089-2(27) (proposed) (rehabilitation of bridges~~  
18 ~~#52N&S, #53N&S, #54, #55N&S, #56N&S, and #57N&S on I-89);~~

19 ~~(L) Rockingham-Weathersfield IR 091-1(24) (proposed)~~  
20 ~~(replacement and substructure improvements to several bridges on I-91);~~

1 ~~(M) Sharon Royalton IR 089-1(9) (proposed) (deck replacement and~~  
2 ~~substructure improvements to several bridges on I-89); and~~

3 (N) Windsor-Hartland IR 091-1(21) (proposed) (deck replacement  
4 and substructure improvements to several bridges on I-91).

5 (2) Program development — state highway bridges:

6 (A) Middlebury BHF 5900(4) (rehabilitation of bridge #2 on  
7 Merchants Row (TH 8) over Vermont Railway);

8 (B) Middlebury BHF 0161(9) (rehabilitation of bridge #102 on VT  
9 30 over Vermont Railway);

10 (C) Plymouth BRS 0149(3)S (replacement of bridge #8 on VT 100A  
11 over Hollow Brook; at PE and/or ROW phase).

12 (3) Town highway bridges:

13 (A) Readsboro BRO 1441(28) (replacement of bridge #21 on TH 4  
14 over the West Branch of the Deerfield River);

15 (B) Fairfield BRO 1448(22) (replacement of bridge #48 on TH 30  
16 over Wanzer Brook; at PE and/or ROW phase);

17 (C) Northfield BRO 1446(25) (replacement of bridge #50 on TH 25  
18 over Stoney Brook; at PE and/or ROW phase).

19 (4) Program development — roadway:

20 (A) Bennington M 1000(10) (VT 67A) (district has constructed some  
21 improvements to intersection);

1 ~~(B) Bridgewater-Woodstock NH 020-2(33)S (US 4) (project scope~~  
2 ~~defined before adoption of Vermont design standards in 1997);~~

3 ~~(C) Cavendish STP 0146(9) SC (VT 131) (Cavendish selectboard~~  
4 ~~supports cancellation of project but would like some signage improvements to~~  
5 ~~enhance safety);~~

6 ~~(D) Cavendish-Ludlow NH-F 025-1(30) (VT 103) (FHWA requested~~  
7 ~~VTrans to close this project in 2007);~~

8 ~~(E) Concord-Lunenburg STP 0218( ) SC (TH 4) (project set up for~~  
9 ~~scoping in 1997 but no funds were ever programmed);~~

10 ~~(F) Dorset-Wallingford NH 019-2(20) SC (US 7) (project set up for~~  
11 ~~scoping only and scoping report was completed in 1997);~~

12 ~~(G) Dover STP 013-1(12) SC (VT 100) (project set up for scoping~~  
13 ~~only and scoping report was completed in 1997);~~

14 ~~(H) Duxbury STP F 013-4(11)S (VT 100) (project scope defined~~  
15 ~~before adoption of Vermont design standards in 1997);~~

16 ~~(I) Hartford-Newbury IM 019-2(70) (I-91 drainage/fence)~~  
17 ~~(high-priority safety projects have been completed along this segment of I-91);~~

18 ~~(J) Hinesburg STP 0199( ) SC (TH 4/FAS 0199) (project set up for~~  
19 ~~scoping in 1997 but no funds were ever programmed);~~

20 ~~(K) Killington STP 022-1(19) SC (VT 100) (project set up for~~  
21 ~~scoping only and the scoping report was completed in 1997);~~

- 1 ~~(L) Marlboro NH F 010-1(25) (VT 9) (project scope defined before~~  
2 ~~adoption of Vermont design standards in 1997);~~
- 3 ~~(M) Newbury STP 026-2( ) (US 302) (origination of project~~  
4 ~~unknown; project has not been programmed with any funds);~~
- 5 ~~(N) Pownal-Bennington F 019-1(16)C/1 (US 7) (project scope~~  
6 ~~defined before adoption of Vermont design standards in 1997);~~
- 7 ~~(O) Pownal-Bennington F 019-1(16)C/2 (US 7) (project scope~~  
8 ~~defined before adoption of Vermont design standards in 1997);~~
- 9 ~~(P) Readsboro-Whitingham STP RS 0102(13) (VT 100) (project~~  
10 ~~scope defined before adoption of Vermont design standards in 1997);~~
- 11 ~~(Q) Ryegate-St. Johnsbury IM 091-2(74) (I-91 drainage/fence)~~  
12 ~~(high-priority safety projects have been completed along this segment of I-91);~~
- 13 ~~(R) Ryegate-St. Johnsbury IM 091-2(75) (I-91 guardrail/ledge)~~  
14 ~~(high-priority safety projects have been completed along this segment of I-91);~~
- 15 ~~(S) St. Johnsbury-Lyndon IM 091-3(43) (I-91 drainage/fence)~~  
16 ~~(high-priority safety projects have been completed along this segment of I-91);~~
- 17 ~~(T) St. Johnsbury-Lyndon IM 091-3(44) (I-91 guardrail/ledge)~~  
18 ~~(high-priority safety projects have been completed along this segment of I-91);~~
- 19 ~~(U) Townshend STP 015-1(19)S (VT 30) (project set up in 1999 to~~  
20 ~~modify the glare barrier and landscape in the vicinity of BR 3 on VT 30; no~~  
21 ~~design activity or local interest in project since inception);~~



1 ~~(V) Vergennes ST 017-1( )S (VT 22A) (VTrans granted city funds to~~  
2 ~~reconstruct and city contracted the work out);~~

3 ~~(W) Waitsfield-Moretown-Duxbury STP F 013-4(12)S (VT 100)~~  
4 ~~(project scope defined before adoption of Vermont design standards in 1997);~~

5 ~~(X) Wallingford F 025-1(31) (VT 103) (project scope defined before~~  
6 ~~adoption of Vermont design standards in 1997);~~

7 ~~(Y) Waterford IM 093-1(11) (I-93 drainage/fence) (high-priority~~  
8 ~~safety projects completed along this segment of I-93);~~

9 ~~(Z) Waterford IM 093-1(12) (I-93 guardrail/ledge) (high-priority~~  
10 ~~safety projects completed along this segment of I-93); and~~

11 ~~(AA) Williamstown STP RS 0204(3) (VT 64).~~

12 ~~\*\*\* FY 2012 Western Rail Corridor Improvements \*\*\*~~

13 Sec. 7. WESTERN RAIL CORRIDOR GRANT APPLICATION; FY 2012

14 CONTINGENT BONDING AUTHORITY

15 (a) The general assembly finds that intercity passenger rail along  
16 Vermont's western rail corridor is of critical importance to the transportation  
17 mobility and economic prosperity of the state. The western rail corridor  
18 includes connections from points in New York to the corridor between  
19 Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in  
20 Canada.

1 ~~(b) The agency is encouraged to apply for a federal grant to cover, in whole~~  
2 ~~or in part, the cost of upgrading the state's western rail corridor for intercity~~  
3 ~~passenger rail service. In the grant application, the agency is authorized to~~  
4 ~~identify the bonds authorized by this section as a source of state match funds.~~  
5 ~~Upon its completion, the agency shall send an electronic copy of the grant~~  
6 ~~application to the joint fiscal office.~~

7 (c) In the event the state is awarded a federal grant as referenced in  
8 subsection (b) of this section, the treasurer is authorized in fiscal year 2012 to  
9 issue transportation infrastructure bonds in an amount up to \$15,000,000.00 for  
10 the purpose of providing any state matching funds required by the federal  
11 grant. The treasurer is authorized to increase the issue of transportation  
12 infrastructure bonds in the event the treasurer determines that:

13 (1) the creation and funding of a permanent debt service reserve is  
14 advisable to support the successful issuance of the transportation infrastructure  
15 bonds; and

16 (2) the balance of the TIB fund and the TIB debt service fund as of the  
17 end of fiscal year 2011 is insufficient to fund such a permanent debt service  
18 reserve.

19 (d) In the event the state is awarded a federal grant as referenced in  
20 subsection (b) of this section:

1 ~~(1) authority to spend the federal grant funds is added to the fiscal year~~  
2 ~~2012 transportation program – rail program and the amount of federal funds~~  
3 ~~awarded is appropriated to the fiscal year 2012 transportation – rail~~  
4 ~~program; and~~

5 (2) if transportation infrastructure bonds are issued pursuant to  
6 subsection (c) of this section to fund the project, authority to spend the bond  
7 proceeds on the project in an amount needed to match the federal funds  
8 authorized in subdivision (d)(1) of this subsection is added to the 2012 fiscal  
9 year transportation program – rail program and that amount is appropriated to  
10 the fiscal year 2012 transportation – rail program.

11 Sec. 8. FISCAL YEAR END 2011 TRANSPORTATION FUND SURPLUS

12 Subject to the funding of the transportation fund stabilization reserve in  
13 accordance with 32 V.S.A. § 308a and notwithstanding 32 V.S.A. § 308c  
14 (transportation fund surplus reserve), any surplus in the transportation fund as  
15 of the end of fiscal year 2011 up to a maximum amount of \$1,000,000.00 may  
16 be transferred to the TIB debt service fund by order of the secretary of  
17 transportation, with the approval of the secretary of administration, for the  
18 purpose of providing the funds the treasurer deems likely to be needed to  
19 satisfy any debt service reserve requirement of transportation infrastructure  
20 bonds that may be issued pursuant to the authority granted in Sec. 7 of this act.

1 ~~to pay the issuance costs of such bonds, or to pay debt service obligations due~~  
2 ~~on such bonds in fiscal years 2012 and 2013.~~

3 Sec. 9. FISCAL YEAR END 2011 TIB FUND SURPLUS

4 Any surplus in the transportation infrastructure bond fund as of the end of  
5 fiscal year 2011 up to a maximum amount of \$1,000,000.00 may be transferred  
6 to the TIB debt service fund by order of the secretary of transportation, with  
7 the approval of the secretary of administration, for the purpose of providing the  
8 funds the treasurer deems likely to be needed to satisfy any debt service  
9 reserve requirement of transportation infrastructure bonds that may be issued  
10 pursuant to the authority granted in Sec. 7 of this act, to pay the issuance costs  
11 of such bonds, or to pay debt service obligations due on such bonds in fiscal  
12 years 2012 and 2013.

13 Sec. 10. AUTHORITY TO REDUCE FISCAL YEAR 2011

14 APPROPRIATIONS

15 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or  
16 activity spending authority in the fiscal year 2011 transportation program, the  
17 secretary of transportation, with the approval of the secretary of administration  
18 and subject to the provisions of subsection (b) of this section, may reduce  
19 fiscal year 2011 transportation fund appropriations, other than appropriations  
20 for the town highway state aid, structures, and class 2 roadway programs, or  
21 TIB fund appropriations, and transfer in fiscal year 2011 the amount of the

1 ~~reductions to the TIB debt service fund for the purpose of providing the funds~~  
2 the treasurer deems likely to be needed to satisfy any debt service reserve  
3 requirement of transportation infrastructure bonds that may be issued pursuant  
4 to the authority granted in Sec. 7 of this act, to pay the issuance costs of such  
5 bonds, or to pay debt service obligations due on such bonds in fiscal years  
6 2012 and 2013.

7 (b) The secretary's authority under subsection (a) of this section to reduce  
8 appropriations is limited to appropriations, the reduction of which, by itself,  
9 will not have the effect of significantly delaying the planned fiscal year 2011  
10 work schedule of a project which formed the basis of the project's funding in  
11 fiscal year 2011.

12 (c) When any appropriation is reduced pursuant to this section, the  
13 secretary shall report the reduction to the joint fiscal office and to the house  
14 and senate committees on transportation when the general assembly is in  
15 session, and when the general assembly is not in session, to the joint  
16 transportation oversight committee.

17 Sec. 11. CHANGE TO CONSENSUS REVENUE FORECAST

18 In the event the July 2011 consensus revenue forecast of fiscal year 2012  
19 transportation fund or TIB fund revenue is increased above the January 2011  
20 forecast, the increase up to \$2,000,000.00 may be transferred to the TIB debt  
21 service fund, by order of the secretary of transportation with the approval of

1 ~~the secretary of administration, for the purpose of providing the funds the~~  
2 treasurer deems likely to be needed to satisfy any debt service reserve  
3 requirement of transportation infrastructure bonds that may be issued pursuant  
4 to the authority granted in Sec. 7 of this act, to pay the issuance costs of such  
5 bonds, or to pay debt service obligations due on such bonds in fiscal years  
6 2012 and 2013.

7 Sec. 12. AUTHORITY TO REDUCE FISCAL YEAR 2012

8 APPROPRIATIONS

9 (a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or  
10 activity spending authority in the fiscal year 2012 transportation program, the  
11 secretary of transportation, with the approval of the secretary of administration  
12 and subject to the provisions of subsection (b) of this section, may reduce  
13 fiscal year 2012 transportation fund appropriations, other than appropriations  
14 for the town highway state aid, structures, and class 2 roadway programs, or  
15 TIB fund appropriations, and transfer in fiscal year 2012 the amount of the  
16 reductions to the TIB debt service fund for the purpose of providing the funds  
17 the treasurer deems likely to be needed to pay debt service obligations of  
18 transportation infrastructure bonds authorized by Sec. 7 of this act in fiscal  
19 year 2013.

20 (b) The secretary's authority under subsection (a) of this section to reduce  
21 appropriations is limited to appropriations, the reduction of which, by itself, in

1 ~~the context of any spending authorized for the project in the fiscal year 2012~~  
2 transportation program will not have the effect of significantly delaying the  
3 planned work schedule of the project which formed the basis of the project's  
4 funding in fiscal years 2012 and 2013.

5 (c) The agency shall expedite the procedures required to determine the  
6 eligibility and certification of federal toll credits with respect to potentially  
7 qualifying capital expenditures made by Vermont entities through the end of  
8 fiscal year 2011 which, subject to compliance with federal maintenance of  
9 effort requirements, would be available for use by the state in fiscal year 2013.  
10 The fiscal year 2013 transportation program shall reserve up to \$3,000,000.00  
11 of such potentially available federal toll credits and federal formula funds and  
12 authorize the secretary to utilize the federal toll credits and federal formula  
13 funds to accomplish the objectives of this section.

14 (d) When any appropriation is reduced pursuant to this section, the  
15 secretary shall report the reduction to the joint fiscal office and to the house  
16 and senate committees on transportation when the general assembly is in  
17 session, and when the general assembly is not in session, to the joint  
18 transportation oversight committee.

~~\*\*\* Contingent Alternative Spending Authority \*\*\*~~

Sec. 13. CONTINGENT ALTERNATIVE SPENDING AUTHORITY – TIB  
FUND SURPLUS

(a) Subject to the authority granted in Secs. 9 and 11 of this act in the event a federal grant is awarded in connection with the agency's western rail corridor grant application due on April 4, 2011, if there is a surplus in the transportation infrastructure bond fund as of the end of fiscal year 2011 or if the July 2011 consensus forecast of transportation infrastructure bond fund revenue for fiscal year 2012 is increased above the January 2011 consensus forecast, the surplus or consensus forecast increase up to a total amount of \$2,344,654.00 and federal funds up to the total amount of \$7,901,749.00 is authorized for expenditure in the following order of priority:

(1) Cambridge – Bakersfield VT 108, STP 2926(): paving project construction;

(2) Bennington bypass, NH-F 019-1(4): \$50,000.00 state funds and \$200,000.00 federal funds for development and evaluation;

(3) White River Junction railroad station acquisition: state funds to match federal funds in the event a grant is received pursuant to Sec. 14 of this act and if no grant is received, \$875,000.00 in state funds;

(4) Rutland Town – Rutland City US 4/US 7, NH 020-2(): \$20,000.00 state funds and \$80,000.00 federal funds for development and evaluation;



1 ~~(5) Such other paving, roadway, or bridge projects as determined by the~~  
2 ~~secretary.~~

~~(5) After consulting with the joint transportation oversight committee,  
such other paving, roadway, or bridge projects as determined by the secretary.~~

~~(b) In the event any state or federal funds are authorized for expenditure  
pursuant to subsection (a) of this section, the amounts so authorized are  
appropriated in fiscal year 2012 to the program development, rail, or town  
bridge programs as applicable.~~

3 \* \* \* White River Junction Railroad Station \* \* \*

4 Sec. 14. ACQUISITION OF WHITE RIVER JUNCTION RAILROAD  
5 STATION

6 ~~(a) The agency is authorized to seek federal funds to assist in acquiring the~~  
7 ~~White River Junction railroad station from Rio Blanco Corporation or its~~  
8 ~~successors in interest for a purchase price of up to \$875,000.00. The subject~~  
9 ~~property is a 6,774-square-foot commercial building sited on approximately~~  
10 ~~0.73 acres of land, is located at 100–106 Railroad Row in the village of White~~  
11 ~~River Junction within the town of Hartford, and is all the same property~~  
12 ~~conveyed to Rio Blanco Corporation by two deeds: Release Deed from~~  
13 ~~Central Vermont Railway, Inc., dated February 1, 1995, and recorded at Book~~  
14 ~~219, pages 45–50, and Release Deed from Boston & Maine Corporation dated~~

1 ~~February 2, 1995, and recorded at Book 219, pages 51–60, both in the land~~  
2 ~~records of the town of Hartford.~~

3 ~~(b) In the event the state is awarded a federal grant for purchase of the~~  
4 ~~station:~~

5 ~~(1) a project for purchase of the station and authority to spend the~~  
6 ~~federal grant funds awarded to purchase the station for a purchase price of up~~  
7 ~~to \$875,000.00 is added to the state's fiscal year 2012 transportation program~~  
8 ~~— rail program;~~

9 ~~(2) the amount of the federal funds awarded is appropriated to the fiscal~~  
10 ~~year 2012 transportation — rail appropriation; and~~

11 ~~(3) if expenditure of federal funds awarded requires matching state~~  
12 ~~funds, the secretary is authorized to use transportation funds or TIB funds~~  
13 ~~approved within the fiscal year 2012 transportation program — rail program,~~  
14 ~~notwithstanding the authorized project or activity spending within the rail~~  
15 ~~program.~~

16 ~~(c) The agency shall promptly report to the joint transportation oversight~~  
17 ~~committee any action taken under the authority granted in subsection (a) or (b)~~  
18 ~~of this section.~~

19 ~~(d) Following conveyance of the White River Junction railroad station to~~  
20 ~~the state of Vermont, the agency shall administer the property in accordance~~  
21 ~~with 5 V.S.A. chapter 56 (intercity rail passenger service).~~

~~\*\*\* Municipal Airports \*\*\*~~

1  
2 Sec. 15. 5 V.S.A. § 695 is amended to read:

3 § 695. FEDERAL ASSISTANCE

4 ~~No municipality in this state, whether acting alone or jointly with another~~  
5 ~~municipality or with the state shall submit to the Federal Aviation~~  
6 ~~Administration of the United States any project application under the~~  
7 ~~provisions of any federal statute, unless the project and the project application~~  
8 ~~have been first approved by the secretary which approval shall not be~~  
9 ~~unreasonably withheld. No A municipality shall directly accept, receive,~~  
10 ~~receipt for, or disburse any funds granted by the United States under the~~  
11 ~~Federal Airport Act or amendments to that act, but it shall designate may~~  
12 ~~petition the secretary to serve as its agent and in its behalf to accept, receive,~~  
13 ~~receipt account for, and disburse all funds granted by the United States for an~~  
14 ~~airport project. ~~It~~ If the secretary agrees to serve as agent, the municipality~~  
15 ~~shall enter into an agreement with the secretary prescribing the terms and~~  
16 ~~conditions of the agency relationship in accordance with any applicable federal~~  
17 ~~or state laws, rules and or regulations and applicable laws of this state.~~

18 \*\*\* Municipal Sidewalks Program \*\*\*

19 Sec. 16. 19 V.S.A. § 306 is amended to read:

20 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

21 \*\*\*

1 ~~(c) State aid for town highway structures. There shall be an annual~~  
2 ~~appropriation for grants to municipalities for maintenance, including actions to~~  
3 ~~extend life expectancy, and construction of bridges, culverts, and other~~  
4 ~~structures, including causeways and retaining walls, intended to preserve the~~  
5 ~~integrity of the traveled portion of class 1, 2, and 3 town highways. Each fiscal~~  
6 ~~year, the agency shall approve qualifying projects with a total estimated state~~  
7 ~~share cost of ~~\$3,490,000.00~~ \$5,833,500.00 at a minimum as new grants. The~~  
8 ~~agency's proposed appropriation for the program shall take into account the~~  
9 ~~estimated amount of qualifying invoices submitted to the agency with respect~~  
10 ~~to project grants approved in prior years but not yet completed as well as with~~  
11 ~~respect to new project grants to be approved in the fiscal year. In a given fiscal~~  
12 ~~year, should expenditures in the town highway structures program exceed the~~  
13 ~~amount appropriated, the agency shall advise the governor of the need to~~  
14 ~~request a supplemental appropriation from the general assembly to fund the~~  
15 ~~additional project cost, provided that the agency has previously committed to~~  
16 ~~completing those projects. Funds received as grants for state aid for town~~  
17 ~~highway structures may be used by a municipality to satisfy a portion of the~~  
18 ~~matching requirements for federal earmarks, subject to subsection 309b(c) of~~  
19 ~~this title.~~

20 (f), (g) [Deleted.]

1 ~~(h) Class 2 town highway roadway program. There shall be an annual~~  
2 ~~appropriation for grants to municipalities for resurfacing, rehabilitation, or~~  
3 ~~reconstruction of paved or unpaved class 2 town highways. Each fiscal year,~~  
4 ~~the agency shall approve qualifying projects with a total estimated state share~~  
5 ~~cost of \$4,240,000.00 \$7,248,750.00 at a minimum as new grants. The~~  
6 ~~agency's proposed appropriation for the program shall take into account the~~  
7 ~~estimated amount of qualifying invoices submitted to the agency with respect~~  
8 ~~to project grants approved in prior years but not yet completed as well as with~~  
9 ~~respect to new project grants to be approved in the fiscal year. In a given fiscal~~  
10 ~~year, should expenditures in the town highway class 2 roadway program~~  
11 ~~exceed the amount appropriated, the agency shall advise the governor of the~~  
12 ~~need to request a supplemental appropriation from the general assembly to~~  
13 ~~fund the additional project cost, provided that the agency has previously~~  
14 ~~committed to completing those projects. Funds received as grants for state aid~~  
15 ~~under the class 2 town highway roadway program may be used by a~~  
16 ~~municipality to satisfy a portion of the matching requirements for federal~~  
17 ~~earmarks, subject to subsection 309b(c) of this title.~~

18 (i) ~~{Deleted.}~~ Municipal sidewalks program. The municipal sidewalks  
19 program is created for the purpose of disbursing grants to municipalities for  
20 projects to construct, reconstruct, or improve sidewalks located along or  
21 connecting class 1, 2, or 3 town highways or state highways, subject to the

1 ~~permit requirements of section 1111 of this title. Grant awards for eligible~~  
2 ~~projects shall not exceed \$75,000.00 per project, and the municipality shall~~  
3 ~~provide a match equal to the grant amount awarded. Each fiscal year the~~  
4 ~~agency shall approve qualifying projects with a total estimated state share cost~~  
5 ~~of \$200,000.00 at a minimum as new grants. Annually, the agency shall~~  
6 ~~propose a budget for the program based on an estimate of expected actual cash~~  
7 ~~expenditures during the next fiscal year that accounts for all outstanding grants~~  
8 ~~and projected expenditures on grants to be awarded in the next fiscal year. If~~  
9 ~~eligible grant applications total less than \$200,000.00 in any fiscal year, the~~  
10 ~~agency shall reallocate the unused funding to the class 2 town highway~~  
11 ~~roadway program.~~

12 \* \* \*

13 Sec. 17. MUNICIPAL SIDEWALKS PROGRAM – FISCAL YEAR 2012

14 SPENDING AUTHORITY

15 In fiscal year 2012, the agency is authorized to spend \$200,000.00 in state  
16 transportation funds on qualifying projects under the municipal sidewalks  
17 program. Total authorized spending under the municipal sidewalks program  
18 shall be \$400,000.00, consisting of \$200,000.00 in state funds and \$200,000.00  
19 in local match funds.

~~\*\*\* Scenic Byways and Roads \*\*\*~~

Sec. 18. The title for 10 V.S.A. chapter 19 is amended to read:

~~CHAPTER 19. SCENERY PRESERVATION COUNCIL~~

Sec. 19. 10 V.S.A. § 425 is amended to read:

§ 425. ~~SCENERY PRESERVATION~~ BYWAYS ADVISORY COUNCIL

(a) ~~The scenery preservation~~ byways advisory council shall:

(1) upon request, advise and consult with the agency of transportation,  
organizations, municipal planning commissions or legislative bodies, or  
regional planning commissions concerning byway program grants and in the  
designation of municipal scenic roads or byways;

(2) recommend for designation state scenic roads or byways after  
holding a public meeting to determine local support for designation;

(3) encourage and assist in fostering public awareness; and  
understanding of, and public participation in promoting, ~~the objectives and~~  
~~functions of scenery preservation and in stimulating public participation and~~  
~~interest~~ current intrinsic scenic and other qualities within byways and scenic  
road corridors.

(b) ~~The scenery preservation~~ byways advisory council shall consist of  
~~seven~~ eight members: the secretary of natural resources or his or her designee;  
the secretary of transportation or his or her designee; the commissioner of  
tourism and marketing or his or her designee; and five members appointed by

1 ~~the governor. The terms of the members appointed by the governor shall be~~  
2 ~~for three years, except that he or she shall appoint the first members so that the~~  
3 ~~terms of the members end in one year, two years, and three years. The~~  
4 ~~governor shall designate an appointed member to serve as ~~chairman~~ chair at~~  
5 ~~the governor's pleasure. Except as provided in this section, no state employee~~  
6 ~~or member of any state commission or any federal employee or member of any~~  
7 ~~federal commission shall be eligible for membership on the ~~scenery~~~~  
8 ~~preservation byways advisory council. Members of the council who are not~~  
9 ~~full-time state employees shall be entitled to a per diem as provided in~~  
10 ~~32 V.S.A. § 1010(b) and reimbursement for their actual necessary expenses.~~  
11 ~~The council shall meet no more than two times per year, and meetings may be~~  
12 ~~called by the chair of the council or the secretary of transportation or his or her~~  
13 ~~designee may call meetings of the council.~~

14 ~~(c) The transportation board shall, in consultation with the scenery~~  
15 ~~preservation council, and considering the criteria recommended in subdivision~~  
16 ~~(b)(5) of this section, prepare, adopt and promulgate standards, and criteria for~~  
17 ~~variances therefrom, pursuant to chapter 25 of Title 19, to carry out the~~  
18 ~~purposes of this chapter. The standards shall include, but shall not be limited~~  
19 ~~to, descriptions of techniques for construction, including roadside grading and~~  
20 ~~planting and preservation of intimate roadside environments as well as scenic~~  
21 ~~outlooks. The standards shall further prescribe minimum width, alignment and~~



1 ~~surface treatment with particular reference to the legislative findings of this~~  
2 ~~act. The standards shall include methods of traffic control, such as signs,~~  
3 ~~speed limits, signals and warnings, which shall not, within appropriate safety~~  
4 ~~considerations, jeopardize the scenic or historic value of such roads. These~~  
5 ~~standards shall be revised as necessary taking into consideration increased~~  
6 ~~weight, load and size of vehicles making use of scenic roads, such as, but not~~  
7 ~~limited, to forest product vehicles, agribusiness vehicles and school buses. No~~  
8 ~~provision of the scenic road law may deny necessary improvement to or~~  
9 ~~maintenance of scenic roads over which such vehicles must travel~~  
10 Rehabilitation or reconstruction of byways or state scenic roads shall be  
11 conducted in accordance with the agency of transportation's Vermont Design  
12 Standards, as amended. Signs along byways and scenic roads shall be in  
13 accordance with the Federal Highway Administration's Manual on Uniform  
14 Traffic Control Devices.

15 (d) ~~Provisions of this chapter shall apply only within the highway right of~~  
16 ~~way. [Repealed.]~~

17 (e) ~~All actions, including promulgation of rules, regulations or~~  
18 ~~recommendations for designation, shall be made pursuant to the provisions of~~  
19 ~~chapter 25 of Title 3. [Repealed.]~~

1 ~~Sec. 20. 19 V.S.A. § 2501 is amended to read:~~

2 § 2501. STATE SCENIC ROADS; DESIGNATION AND

3 DISCONTINUANCE

4 (a) On the recommendation of the ~~scenery preservation~~ byways advisory  
5 council, the transportation board may designate or discontinue any state  
6 highway, or portion of a state highway, as a state scenic road. The board shall  
7 hold a hearing on the recommendation and shall submit a copy of its decision  
8 together with its findings to the ~~scenery preservation~~ byways advisory council  
9 within 60 days after receipt of the recommendation. The hearing shall be held  
10 in the vicinity of the proposed scenic highway.

11 (b) Annually, the council shall provide information to the agency of  
12 commerce and community development on designated scenic roads for  
13 inclusion on state maps.

14 (c) A state scenic road shall not be reconstructed or improved unless the  
15 reconstruction or improvement ~~conforms to the standards established by the~~  
16 agency of transportation pursuant to 10 V.S.A. § 425 is conducted in  
17 accordance with the agency of transportation's Vermont Design Standards, as  
18 amended.

1 ~~Sec. 21. 19 V.S.A. § 2502 is amended to read:~~

2 § 2502. TOWN SCENIC ROADS; DESIGNATION AND  
3 DISCONTINUANCE

4 (a) On recommendation of the planning commission of a municipality, or  
5 on the initiative of the legislative body of a municipality, a legislative body  
6 may, after one public hearing warned for the purpose, designate or discontinue  
7 any town highway or portion of a town highway as a town scenic highway.  
8 Such action by the legislative body may be petitioned by the registered voters  
9 of the municipality pursuant to the provisions of 24 V.S.A. § 1973.

10 (b) A town scenic road may be reconstructed or improved in a manner  
11 ~~consistent with the standards established by the transportation board, pursuant~~  
12 ~~to 10 V.S.A. § 425~~ consistent with the agency of transportation's Vermont  
13 Design Standards, as amended. A class 1, 2 or 3 scenic highway shall still be  
14 eligible to receive aid pursuant to the provisions of this title.

15 (c) ~~The legislative body of a municipality may appeal for a variance from~~  
16 ~~standards promulgated by the transportation board. In these appeals, the~~  
17 ~~board's decision shall be final. [Repealed.]~~

18 Sec. 22. 30 V.S.A. § 218c(d)(2) is amended to read:

19 (2) Prior to the adoption of any transmission system plan, a utility  
20 preparing a plan shall host at least two public meetings at which it shall present  
21 a draft of the plan and facilitate a public discussion to identify and evaluate

1 ~~nontransmission alternatives. The meetings shall be at separate locations~~  
2 within the state, in proximity to the transmission facilities involved or as  
3 otherwise required by the board, and each shall be noticed by at least two  
4 advertisements, each occurring between one and three weeks prior to the  
5 meetings, in newspapers having general circulation within the state and within  
6 the municipalities in which the meetings are to be held. Copies of the notices  
7 shall be provided to the public service board, the department of public service,  
8 any entity appointed by the public service board pursuant to subdivision  
9 209(d)(2) of this title, the agency of natural resources, the division for historic  
10 preservation, the department of health, the ~~scenery preservation~~ byways  
11 advisory council, the agency of transportation, the attorney general, the chair  
12 of each regional planning commission, each retail electricity provider within  
13 the state, and any public interest group that requests, or has made a standing  
14 request for, a copy of the notice. A verbatim transcript of the meetings shall be  
15 prepared by the utility preparing the plan, shall be filed with the public service  
16 board and the department of public service, and shall be provided at cost to any  
17 person requesting it. The plan shall contain a discussion of the principal  
18 contentions made at the meetings by members of the public, by any state  
19 agency, and by any utility.

1 ~~Sec. 23. 30 V.S.A. § 248(a)(4)(C) is amended to read:~~

2 (C) At the time of filing its application with the board, copies shall be  
3 given by the petitioner to the attorney general and the department of public  
4 service, and, with respect to facilities within the state, the department of health,  
5 agency of natural resources, historic preservation division, ~~scenery~~  
6 ~~preservation council, state planning office,~~ agency of transportation, the  
7 agency of agriculture, food and markets and to the chairperson or director of  
8 the municipal and regional planning commissions and the municipal legislative  
9 body for each town and city in which the proposed facility will be located. At  
10 the time of filing its application with the board, the petitioner shall give the  
11 byways advisory council notice of the filing.

12 \* \* \* State Highway Condemnation Law Study Committee \* \* \*

13 Sec. 24. STATE HIGHWAY CONDEMNATION LAW STUDY

14 COMMITTEE

(a) A study committee is established, consisting of a member of the house  
committee on transportation designated by the speaker, a member of the house  
committee on judiciary designated by the speaker, a member of the senate  
committee on transportation designated by the committee on committees, a  
member of the senate committee on judiciary designated by the committee on  
committees, a representative of the Vermont Bar Association designated by the  
association, a representative of the Vermont League of Cities and Towns

~~designated by the league, *a representative of the Vermont Society of Land*  
*Surveyors designated by the society*, and the secretary of transportation or  
designee who shall serve as chair.~~

1        (b) The chair shall call the first meeting of the committee to be held by  
2        September 1, 2011, and the committee is authorized to hold up to five  
3        in-person meetings. The agency of transportation shall provide administrative  
4        support for the committee, and the office of legislative council shall provide  
5        staff service to the committee. The secretary of transportation or designee and  
6        staff of the office of legislative council shall prepare the report required under  
7        subsection (e) of this section based on the findings of the committee, and the  
8        committee shall terminate upon delivery of this report.

9        (c) The committee shall investigate possible changes in the state's highway  
10       condemnation law set forth in chapter 5 of Title 19 to achieve improved  
11       integration with the transportation planning process, federal and state  
12       environmental reviews, legislative oversight of the transportation program  
13       under 19 V.S.A. § 10g, and the requirements of the Uniform Relocation  
14       Assistance and Real Property Acquisition Policies Act of 1970, as amended,  
15       42 U.S.C. § 4601 et seq. The committee also shall investigate the effect of  
16       possible changes to chapter 5 of Title 19 on other provisions of law that  
17       reference and rely upon the procedures set forth in that chapter.

1 ~~(d) For attendance at a meeting when the general assembly is not in~~  
2 ~~session, legislative members of the committee shall be entitled to per diem~~  
3 ~~compensation and expense reimbursement as provided in 2 V.S.A. § 406(a).~~

4 ~~(e) The committee shall deliver a report of its findings, including any~~  
5 ~~recommendations for proposed legislation, to the house and senate committees~~  
6 ~~on transportation and on judiciary by January 15, 2012.~~

7 \* \* \* Sign and Travel Information Law \* \* \*

8 Sec. 25. 10 V.S.A. § 494 is amended to read:

9 § 494. EXEMPT SIGNS

10 The following signs are exempt from the requirements of this chapter  
11 except as indicated in section 495 of this title:

12 \* \* \*

13 (9) Signs to be maintained for not more than two weeks announcing an  
14 auction, or a campaign, drive, or event of a civic, philanthropic, or religious  
15 organization, or displaying a message of congratulations, condolences,  
16 birthday wishes, or commemorating a personal milestone or event.

17 \* \* \*

1 ~~Sec. 26. 10 V.S.A. § 495 is amended to read:~~

2 § 495. OTHER REGULATIONS APPLYING TO PERMITTED SIGNS

3 (a) No official business directional sign, on-premise sign, residential  
4 directional sign, or exempt sign may be erected or maintained, along a  
5 highway and visible from the highway, which:

6 \* \* \*

7 (3) Contains, includes, or is illuminated by any flashing intermittent or  
8 moving lights, or moves or has any animated or moving parts, except that this  
9 restriction shall not apply to a traffic control sign signs, barber poles, time or  
10 temperature displays, or theatre marquees which are determined by the travel  
11 information council to contribute to the historic significance of a building  
12 listed, or eligible for listing, in the national register of historic places and  
13 which are operated in accordance with any conditions prescribed by the travel  
14 information council, ~~or signs of a public service nature as determined by the~~  
15 ~~travel information council.~~ A sign shall be considered to contain, include, or  
16 be illuminated by flashing intermittent or moving lights or to move or have  
17 animated or moving parts if lights or parts of the sign change more frequently  
18 than every five minutes.

19 \* \* \*



1 ~~\*\*\* Motor Fuel Transportation Infrastructure Assessment \*\*\*~~

2 Sec. ~~27~~ 26. 23 V.S.A. § 3106(a) is amended to read:

3 (a) Except for sales of motor fuels between distributors licensed in this  
4 state, which sales shall be exempt from the tax and from the motor fuel  
5 transportation infrastructure assessment, in all cases not exempt from the tax  
6 under the laws of the United States at the time of filing the report required by  
7 section 3108 of this title, each distributor shall pay to the commissioner a tax  
8 of \$0.19 upon each gallon of motor fuel sold by the distributor, and a motor  
9 fuel transportation infrastructure assessment in the amount of two percent of  
10 the retail price ~~exclusive of all federal and state taxes~~ upon each gallon of  
11 motor fuel sold by the distributor, exclusive of: all federal and state taxes, the  
12 petroleum distributor licensing fee established by 10 V.S.A. § 1942, and the  
13 motor fuel transportation infrastructure assessment authorized by this section.  
14 The retail price shall be based upon the average retail prices for regular  
15 gasoline determined and published by the department of public service. The  
16 retail price applicable for the January–March quarter shall be the average of  
17 the retail prices published by the department of public service the prior  
18 October, November, and December; and the retail price applicable in each  
19 succeeding calendar quarter shall be equal to the average of the retail prices  
20 published by the department of public service in the preceding quarter. The  
21 distributor shall also pay to the commissioner a tax and a motor fuel

1 ~~transportation infrastructure assessment in the same amounts upon each gallon~~  
2 of motor fuel used within the state by him or her.

3 \* \* \* Public Transit Advisory Council \* \* \*

4 Sec. ~~28~~ 27, 24 V.S.A. § 5084 is amended to read:

5 § 5084. PUBLIC TRANSIT ADVISORY COUNCIL

6 (a) A public transit advisory council shall be created by the secretary of  
7 transportation under 19 V.S.A. § 7(f)(5), to consist of the following members:

8 (1) the secretary of transportation or designee;

9 (2) ~~the executive director of the Vermont public transportation~~  
10 ~~association;~~

11 ~~(3)~~ three representatives of the Vermont public transportation  
12 association;

13 ~~(4)~~(3) a representative of the Chittenden County transportation  
14 authority;

15 ~~(5)~~(4) the secretary of human services or designee;

16 ~~(6)~~(5) the commissioner of ~~employment and training~~ labor or designee;

17 ~~(7)~~(6) the secretary of commerce and community development or  
18 designee;

19 ~~(8)~~(7) a representative of the Vermont center for independent living;

20 ~~(9)~~(8) a representative of the ~~council~~ community of Vermont elders;

21 ~~(10)~~(9) a representative of private bus operators and taxi services;

1 ~~(11)(10) a representative of Vermont intercity bus operators;~~

2 ~~(12)(11) a representative of the Vermont association of planning and~~  
3 ~~development agencies;~~

4 ~~(13)(12) a representative of the Vermont league of cities and towns;~~

5 ~~(14)(13) a citizen appointed by the governor;~~

6 ~~(15)(14) a member of the senate, appointed by the committee on~~  
7 ~~committees; and~~

8 ~~(16)(15) a member of the house of representatives, appointed by the~~  
9 ~~speaker.~~

10 \* \* \*

11 \* \* \* Public Transportation Planning; Annual Reporting \* \* \*

12 Sec. ~~29~~ 28. 24 V.S.A. § 5089(b) is amended to read:

13 (b) Recognizing that the growing demand for new regional and commuter  
14 services must be considered within the context of the continuing need for local  
15 transit services that meet basic mobility needs, the agency of transportation  
16 shall consult annually with the regional planning commissions and public  
17 transit providers in advance of the award of available planning funds. The  
18 agency shall maintain a working list of both short- and long-term planning  
19 needs, goals, and objectives that balances the needs for regional service with  
20 the need for local service. Available planning funds shall be awarded in  
21 accordance with state and federal law and as deemed necessary and appropriate

1 ~~by the agency following consultation with the regional planning commissions~~  
2 ~~and the public transit providers. The agency shall report annually to the~~  
3 ~~general assembly on planning needs, expenditures, and cooperative planning~~  
4 ~~efforts.~~

5 Sec. ~~30~~ 29. 24 V.S.A. § 5092 is amended to read:

6 § 5092. REPORTS

7 The agency of transportation, in cooperation with the public transit advisory  
8 council, shall develop an annual report of financial and performance data of all  
9 public transit systems that receive operating subsidies in any form from the  
10 state or federal government, including but not limited to subsidies related to the  
11 elders and persons with disabilities transportation program for service and  
12 capital equipment. Financial and performance data on the elders and persons  
13 with disabilities transportation program shall be a separate category in the  
14 report. The report shall be modeled on the Federal Transit Administration's  
15 national transit database program with such modifications as appropriate for  
16 the various services, including the and guidance found in the most current  
17 ~~short range public transportation plans and~~ the most current state policy plan.  
18 The report shall describe any action taken by the agency pursuant to  
19 contractual authority to terminate funding for routes or to request service  
20 changes for failure to meet performance standards. The report shall be  
21 available to the general assembly by January 15 of each year.

~~\*\*\* Temporary Siting of Meteorological Stations \*\*\*~~

Sec. ~~31~~ 30. 30 V.S.A. § 246 is amended to read:

§ 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

(a) For purposes of this section, a “meteorological station” consists of one temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions.

(b) The public service board shall establish by rule or order standards and procedures governing application for, and issuance or revocation of, a certificate of public good for the temporary installation of one or more meteorological stations under the provisions of section 248 of this title. A meteorological station shall be deemed to promote the public good of the state if it is in compliance with the criteria of this section and the board rules or orders. An applicant for a certificate of public good for a meteorological station shall be exempt from the requirements of subsection 202(f) of this title.

(c) In developing rules or orders, the board:

(1) Shall develop a simple application form and shall require that completed applications be filed with the board, the department of public service, the agency of natural resources, the agency of transportation, and the municipality in which the meteorological station is proposed to be located.

\*\*\*

1 ~~\*\*\* Transportation Program; Project Dates \*\*\*~~

2 Sec. ~~32~~ 31. 19 V.S.A. § 10g(o) is added to read:

3 (o) The agency's transportation program shall include the date that a  
4 project and the date that any predecessor project which included some or all of  
5 the project's activities within its scope was first included in the transportation  
6 program.

7 ~~\*\*\* Operator's License and Inspection Sticker Grace Periods \*\*\*~~

8 Sec. ~~33~~ 32. 23 V.S.A. § 611 is amended to read:

9 § 611. POSSESSION OF LICENSE CERTIFICATE

10 Every licensee shall have his or her operator's license certificate in his  
11 immediate possession at all times when operating a motor vehicle. However,  
12 no person charged with violating this section or section 610 of this title shall be  
13 convicted if he or she produces in court or to the ~~arresting~~ enforcement officer  
14 an operator's license certificate theretofore issued to him or her ~~and valid~~  
15 which, at the time of his or her ~~arrest or within 14 days following its expiration~~  
16 citation, was valid or had expired within the prior 14 days.

17 Sec. ~~34~~ 33. 23 V.S.A. § 1222 is amended to read:

18 § 1222. INSPECTION OF REGISTERED VEHICLES

19 (a) Except for school buses which shall be inspected as prescribed in  
20 section 1282 of this title and motor buses as defined in subdivision 4(17) of  
21 this title which shall be inspected twice during the calendar year at six-month

1 ~~intervals, all motor vehicles registered in this state shall be inspected once each~~  
2 year. Any motor vehicle, trailer or semi-trailer not currently inspected in this  
3 state shall be inspected within 15 days from the date of its registration in the  
4 state of Vermont.

5 (b) The inspections shall be made at garages or qualified service stations,  
6 designated by the commissioner as inspection stations, for the purpose of  
7 determining whether those motor vehicles are properly equipped and  
8 maintained in good mechanical condition. The charges for such inspections  
9 made by garages or qualified service stations designated to conduct periodic  
10 inspections shall be subject to the approval of the commissioner.

11 ~~(b)~~ If a fee is charged for inspection, it shall be based upon the hourly rate  
12 charged by each official inspection station or it may be a flat rate fee and, in  
13 either instance, the fee shall be prominently posted and displayed beside the  
14 official inspection station certificate. In addition, the official inspection station  
15 may disclose the state inspection certificate charge on the repair order as a  
16 separate item and collect the charge from the consumer.

17 (c) A person shall not operate a motor vehicle unless it has been inspected  
18 as required by this section and has a valid certification of inspection affixed to  
19 it. However, no person charged with violating this subsection shall be  
20 adjudicated of a violation if the inspection sticker had expired within 14 days  
21 prior to the traffic stop, although an enforcement officer may stop an operator

1 ~~and issue a warning notice for any expired inspection sticker. The month of~~  
2 next inspection for all motor vehicles shall be shown on the current inspection  
3 certificate affixed to the vehicle.

4 ~~(e)(d)~~ Notwithstanding the provisions of subsection (a) of this section, an  
5 exhibition vehicle of model year 1940 or before registered as prescribed in  
6 section 373 of this title or a trailer registered as prescribed in subdivision  
7 371(a)(1)(A) of this title shall be exempt from inspection; provided, however,  
8 the vehicle must be equipped as originally manufactured, must be in good  
9 mechanical condition, and must meet the applicable standards of the inspection  
10 manual.

11 Sec. ~~35~~ 34. EFFECTIVE DATES

12 ~~(a) This section, Sec. 7 (western rail corridor grant application), Sec. 10~~  
13 ~~(authority to reduce fiscal year 2011 appropriations), and Sec. 14 (White River~~  
14 ~~Junction railroad station) shall take effect on passage.~~

15 ~~(b) Secs. 1–6, 8–9, 11–13, and 15–34 15-33 of this act shall take effect on~~  
16 ~~July 1, 2011.~~

*Sec. 1. TRANSPORTATION PROGRAM*

*(a) The state's proposed fiscal year 2012 transportation program appended to the agency of transportation's proposed fiscal year 2012 budget, as amended by this act, is adopted to the extent federal, state, and local funds are available.*

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

*(1) "agency" means the agency of transportation;*

*(2) "secretary" means the secretary of transportation;*



(3) the table heading "As Proposed" means the transportation program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading;

(4) "TIB debt service fund" refers to the transportation infrastructure bonds debt service fund established in 32 V.S.A. § 951a; and

(5) "TIB funds" refers to monies deposited in the transportation infrastructure bond fund in accordance with 19 V.S.A. § 11f.

*\* \* \* Town Highway Bridge \* \* \**

**Sec. 2. TOWN HIGHWAY BRIDGE**

The following modifications are made to the town highway bridge program:

(1) Development and engineering funding for the Fairfield BRO 1448(22) project in the amount of \$16,000.00 in federal funds, \$2,000.00 in transportation funds, and \$2,000.00 in local funds is deleted.

(2) A new project is added for the reconstruction or replacement of bridge #48 on TH 30 over Wanzer Brook in the town of Fairfield. Development and evaluation spending in the amount of \$16,000.00 in federal funds, \$2,000.00 in transportation funds, and \$2,000.00 in local funds is authorized for the project.

(3) Authorized spending on the Brattleboro-Hinsdale BRF 2000(19)SC project is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	100,000	0	-100,000
ROW	75,000	0	-75,000
Construction	0	0	0
Total	175,000	0	-175,000

Sources of funds

State	0	0	0
TIB fund	35,000	0	-35,000
Federal	140,000	0	-140,000
Local	0	0	0

Total 175,000 0 -175,000

(4) Authorized spending on the Stratton culvert TH3 0103 project is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	40,000	40,000	0
ROW	0	0	0
Construction	0	0	0
Total	40,000	40,000	0

Sources of funds

State	36,000	1,000	-35,000
TIB fund	0	35,000	35,000
Federal	0	0	0
Local	4,000	4,000	0
Total	40,000	40,000	0

\*\*\* Park and Ride \*\*\*

*Sec. 3. PROGRAM DEVELOPMENT – PARK AND RIDE*

Authorized spending on the municipal park and ride program within the program development — park and ride program is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	250,000	300,000	50,000
Total	250,000	300,000	50,000

Sources of funds

State	250,000	300,000	50,000
Total	250,000	300,000	50,000

\*\*\* Rail \*\*\*

*Sec. 4. RAIL*

The following modifications are made to the rail program:

(1) A new project is added to upgrade the western rail corridor to the standards required to support 286,000 pound freight traffic and inter-city passenger rail service. The western rail corridor includes connections from points in New York to the corridor between Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in Canada.

(2) Authorized spending on the three-way partnership program is amended to read as follows:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	0	0	0
Other	600,000	555,000	-45,000
Total	600,000	555,000	-45,000
<u>Sources of funds</u>			
State	200,000	185,000	-15,000
Federal	0	0	0
Local	400,000	370,000	-30,000
Total	600,000	555,000	-45,000

Sec. 5. Sec. 18 of No. 164 of the Acts of 2007 Adj. Sess. (2008) is amended to read:

*Sec. 18. RAIL*

*The following modifications are made to the rail program:*

*(1) Authorized spending on the three-way partnership program is amended to read as follows. ~~In future budget years, funding for the program shall be limited to the costs of specific projects.~~*

\* \* \*

\* \* \* Vermont Local Roads \* \* \*

*Sec. 6. TOWN HIGHWAY VERMONT LOCAL ROADS*

Authorized spending on the Vermont local roads program is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	375,000	390,000	15,000
Total	375,000	390,000	15,000
<u>Sources of funds</u>			
State	235,000	235,000	0
Federal	140,000	155,000	15,000

Total 375,000 390,000 15,000

*\* \* \* Bike and Pedestrian Facilities \* \* \**

*Sec. 7. PROGRAM DEVELOPMENT – BIKE AND PEDESTRIAN FACILITIES*

The following modification is made to the program development – bike and pedestrian facilities program: Notwithstanding the authorized project or activity spending approved for the bike and pedestrian program, the secretary shall transfer \$10,000.00 in transportation funds authorized for spending within the program to the Vermont Association of Snow Travelers (VAST) for expenditure on the Lamoille Valley Rail Trail project, STP LVRT(1). VAST may use these funds to satisfy a portion of the local match requirement for the federal earmark for this project, and shall provide the agency an accounting of its use of the funds by June 30, 2012.

*\* \* \* Supplemental Paving Spending \* \* \**

*Sec. 7a. TRANSPORTATION – SUPPLEMENTAL PAVING SPENDING*

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2011 and fiscal year 2012 transportation programs, the secretary, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer up to \$2,000,000.00 in transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to program development (8100001100) – paving, for the specific purpose of improving the condition of selected state highways that have incurred the worst damage caused by the severe winter weather of 2010–2011.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary may execute the transfer, giving prompt notice thereof to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on September 30, 2011.

*\* \* \* Central Garage \* \* \**

*Sec. 8. TRANSFER TO CENTRAL GARAGE FUND*

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2012, the amount of \$1,120,000.00 is transferred from the transportation fund to the central garage fund created in 19 V.S.A. § 13.

*\* \* \* Cancellation of Projects \* \* \**

*Sec. 9. CANCELLATION OF PROJECTS*

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the general assembly approves cancellation of the following projects:

(1) Program development — interstate bridges:

(A) Berlin-Montpelier IM 089-1(17) (rehabilitation of bridges #36N&S, #37N&S, #38N&S, #39, #40N&S, and #41N&S on I-89);

(B) Bethel-Williamstown IR 089-1(12) (deck replacement and structural improvements to several bridges on I-89);

(C) Middlesex-Waterbury IR 089-2(16) (deck replacement and structural improvements to several bridges on I-89);

(D) Brattleboro IR 091-1(23) (at PE and/or ROW phase) (deck replacement on bridges #9N&S on I-91);

(E) Colchester-Highgate IM IR 089-3(18) (at PE and/or ROW phase) (deck replacement and substructure improvements to several bridges on I-89);

(F) Vernon-Putney IR 091-1(17) (at PE and/or ROW phase) (deck replacement and substructure improvements on several bridges along I-91);

(G) Guilford-Brattleboro IM 091-1(32) (proposed) (rehabilitation of bridges #2N&S, #4N&S, #5N&S, #7, #11N&S, and #12 on I-91);

(H) Hartford-Newbury IM 091-2(68) (proposed) (rehabilitation of bridges #45N&S, #46, #47N&S, #48N&S, #49N&S, and #51N&S on I-91);

(I) Hartford-Sharon-Royalton IR 089-1(10) (proposed) (deck replacement and structural improvements to several interstate bridges);

(J) Milton IM 089-3( ) (proposed) (rehabilitation of bridges #82, #84N&S, #85, #89, #90, #91, #92N&S, and #93 on I-89);

(K) Richmond IM 089-2(27) (proposed) (rehabilitation of bridges #52N&S, #53N&S, #54, #55N&S, #56N&S, and #57N&S on I-89);

(L) Rockingham-Weathersfield IR 091-1(24) (proposed) (replacement and substructure improvements to several bridges on I-91);

(M) Sharon-Royalton IR 089-1(9) (proposed) (deck replacement and substructure improvements to several bridges on I-89); and

(N) Windsor-Hartland IR 091-1(21) (proposed) (deck replacement and substructure improvements to several bridges on I-91).

(2) Program development — state highway bridges:

(A) Middlebury BHF 5900(4) (rehabilitation of bridge #2 on Merchants Row (TH 8) over Vermont Railway);

(B) Middlebury BHF 0161(9) (rehabilitation of bridge #102 on VT 30 over Vermont Railway);

(C) Plymouth BRS 0149(3)S (replacement of bridge #8 on VT 100A over Hollow Brook; at PE and/or ROW phase).

(3) Town highway bridges:

(A) Readsboro BRO 1441(28) (replacement of bridge #21 on TH 4 over the West Branch of the Deerfield River);

(B) Fairfield BRO 1448(22) (replacement of bridge #48 on TH 30 over Wanzer Brook; at PE and/or ROW phase);

(C) Northfield BRO 1446(25) (replacement of bridge #50 on TH 25 over Stoney Brook; at PE and/or ROW phase).

(4) Program development — roadway:

(A) Bennington M 1000(10) (VT 67A) (district has constructed some improvements to intersection);

(B) Bridgewater-Woodstock NH 020-2(33)S (US 4) (project scope defined before adoption of Vermont design standards in 1997);

(C) Cavendish STP 0146(9) SC (VT 131) (Cavendish selectboard supports cancellation of project but would like some signage improvements to enhance safety);

(D) Cavendish-Ludlow NH-F 025-1(30) (VT 103) (FHWA requested VTrans to close this project in 2007);

(E) Concord-Lunenburg STP 0218( ) SC (TH 4) (project set up for scoping in 1997 but no funds were ever programmed);

(F) Dorset-Wallingford NH 019-2(20) SC (US 7) (project set up for scoping only and scoping report was completed in 1997);

(G) Dover STP 013-1(12) SC (VT 100) (project set up for scoping only and scoping report was completed in 1997);

(H) Duxbury STP F 013-4(11)S (VT 100) (project scope defined

before adoption of Vermont design standards in 1997);

(I) Hartford-Newbury IM 019-2(70) (I-91 drainage/fence) (high-priority safety projects have been completed along this segment of I-91);

(J) Hinesburg STP 0199( ) SC (TH 4/FAS 0199) (project set up for scoping in 1997 but no funds were ever programmed);

(K) Killington STP 022-1(19) SC (VT 100) (project set up for scoping only and the scoping report was completed in 1997);

(L) Marlboro NH F 010-1(25) (VT 9) (project scope defined before adoption of Vermont design standards in 1997);

(M) Newbury STP 026-2( ) (US 302) (origination of project unknown; project has not been programmed with any funds);

(N) Pownal-Bennington F 019-1(16)C/1 (US 7) (project scope defined before adoption of Vermont design standards in 1997);

(O) Pownal-Bennington F 019-1(16)C/2 (US 7) (project scope defined before adoption of Vermont design standards in 1997);

(P) Readsboro-Whitingham STP RS 0102(13) (VT 100) (project scope defined before adoption of Vermont design standards in 1997);

(Q) Ryegate-St. Johnsbury IM 091-2(74) (I-91 drainage/fence) (high-priority safety projects have been completed along this segment of I-91);

(R) Ryegate-St. Johnsbury IM 091-2(75) (I-91 guardrail/ledge) (high-priority safety projects have been completed along this segment of I-91);

(S) St. Johnsbury-Lyndon IM 091-3(43) (I-91 drainage/fence) (high-priority safety projects have been completed along this segment of I-91);

(T) St. Johnsbury-Lyndon IM 091-3(44) (I-91 guardrail/ledge) (high-priority safety projects have been completed along this segment of I-91);

(U) Townshend STP 015-1(19)S (VT 30) (project set up in 1999 to modify the glare barrier and landscape in the vicinity of BR 3 on VT 30; no design activity or local interest in project since inception);

(V) Vergennes ST 017-1( )S (VT 22A) (VTrans granted city funds to reconstruct and city contracted the work out);

(W) Waitsfield-Moretown-Duxbury STP F 013-4(12)S (VT 100) (project scope defined before adoption of Vermont design standards in 1997);

(X) Wallingford F 025-1(31) (VT 103) (project scope defined before adoption of Vermont design standards in 1997);

(Y) Waterford IM 093-1(11) (I-93 drainage/fence) (high-priority

safety projects completed along this segment of I-93);

(Z) Waterford IM 093-1(12) (I-93 guardrail/ledge) (high-priority safety projects completed along this segment of I-93); and

(AA) Williamstown STP RS 0204(3) (VT 64).

*\*\*\* FY 2012 Western Rail Corridor Improvements \*\*\**

*Sec. 10. WESTERN RAIL CORRIDOR GRANT APPLICATION; FY 2012 CONTINGENT BONDING AUTHORITY*

(a) The general assembly finds that intercity passenger rail along Vermont's western rail corridor is of critical importance to the transportation mobility and economic prosperity of the state. The western rail corridor includes connections from points in New York to the corridor between Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in Canada.

(b) The agency is encouraged to apply for a federal grant to cover, in whole or in part, the cost of upgrading the state's western rail corridor for intercity passenger rail service. In the grant application, the agency is authorized to identify the bonds authorized by this section as a source of state match funds. Upon its completion, the agency shall send an electronic copy of the grant application to the joint fiscal office.

(c) In the event the state is awarded a federal grant as referenced in subsection (b) of this section, the treasurer is authorized in fiscal year 2012 to issue transportation infrastructure bonds in an amount up to \$15,000,000.00 for the purpose of providing any state matching funds required by the federal grant. The treasurer is authorized to increase the issue of transportation infrastructure bonds in the event the treasurer determines that:

(1) the creation and funding of a permanent debt service reserve is advisable to support the successful issuance of the transportation infrastructure bonds; and

(2) the balance of the TIB fund and the TIB debt service fund as of the end of fiscal year 2011 is insufficient to fund such a permanent debt service reserve.

(d) In the event the state is awarded a federal grant as referenced in subsection (b) of this section:

(1) authority to spend the federal grant funds is added to the fiscal year 2012 transportation program – rail program and the amount of federal funds awarded is appropriated to the fiscal year 2012 transportation – rail program; and



(2) if transportation infrastructure bonds are issued pursuant to subsection (c) of this section to fund the project, authority to spend the bond proceeds on the project in an amount needed to match the federal funds authorized in subdivision (d)(1) of this subsection is added to the 2012 fiscal year transportation program – rail program and that amount is appropriated to the fiscal year 2012 transportation – rail program.

**Sec. 11. FISCAL YEAR END 2011 TRANSPORTATION FUND SURPLUS**

Subject to the funding of the transportation fund stabilization reserve in accordance with 32 V.S.A. § 308a and notwithstanding 32 V.S.A. § 308c (transportation fund surplus reserve), any surplus in the transportation fund as of the end of fiscal year 2011 up to a maximum amount of \$1,000,000.00 may be transferred to the TIB debt service fund by order of the secretary of transportation, with the approval of the secretary of administration, for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 10 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

**Sec. 12. FISCAL YEAR END 2011 TIB FUND SURPLUS**

Any surplus in the transportation infrastructure bond fund as of the end of fiscal year 2011 up to a maximum amount of \$1,000,000.00 may be transferred to the TIB debt service fund by order of the secretary of transportation, with the approval of the secretary of administration, for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 10 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

**Sec. 13. AUTHORITY TO REDUCE FISCAL YEAR 2011 APPROPRIATIONS**

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2011 transportation program, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may reduce fiscal year 2011 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, and transfer in fiscal year 2011 the amount of the reductions to the TIB debt service fund for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 10 of this act, to pay the

issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

(b) The secretary's authority under subsection (a) of this section to reduce appropriations is limited to appropriations, the reduction of which, by itself, will not have the effect of significantly delaying the planned fiscal year 2011 work schedule of a project which formed the basis of the project's funding in fiscal year 2011.

(c) When any appropriation is reduced pursuant to this section, the secretary shall report the reduction to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session, and when the general assembly is not in session, to the joint transportation oversight committee.

#### **Sec. 14. CHANGE TO CONSENSUS REVENUE FORECAST**

In the event the July 2011 consensus revenue forecast of fiscal year 2012 transportation fund or TIB fund revenue is increased above the January 2011 forecast, the increase up to \$2,000,000.00 may be transferred to the TIB debt service fund, by order of the secretary of transportation with the approval of the secretary of administration, for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 10 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

#### **Sec. 15. AUTHORITY TO REDUCE FISCAL YEAR 2012 APPROPRIATIONS**

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2012 transportation program, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may reduce fiscal year 2012 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, and transfer in fiscal year 2012 the amount of the reductions to the TIB debt service fund for the purpose of providing the funds the treasurer deems likely to be needed to pay debt service obligations of transportation infrastructure bonds authorized by Sec. 10 of this act in fiscal year 2013.

(b) The secretary's authority under subsection (a) of this section to reduce appropriations is limited to appropriations, the reduction of which, by itself, in the context of any spending authorized for the project in the fiscal year 2012 transportation program will not have the effect of significantly delaying the

planned work schedule of the project which formed the basis of the project's funding in fiscal years 2012 and 2013.

(c) The agency shall expedite the procedures required to determine the eligibility and certification of federal toll credits with respect to potentially qualifying capital expenditures made by Vermont entities through the end of fiscal year 2011 which, subject to compliance with federal maintenance of effort requirements, would be available for use by the state in fiscal year 2013. The fiscal year 2013 transportation program shall reserve up to \$3,000,000.00 of such potentially available federal toll credits and federal formula funds and authorize the secretary to utilize the federal toll credits and federal formula funds to accomplish the objectives of this section.

(d) When any appropriation is reduced pursuant to this section, the secretary shall report the reduction to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session, and when the general assembly is not in session, to the joint transportation oversight committee.

\* \* \* White River Junction Railroad Station \* \* \*

**Sec. 16. ACQUISITION OF WHITE RIVER JUNCTION RAILROAD STATION**

(a) The agency is authorized to acquire, and to seek federal funds to assist in acquiring, the White River Junction railroad station from Rio Blanco Corporation or its successors in interest for a purchase price of up to \$875,000.00. The subject property is a 6,774-square-foot commercial building sited on approximately 0.73 acres of land, is located at 100–106 Railroad Row in the village of White River Junction within the town of Hartford, and is all the same property conveyed to Rio Blanco Corporation by two deeds: Release Deed from Central Vermont Railway, Inc., dated February 1, 1995, and recorded at Book 219, pages 45–50, and Release Deed from Boston & Maine Corporation dated February 2, 1995, and recorded at Book 219, pages 51–60, both in the land records of the town of Hartford.

(b) A new project is added to the fiscal year 2011 and 2012 transportation program — rail program for purchase of the White River Junction railroad station.

(c) Notwithstanding the authorized project or activity spending within the fiscal year 2011 transportation program — rail program and the fiscal year 2012 transportation program — rail program, the secretary is authorized to use up to a total of \$875,000.00 in transportation funds or TIB funds approved within the fiscal year 2011 and 2012 rail programs for purchase of the station.

(d) The agency shall promptly report to the joint transportation oversight

committee and to the joint fiscal office any action taken under the authority granted in subsection (a) of this section.

(e) Following conveyance of the White River Junction railroad station to the state of Vermont, the agency shall administer the property in accordance with 5 V.S.A. chapter 56 (intercity rail passenger service).

*\* \* \* Aviation Program Plan \* \* \**

*Sec. 17. AVIATION PROGRAM PLAN*

(a) By January 15, 2012, the secretary of transportation shall develop a business plan to achieve the goal of reducing or eliminating the operating deficits of state-owned airports by June 30, 2015. In developing this plan, the secretary shall review the aviation programs of other states; study whether aircraft registration fees, hangar fees, landing fees for noncommercial aircraft, and other service fees would produce net revenues for the state; estimate the net revenues that would be generated at various fee levels and for various fee types; and review any other subject matter the secretary deems relevant to reducing or eliminating the operating deficits of state-owned airports.

(b) State airports certified by the Federal Aviation Administration pursuant to Part 139 of Title 14 of the Code of Federal Regulations and state airports that provide daily commercial passenger airline service shall be excluded from the business plan required under subsection (a) of this section.

(c) By January 15, 2012, the secretary shall submit the business plan required under subsection (a) of this section to the house and senate committees on transportation and shall include in the plan any recommendations for proposed legislation needed to implement the plan.

*\* \* \* Municipal Airports \* \* \**

*Sec. 18. 5 V.S.A. § 695 is amended to read:*

*§ 695. FEDERAL ASSISTANCE*

~~No municipality in this state, whether acting alone or jointly with another municipality or with the state shall submit to the Federal Aviation Administration of the United States any project application under the provisions of any federal statute, unless the project and the project application have been first approved by the secretary which approval shall not be unreasonably withheld. No A municipality shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the Federal Airport Act or amendments to that act, but it shall designate may petition the secretary to serve as its agent and in its behalf to accept, receive, receipt account for, and disburse all funds granted by the United States for an~~

airport project. ~~‡~~ If the secretary agrees to serve as agent, the municipality shall enter into an agreement with the secretary prescribing the terms and conditions of the agency relationship in accordance with any applicable federal or state laws, rules and or regulations and applicable laws of this state.

\* \* \* State Aid for Town Highway Roadways and Structures \* \* \*

Sec. 19. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

\* \* \*

(e) State aid for town highway structures. There shall be an annual appropriation for grants to municipalities for maintenance, including actions to extend life expectancy, and for construction of bridges, culverts, and other structures, including causeways and retaining walls, intended to preserve the integrity of the traveled portion of class 1, 2, and 3 town highways. Each fiscal year, the agency shall approve qualifying projects with a total estimated state share cost of ~~\$3,490,000.00~~ \$5,833,500.00 at a minimum as new grants. The agency's proposed appropriation for the program shall take into account the estimated amount of qualifying invoices submitted to the agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the town highway structures program exceed the amount appropriated, the agency shall advise the governor of the need to request a supplemental appropriation from the general assembly to fund the additional project cost, provided that the agency has previously committed to completing those projects. Funds received as grants for state aid for town highway structures may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

(f), (g) [Deleted.]

(h) Class 2 town highway roadway program. There shall be an annual appropriation for grants to municipalities for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2 town highways. Each fiscal year, the agency shall approve qualifying projects with a total estimated state share cost of ~~\$4,240,000.00~~ \$7,248,750.00 at a minimum as new grants. The agency's proposed appropriation for the program shall take into account the estimated amount of qualifying invoices submitted to the agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the town highway class 2 roadway program

*exceed the amount appropriated, the agency shall advise the governor of the need to request a supplemental appropriation from the general assembly to fund the additional project cost, provided that the agency has previously committed to completing those projects. Funds received as grants for state aid under the class 2 town highway roadway program may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.*

*\* \* \**

*\* \* \* Utility Adjustments \* \* \**

*Sec. 20. UTILITY ADJUSTMENTS*

*Notwithstanding chapter 16 of Title 19, during fiscal years 2011, 2012, and 2013, the agency is authorized to pay from a federal earmark for a highway project the costs of adjustments to municipal utilities located within a state highway right-of-way needed to accommodate the project, provided that the earmark involves no state matching funds and no commitment of state or additional federal funds, and provided that the utility adjustment costs are otherwise eligible for federal participation.*

*\* \* \* Scenic Byways and Roads \* \* \**

*Sec. 21. The title of 10 V.S.A. chapter 19 is amended to read:*

*CHAPTER 19. SCENERY PRESERVATION ~~COUNCIL~~*

*Sec. 22. 10 V.S.A. § 425 is amended to read:*

*§ 425. ~~SCENERY PRESERVATION~~ BYWAYS ADVISORY COUNCIL*

*(a) The ~~scenery preservation~~ byways advisory council shall:*

*(1) upon request, advise and consult with the agency of transportation, organizations, municipal planning commissions or legislative bodies, or regional planning commissions concerning byway program grants and in the designation of municipal scenic roads or byways;*

*(2) recommend for designation state scenic roads or byways after holding a public meeting to determine local support for designation;*

*(3) encourage and assist in fostering public awareness, and understanding of, and public participation in promoting, the objectives and functions of scenery preservation and in stimulating public participation and interest current intrinsic scenic and other qualities within byways and scenic road corridors.*

*(b) The ~~scenery preservation~~ byways advisory council shall consist of ~~seven~~ eight members: the secretary of natural resources or his or her designee; the*

~~secretary of transportation or his or her designee; the commissioner of tourism and marketing or his or her designee; and five members appointed by the governor. The terms of the members appointed by the governor shall be for three years, except that he or she shall appoint the first members so that the terms of the members end in one year, two years, and three years. The governor shall designate an appointed member to serve as ~~chairman~~ chair at the governor's pleasure. Except as provided in this section, no state employee or member of any state commission or any federal employee or member of any federal commission shall be eligible for membership on the ~~scenery preservation~~ byways advisory council. Members of the council who are not full-time state employees shall be entitled to a per diem as provided in 32 V.S.A. § 1010(b) and reimbursement for their actual necessary expenses. ~~The council shall meet no more than two times per year, and meetings may be called by the chair of the council or the secretary of transportation or his or her designee~~ may call meetings of the council.~~

~~(c) The transportation board shall, in consultation with the scenery preservation council, and considering the criteria recommended in subdivision (b)(5) of this section, prepare, adopt and promulgate standards, and criteria for variances therefrom, pursuant to chapter 25 of Title 19, to carry out the purposes of this chapter. The standards shall include, but shall not be limited to, descriptions of techniques for construction, including roadside grading and planting and preservation of intimate roadside environments as well as scenic outlooks. The standards shall further prescribe minimum width, alignment and surface treatment with particular reference to the legislative findings of this act. The standards shall include methods of traffic control, such as signs, speed limits, signals and warnings, which shall not, within appropriate safety considerations, jeopardize the scenic or historic value of such roads. These standards shall be revised as necessary taking into consideration increased weight, load and size of vehicles making use of scenic roads, such as, but not limited, to forest product vehicles, agribusiness vehicles and school buses. No provision of the scenic road law may deny necessary improvement to or maintenance of scenic roads over which such vehicles must travel. Rehabilitation or reconstruction of byways or state scenic roads shall be conducted in accordance with the agency of transportation's Vermont Design Standards, as amended. Signs along byways and scenic roads shall be in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.~~

~~(d) Provisions of this chapter shall apply only within the highway right of way. [Repealed.]~~

~~(e) All actions, including promulgation of rules, regulations or recommendations for designation, shall be made pursuant to the provisions of~~

~~chapter 25 of Title 3. [Repealed.]~~

*Sec. 23. 19 V.S.A. § 2501 is amended to read:*

*§ 2501. STATE SCENIC ROADS; DESIGNATION AND DISCONTINUANCE*

*(a) On the recommendation of the ~~scenery preservation~~ byways advisory council, the transportation board may designate or discontinue any state highway, or portion of a state highway, as a state scenic road. The board shall hold a hearing on the recommendation and shall submit a copy of its decision together with its findings to the ~~scenery preservation~~ byways advisory council within 60 days after receipt of the recommendation. The hearing shall be held in the vicinity of the proposed scenic highway.*

*(b) Annually, the council shall provide information to the agency of commerce and community development on designated scenic roads for inclusion on state maps.*

*(c) A state scenic road shall not be reconstructed or improved unless the reconstruction or improvement ~~conforms to the standards established by the agency of transportation pursuant to 10 V.S.A. § 425~~ is conducted in accordance with the agency of transportation's Vermont Design Standards, as amended.*

*Sec. 24. 19 V.S.A. § 2502 is amended to read:*

*§ 2502. TOWN SCENIC ROADS; DESIGNATION AND DISCONTINUANCE*

*(a) On recommendation of the planning commission of a municipality, or on the initiative of the legislative body of a municipality, a legislative body may, after one public hearing warned for the purpose, designate or discontinue any town highway or portion of a town highway as a town scenic highway. Such action by the legislative body may be petitioned by the registered voters of the municipality pursuant to the provisions of 24 V.S.A. § 1973.*

*(b) A town scenic road may be reconstructed or improved in a manner ~~consistent with the standards established by the transportation board, pursuant to 10 V.S.A. § 425~~ consistent with the agency of transportation's Vermont Design Standards, as amended. A class 1, 2 or 3 scenic highway shall still be eligible to receive aid pursuant to the provisions of this title.*

*(c) ~~The legislative body of a municipality may appeal for a variance from standards promulgated by the transportation board. In these appeals, the board's decision shall be final. [Repealed.]~~*

*Sec. 25. 30 V.S.A. § 218c(d)(2) is amended to read:*

*(2) Prior to the adoption of any transmission system plan, a utility*



*preparing a plan shall host at least two public meetings at which it shall present a draft of the plan and facilitate a public discussion to identify and evaluate nontransmission alternatives. The meetings shall be at separate locations within the state, in proximity to the transmission facilities involved or as otherwise required by the board, and each shall be noticed by at least two advertisements, each occurring between one and three weeks prior to the meetings, in newspapers having general circulation within the state and within the municipalities in which the meetings are to be held. Copies of the notices shall be provided to the public service board, the department of public service, any entity appointed by the public service board pursuant to subdivision 209(d)(2) of this title, the agency of natural resources, the division for historic preservation, the department of health, the ~~scenery preservation~~ byways advisory council, the agency of transportation, the attorney general, the chair of each regional planning commission, each retail electricity provider within the state, and any public interest group that requests, or has made a standing request for, a copy of the notice. A verbatim transcript of the meetings shall be prepared by the utility preparing the plan, shall be filed with the public service board and the department of public service, and shall be provided at cost to any person requesting it. The plan shall contain a discussion of the principal contentions made at the meetings by members of the public, by any state agency, and by any utility.*

*Sec. 26. 30 V.S.A. § 248(a)(4)(C) is amended to read:*

*(C) At the time of filing its application with the board, copies shall be given by the petitioner to the attorney general and the department of public service, and, with respect to facilities within the state, the department of health, agency of natural resources, historic preservation division, ~~scenery preservation council, state planning office~~, agency of transportation, the agency of agriculture, food and markets and to the chairperson or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located. At the time of filing its application with the board, the petitioner shall give the byways advisory council notice of the filing.*

*\* \* \* Rest Areas and Welcome Centers; Funding \* \* \**

*Sec. 27. APPORTIONMENT STUDY*

*The joint fiscal office, in consultation with the commissioner of buildings and general services or designee and the secretary of transportation or designee, shall study how the cost of constructing, rehabilitating, maintaining, staffing, and operating rest areas, information centers, and welcome centers could be apportioned between the general fund and the transportation fund. The joint fiscal office shall submit a report of its findings to the joint*

transportation oversight committee by November 1, 2011.

*\* \* \* State Highway Condemnation Law Study Committee \* \* \**

**Sec. 28. STATE HIGHWAY CONDEMNATION LAW STUDY COMMITTEE**

(a) A study committee is established, consisting of a member of the house committee on transportation designated by the speaker, a member of the house committee on judiciary designated by the speaker, a member of the senate committee on transportation designated by the committee on committees, a member of the senate committee on judiciary designated by the committee on committees, a representative of the Vermont Bar Association designated by the association, a representative of the Vermont League of Cities and Towns designated by the league, a representative of the Vermont Society of Land Surveyors designated by the society, and the secretary of transportation or designee who shall serve as chair.

(b) The chair shall call the first meeting of the committee to be held by September 1, 2011, and the committee is authorized to hold up to five in-person meetings. The agency of transportation shall provide administrative support for the committee, and the office of legislative council shall provide staff service to the committee. The secretary of transportation or designee and staff of the office of legislative council shall prepare the report required under subsection (e) of this section based on the findings of the committee, and the committee shall terminate upon delivery of this report.

(c) The committee shall investigate possible changes in the state's highway condemnation law set forth in chapter 5 of Title 19 to achieve improved integration with the transportation planning process, federal and state environmental reviews, legislative oversight of the transportation program under 19 V.S.A. § 10g, and the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. § 4601 et seq. The committee also shall investigate the effect of possible changes to chapter 5 of Title 19 on other provisions of law that reference and rely upon the procedures set forth in that chapter.

(d) For attendance at a meeting when the general assembly is not in session, legislative members of the committee shall be entitled to per diem compensation and expense reimbursement as provided in 2 V.S.A. § 406(a).

(e) The committee shall deliver a report of its findings, including any recommendations for proposed legislation, to the house and senate committees on transportation and on judiciary by January 15, 2012.

*\* \* \* Sign and Travel Information Law \* \* \**

*Sec. 29. 10 V.S.A. § 494 is amended to read:*

*§ 494. EXEMPT SIGNS*

*The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:*

*\* \* \**

*(16) ~~[Repealed.]~~ Signs displaying a message of congratulations, condolences, birthday wishes, or displaying a message commemorating a personal milestone or event; provided, however, any such message is maintained for not more than two weeks.*

*\* \* \**

*Sec. 30. TRAVEL INFORMATION COUNCIL – RULEMAKING AND RECOMMENDATIONS*

*(a) By July 1, 2012, the travel information council shall, pursuant to the rulemaking authority granted in 10 V.S.A. § 484(b), adopt rules as to what constitutes flashing intermittent or moving lights or animated or moving parts within the meaning of 10 V.S.A. § 495(a)(3). In adopting these rules, the travel information council shall consider reliable empirical studies of the effect of changing or flashing signs on traffic safety; the current state of sign technology and expected future developments in sign technology; and the findings set forth in 10 V.S.A. § 482 concerning the value of the scenic resources of the state, the importance of providing information regarding services, accommodations, and points of interest to the traveling public, and the hazard created by the proliferation of outdoor advertising. The agency of transportation shall provide staff and administrative support during the rulemaking process.*

*(b) The travel information council shall study whether, consistent with the legislative findings set forth in 10 V.S.A. § 482, and based on the council's experience enforcing 10 V.S.A. chapter 21, the list of exempt signs at 10 V.S.A. § 494 should be amended. The council shall report its findings to the house and senate committees on transportation and to the house and senate committees on natural resources and energy by January 15, 2012.*

*\* \* \* Motor Fuel Transportation Infrastructure Assessment \* \* \**

*Sec. 31. 23 V.S.A. § 3106(a) is amended to read:*

*(a) Except for sales of motor fuels between distributors licensed in this state, which sales shall be exempt from the tax and from the motor fuel transportation infrastructure assessment, in all cases not exempt from the tax*

*under the laws of the United States at the time of filing the report required by section 3108 of this title, each distributor shall pay to the commissioner a tax of \$0.19 upon each gallon of motor fuel sold by the distributor, and a motor fuel transportation infrastructure assessment in the amount of two percent of the retail price ~~exclusive of all federal and state taxes~~ upon each gallon of motor fuel sold by the distributor, exclusive of: all federal and state taxes, the petroleum distributor licensing fee established by 10 V.S.A. § 1942, and the motor fuel transportation infrastructure assessment authorized by this section. The retail price shall be based upon the average retail prices for regular gasoline determined and published by the department of public service. The retail price applicable for the January–March quarter shall be the average of the retail prices published by the department of public service the prior October, November, and December; and the retail price applicable in each succeeding calendar quarter shall be equal to the average of the retail prices published by the department of public service in the preceding quarter. The distributor shall also pay to the commissioner a tax and a motor fuel transportation infrastructure assessment in the same amounts upon each gallon of motor fuel used within the state by him or her.*

*\* \* \* Public Transit Advisory Council \* \* \**

*Sec. 32. 24 V.S.A. § 5084 is amended to read:*

*§ 5084. PUBLIC TRANSIT ADVISORY COUNCIL*

*(a) A public transit advisory council shall be created by the secretary of transportation under 19 V.S.A. § 7(f)(5), to consist of the following members:*

- (1) the secretary of transportation or designee;*
- (2) ~~the executive director of the Vermont public transportation association;~~*
- (3) three representatives of the Vermont public transportation association;*
- (4)(3) a representative of the Chittenden County transportation authority;*
- (5)(4) the secretary of human services or designee;*
- (6)(5) the commissioner of employment and training labor or designee;*
- (7)(6) the secretary of commerce and community development or designee;*
- (8)(7) a representative of the Vermont center for independent living;*
- (9)(8) a representative of the ~~council~~ community of Vermont elders;*

- ~~(10)(9)~~ a representative of private bus operators and taxi services;
- ~~(11)(10)~~ a representative of Vermont intercity bus operators;
- ~~(12)(11)~~ a representative of the Vermont association of planning and development agencies;
- ~~(13)(12)~~ a representative of the Vermont league of cities and towns;
- ~~(14)(13)~~ a citizen appointed by the governor;
- ~~(15)(14)~~ a member of the senate, appointed by the committee on committees; and
- ~~(16)(15)~~ a member of the house of representatives, appointed by the speaker.

\* \* \*

\* \* \* *Public Transportation Planning; Annual Reporting* \* \* \*

Sec. 33. 24 V.S.A. § 5089(b) is amended to read:

*(b) Recognizing that the growing demand for new regional and commuter services must be considered within the context of the continuing need for local transit services that meet basic mobility needs, the agency of transportation shall consult annually with the regional planning commissions and public transit providers in advance of the award of available planning funds. The agency shall maintain a working list of both short- and long-term planning needs, goals, and objectives that balances the needs for regional service with the need for local service. Available planning funds shall be awarded in accordance with state and federal law and as deemed necessary and appropriate by the agency following consultation with the regional planning commissions and the public transit providers. ~~The agency shall report annually to the general assembly on planning needs, expenditures, and cooperative planning efforts.~~*

Sec. 34. 24 V.S.A. § 5092 is amended to read:

§ 5092. *REPORTS*

*The agency of transportation, in cooperation with the public transit advisory council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form from the state or federal government, including but not limited to subsidies related to the elders and persons with disabilities transportation program for service and capital equipment. Financial and performance data on the elders and persons with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's national transit database program with such modifications as*

*appropriate for the various services, ~~including the~~ and guidance found in ~~the most current short range public transportation plans and the most current state policy plan.~~ The report shall describe any action taken by the agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. The report shall be available to the general assembly by January 15 of each year.*

*\* \* \* Temporary Siting of Meteorological Stations \* \* \**

*Sec. 35. 30 V.S.A. § 246 is amended to read:*

*§ 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS*

*(a) For purposes of this section, a “meteorological station” consists of one temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions.*

*(b) The public service board shall establish by rule or order standards and procedures governing application for, and issuance or revocation of, a certificate of public good for the temporary installation of one or more meteorological stations under the provisions of section 248 of this title. A meteorological station shall be deemed to promote the public good of the state if it is in compliance with the criteria of this section and the board rules or orders. An applicant for a certificate of public good for a meteorological station shall be exempt from the requirements of subsection 202(f) of this title.*

*(c) In developing rules or orders, the board:*

*(1) Shall develop a simple application form and shall require that completed applications be filed with the board, the department of public service, the agency of natural resources, the agency of transportation, and the municipality in which the meteorological station is proposed to be located.*

*\* \* \**

*\* \* \* Transportation Program; Project Dates \* \* \**

*Sec. 36. 19 V.S.A. § 10g(o) is added to read:*

*(o) For projects initially approved by the general assembly for inclusion in the state transportation program after January 1, 2006, the agency’s proposed transportation program prepared pursuant to subsection (a) of this section and the official transportation program prepared pursuant to subsection (f) of this section shall include the year in which such projects were first approved by the general assembly.*

*\* \* \* Possession of Valid Operator’s License \* \* \**

*Sec. 37. 23 V.S.A. § 611 is amended to read:*

*§ 611. POSSESSION OF LICENSE CERTIFICATE*

*Every licensee shall have his or her operator's license certificate in his or her immediate possession at all times when operating a motor vehicle. However, no person charged with violating this section or section 610 of this title shall be convicted if he or she produces in court or to the ~~arresting~~ enforcement officer an operator's license certificate theretofore issued to him or her ~~and valid which~~, at the time of his or her ~~arrest or within 14 days following its expiration~~ citation, was valid or had expired within the prior 14 days.*

*\* \* \* Inspection Stickers \* \* \**

*Sec. 38. 23 V.S.A. § 1222 is amended to read:*

*§ 1222. INSPECTION OF REGISTERED VEHICLES*

*(a) Except for school buses which shall be inspected as prescribed in section 1282 of this title and motor buses as defined in subdivision 4(17) of this title which shall be inspected twice during the calendar year at six-month intervals, all motor vehicles registered in this state shall be inspected once each year. Any motor vehicle, trailer or semi-trailer not currently inspected in this state shall be inspected within 15 days from the date of its registration in the state of Vermont.*

*(b) The inspections shall be made at garages or qualified service stations, designated by the commissioner as inspection stations, for the purpose of determining whether those motor vehicles are properly equipped and maintained in good mechanical condition. The charges for such inspections made by garages or qualified service stations designated to conduct periodic inspections shall be subject to the approval of the commissioner.*

*(~~b~~) If a fee is charged for inspection, it shall be based upon the hourly rate charged by each official inspection station or it may be a flat rate fee and, in either instance, the fee shall be prominently posted and displayed beside the official inspection station certificate. In addition, the official inspection station may disclose the state inspection certificate charge on the repair order as a separate item and collect the charge from the consumer.*

*(c) A person shall not operate a motor vehicle unless it has been inspected as required by this section and has a valid certification of inspection affixed to it. A person shall be subject to a fine of not more than \$5.00 if he or she is cited for a violation of this section within 14 days of expiration of the motor vehicle inspection sticker. The month of next inspection for all motor vehicles shall be shown on the current inspection certificate affixed to the vehicle.*

*(~~e~~)(d) Notwithstanding the provisions of subsection (a) of this section, an exhibition vehicle of model year 1940 or before registered as prescribed in*

*section 373 of this title or a trailer registered as prescribed in subdivision 371(a)(1)(A) of this title shall be exempt from inspection; provided, however, the vehicle must be equipped as originally manufactured, must be in good mechanical condition, and must meet the applicable standards of the inspection manual.*

*\* \* \* Parking for Blind and Disabled \* \* \**

*Sec. 39. 23 V.S.A. § 304a(d) is amended to read:*

*(d) A person ~~who is blind or~~ who has an ambulatory disability ~~may or an individual transporting a person who is blind shall be permitted to park and to park~~ without fee for ~~not more than~~ at least 10 continuous days in a parking zone space or area which is restricted as to the length of time parking is permitted or where parking fees are assessed, except that this minimum period shall be 24 continuous hours for parking in a state or municipally operated parking garage. This section shall not apply to ~~zones spaces or areas in which parking, standing, or stopping of all vehicles is prohibited, by law or by any parking ban, or which are reserved for special vehicles, or where parking is prohibited by any parking ban.~~ As a condition to this privilege, the vehicle shall display the special handicapped plate or placard issued by the commissioner or a special registration license plate or placard issued by any other jurisdiction.*

*Sec. 40. 20 V.S.A. § 2904 is amended to read:*

*§ 2904. PARKING SPACES*

*Any parking facility on the premises of a public building shall contain at least the number of parking spaces required by ADAAG standards, and in any event at least one parking space, as ~~free~~ designated parking for individuals with ambulatory disabilities or blind individuals patronizing the building. The space or spaces shall be accessibly and proximately located to the building, and, subject to 23 V.S.A. § 304a(d), shall be provided free of charge. Consideration shall be given to the distribution of spaces in accordance with the frequency and persistence of parking needs. Such spaces shall be designated by a clearly visible sign that cannot be obscured by a vehicle parked in the space, by the international symbol of access and, where appropriate, by the words "van accessible"; shall otherwise conform to ADAAG standards; and shall be in accordance with the standards established under section 2902 of this title.*

*Sec. 41. EFFECTIVE DATES*

*(a) This section, Secs. 7a (supplemental paving spending), 10 (western rail corridor grant application), 13 (authority to reduce fiscal year 2011 appropriations), 16 (White River Junction railroad station), 17 (aviation*



program plan), 20 (utility adjustments), and 29–30 (sign law provisions) shall take effect on passage.

(b) Sec. 36 (transportation program project dates) shall take effect on January 1, 2012.

(c) All other sections of this act shall take effect on July 1, 2011.