
Referred to Committee on

Date:

Subject: Transportation; policy

Statement of purpose: This bill proposes to modify Vermont’s transportation policy to require that the needs of all users of Vermont’s transportation system—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—be considered and accommodated in state and locally managed transportation projects.
An act relating to a transportation policy to accommodate all users. An act relating to a transportation policy that considers all users

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

Sec. 1. PURPOSE

The purpose of this bill is to ensure that the needs of all users of Vermont’s transportation system—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—are considered and accommodated in all phases, including planning, development, and construction, of state and locally managed transportation projects except in the case of projects or project components involving unpaved highways. This “complete streets” principle shall be integral to state and local transportation policy in Vermont.

Sec. 2. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The agency shall be the responsible agency of the state for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that state transportation policy encompassing, coordinating, and integrating shall be to encompass, coordinate, and integrate all modes of transportation, and to provide for the safety, convenience, and accommodation of all transportation system users, regardless of age, ability, or modal preference; and
the need for transportation projects that will improve the state’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways.

(b) The agency shall coordinate planning and education efforts with those of the Vermont climate change oversight committee and those of local and regional planning entities:

(1) to assure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

(2) to support employer or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.

(c) In developing the state’s annual transportation program, the agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by No. 200 of the Acts of the 1987 Adj. Sess. (1988) and with appropriate consideration to local, regional, and state agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and promote.

(2) Consider and provide for the safety, convenience, and accommodation of all transportation system users—including motorists.
bicyclists, public transportation users, and pedestrians of all ages and abilities—in the planning, development, and construction of transportation projects, except in the case of projects or project components involving unpaved highways. If a proposed project, other than a project or project component involving an unpaved highway, does not accommodate or provide for safe and convenient access for all such users, the secretary shall make a written determination, supported by documentation and available for public inspection at the agency, that one or more of the following circumstances exists:

(A) use by pedestrians or bicyclists is prohibited by law; or
(B) the cost of providing safe and convenient access and accommodation for users of all ages, abilities, and modal preferences would be disproportionate to the need or probable use as determined by factors, including land use, current and projected traffic volumes, or population density.

(3) Promote economic opportunities for Vermonters and the best use of the state’s environmental and historic resources.

(2)(4) Manage available funding to:

(A) give priority to preserving the functionality of the existing transportation infrastructure, including bicycle and pedestrian trails regardless of whether they are located along a highway shoulder; and
(d) The agency of transportation, in developing each of the program prioritization systems schedules for all modes of transportation, shall include the following throughout the process:

(1) The agency shall annually solicit input from each of the regional planning commissions and the Chittenden County metropolitan planning organization on regional priorities within each schedule, and those inputs shall be factored into the prioritizations for each program area and shall afford the opportunity of adding new projects to the schedules.

(2) Each year the agency shall provide in the front of the transportation program book a detailed explanation describing the factors in the prioritization system that creates each project list.

Sec. 3. 24 V.S.A. § 4302 is amended to read:

§ 4302. PURPOSE; GOALS

(a) General purposes. It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this state by the action of its constituent municipalities and regions, with the aid and assistance of the state, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on
agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to ensure that the needs of all transportation users, regardless of age, ability, or modal preference, are considered and provided for in the planning, development, and construction of locally managed transportation projects; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design, to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this state to plan for the prevention, minimization and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property.

(b) It is also the intent of the legislature that municipalities, regional planning commissions, and state agencies shall engage in a continuing planning process that will further the following goals:
(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

(4) To encourage and assist municipalities to work creatively together to develop and implement plans.

(c) In addition, this chapter shall be used to further the following specific goals:

* * *

(4) To provide for safe, convenient, economic, integrated, and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclists and to consider and provide for the safety, convenience, and adequate accommodation of all transportation system users—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—in the planning, development, and construction of locally managed
transportation projects, except in the case of projects or project components involving unpaved highways.

(A) Highways, air, rail and other means of transportation should be mutually supportive, balanced, and integrated. If a proposed project, other than a project or project component involving an unpaved highway, does not accommodate or provide for safe and convenient access for all users, the municipal body managing the project shall make a written determination, supported by documentation and available for public inspection at the office of the municipal clerk, that one or more of the following circumstances exists:

(A) use by pedestrians or bicyclists is prohibited by law; or

(B) the cost of providing safe and convenient access and accommodation for users of all ages, abilities, and modal preferences would be disproportionate to the need or probable use as determined by factors, including land use, current and projected traffic volumes, or population density.

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Sec. 4. REPORTING

Annually, by January 15, the agency of transportation shall report to the house and senate committees on transportation on how the agency has changed or adopted procedures to comply with this act, including:
(1) procedures for identifying the needs of users of all ages, abilities, and modal preferences in project planning;
(2) procedures for identifying the types and designs of facilities needed to serve each class of users;
(3) procedures for overcoming the common barriers to accommodating all users;
(4) procedures for maximizing state and local cooperation in the implementation of this act;
(5) procedures for assessing and modifying the facilities and operational characteristics of existing transportation facilities to improve consistency with this act;
(6) the establishment of performance measures; and
(7) for locally managed projects involving agency cooperation with municipalities, procedures which ensure that the requirements of this act are met and which ensure timely, efficient, and nonduplicative reviews within the agency.

Sec. 5. EFFECTIVE DATE
This act shall take effect on July 1, 2011.

Sec. 1. PURPOSE
The purpose of this bill is to ensure that the needs of all users of Vermont’s transportation system—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—are considered in all state and locally managed transportation project phases, including planning, development, construction, and maintenance, except in the case of projects or
project components involving unpaved highways. These “complete streets” principles shall be integral to state and local transportation policy in Vermont.

Sec. 2. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The agency shall be the responsible agency of the state for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that state transportation policy encompassing, coordinating, and integrating shall be to encompass, coordinate, and integrate all modes of transportation, and to follow “complete streets” principles, which means to consider the safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and

(2) the need for transportation projects that will improve the state’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways.

(b) The agency shall coordinate planning and education efforts with those of the Vermont climate change oversight committee and those of local and regional planning entities:

(1) to assure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

(2) to support employer or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.

(b)(c) In developing the state’s annual transportation program, the agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by No. 200 of the Acts of the 1987 Adj. Sess. (1988) and with appropriate consideration to local, regional, and state agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and promote.

(2) Consider the safety and accommodation of all transportation system users—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—in all state and locally managed transportation project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. If, after the consideration required under this subdivision, a state-managed project does not incorporate complete streets,
principles, the project manager shall make a written determination, supported by documentation and available for public inspection at the agency, that one or more of the following circumstances exists:

(A) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(B) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The agency shall consult local and regional plans in assessing these and any other relevant factors.

(C) Incorporating complete streets principles is outside the scope of a project because of its very nature.

The written determination required under this subdivision (2) shall be final and shall not be subject to appeal or further review.

(3) Promote economic opportunities for Vermonters and the best use of the state’s environmental and historic resources.

(4) Manage available funding to:

(A) give priority to preserving the functionality of the existing transportation infrastructure, including bicycle and pedestrian trails regardless of whether they are located along a highway shoulder; and

(B) adhere to credible project delivery schedules.

(c) The agency of transportation, in developing each of the program prioritization systems schedules for all modes of transportation, shall include the following throughout the process:

(1) The agency shall annually solicit input from each of the regional planning commissions and the Chittenden County metropolitan planning organization on regional priorities within each schedule, and those inputs shall be factored into the prioritizations for each program area and shall afford the opportunity of adding new projects to the schedules.

(2) Each year the agency shall provide in the front of the transportation program book a detailed explanation describing the factors in the prioritization system that creates each project list.

Sec. 3. 24 V.S.A. § 4302 is amended to read:

§ 4302. PURPOSE; GOALS

(a) General purposes. It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this state by the action
of its constituent municipalities and regions, with the aid and assistance of
the state, in a manner which will promote the public health, safety, and
the prevention of fire, floods, explosions, and other dangers; to promote
prosperity, comfort, access to adequate light and air, convenience,
economy, and general welfare; to enable the mitigation of the burden of
property taxes on agricultural, forest, and other open lands; to encourage
architectural design; to encourage the development of renewable
resources; to protect residential, agricultural, and other areas from
undue concentrations of population and overcrowding of land and
buildings, from traffic congestion, from inadequate parking and the
invasion of through traffic, and from the loss of peace, quiet, and
privacy; to facilitate the needs of all transportation users, regardless of
delay, delay, or modal preference and to consider such needs in
all locally managed transportation project phases, including planning,
development, construction, and maintenance; to facilitate the growth
of villages, towns, and cities and their communities and neighborhoods so as
to accommodate and control the growth of land and buildings from traffic congestion.

(b) It is also the intent of the legislature that municipalities, regional
planning commissions, and state agencies shall engage in a continuing
planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and
policy framework to guide decisions by municipalities, regional planning
commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning
process and to assure that decisions shall be made at the most local level
possible consistent with their impact.

(3) To consider the use of resources and the consequences of growth
development, conservation, and maintenance. To facilitate the growth of
villages, towns, and cities and their communities and neighborhoods so as
to accommodate and control the growth of land and buildings from traffic congestion.
(4) To provide for safe, convenient, economic, integrated, and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclists and to follow “complete streets” principles, which means to consider the safety and accommodation of all transportation system users, regardless of age, ability, or modal preference—in all locally managed transportation project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways.

(A) Highways, air, rail and other means of transportation should be mutually supportive, balanced, and integrated. If, after the consideration required under this subdivision, a project does not incorporate complete streets principles, the municipality managing the project shall make a written determination, supported by documentation and available for public inspection at the office of the municipal clerk and at the agency of transportation, that one or more of the following circumstances exists:

(A) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(B) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors such as land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The municipality shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.

(C) Incorporating complete streets principles is outside the scope of a project because of its very nature.

The written determination required under this subdivision (4) shall be final and shall not be subject to appeal or further review.

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Sec. 4. REPORTING AND TRANSITION RULE

(a) By March 15, 2012, the agency of transportation shall report to the house and senate committees on transportation on its activities to comply with this act.

(b) The agency shall make available to the public upon request and in an easily understandable format a list of all state- and locally managed projects that have incorporated complete streets principles, accompanied by a description of each project and its location.
(c) The agency shall make available to the public upon request and in an easily understandable format a list of all state- and locally managed projects that have not incorporated complete streets principles pursuant to an exemption of 19 V.S.A. § 10b(c)(2) or 24 V.S.A. § 4302(c)(4). This list shall specify which exemption applied.

(d) The agency shall be exempt from the requirements to assign exemptions pursuant to Sec. 2, 19 V.S.A. § 10b(c)(2), and Sec. 3, 24 V.S.A. § 4302(c)(4), of this act and from the reporting requirements of this section with respect to any project for which preliminary engineering is complete as of the effective date of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

Sec. 1. PURPOSE

The purpose of this bill is to ensure that the needs of all users of Vermont’s transportation system—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—are considered in all state and municipally managed transportation projects and project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. These “complete streets” principles shall be integral to the transportation policy of Vermont.

Sec. 2. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The agency shall be the responsible agency of the state for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that state transportation policy encompassing, coordinating, and integrating shall be to encompass, coordinate, and integrate all modes of transportation, and to consider “complete streets” principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and

(2) the need for transportation projects that will improve the state’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways.

(b) The agency shall coordinate planning and education efforts with those of the Vermont climate change oversight committee and those of local and regional planning entities:
(1) to assure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

(2) to support employer or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.

(b)(c) In developing the state’s annual transportation program, the agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by No. 200 of the Acts of the 1987 Adj. Sess. (1988) and with appropriate consideration to local, regional, and state agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and promote.

(2)(A) Consider the safety and accommodation of all transportation system users—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—in all state and municipally managed transportation projects and project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. If, after the consideration required under this subdivision, a state-managed project does not incorporate complete streets principles, the project manager shall make a written determination, supported by documentation and available for public inspection at the agency, that one or more of the following circumstances exist:

(i) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(ii) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The agency shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.

(iii) Incorporating complete streets principles is outside the scope of a project because of its very nature.

(B) The written determination required under subdivision (A) of this subdivision (2) shall be final and shall not be subject to appeal or further review.

(3) Promote economic opportunities for Vermonters and the best use of the state’s environmental and historic resources.
(2)(4) Manage available funding to:

(A) give priority to preserving the functionality of the existing transportation infrastructure, including bicycle and pedestrian trails regardless of whether they are located along a highway shoulder; and

(B) adhere to credible project delivery schedules.

(c)(d) The agency of transportation, in developing each of the program prioritization systems schedules for all modes of transportation, shall include the following throughout the process:

(1) The agency shall annually solicit input from each of the regional planning commissions and the Chittenden County metropolitan planning organization on regional priorities within each schedule, and those inputs shall be factored into the prioritizations for each program area and shall afford the opportunity of adding new projects to the schedules.

(2) Each year the agency shall provide in the front of the transportation program book a detailed explanation describing the factors in the prioritization system that creates each project list.

Sec. 3. 19 V.S.A. § 309d is added to read:

§ 309d. POLICY FOR MUNICIPALLY MANAGED TRANSPORTATION PROJECTS

(a) Except in the case of projects or project components involving unpaved highways, for all transportation projects and project phases managed by a municipality, including planning, development, construction, or maintenance, it is the policy of this state for municipalities to consider “complete streets” principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference.

If, after the consideration required under this section, a project does not incorporate complete streets principles, the municipality managing the project shall make a written determination, supported by documentation and available for public inspection at the office of the municipal clerk and at the agency of transportation, that one or more of the following circumstances exist:

(1) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(2) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors such as land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The municipality shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.
(3) Incorporating complete streets principles is outside the scope of a project because of its very nature.

(b) The written determination required by subsection (a) of this section shall be final and shall not be subject to appeal or further review.

Sec. 4. REPORTING AND TRANSITION RULE

(a) By March 15, 2012, the agency of transportation shall report to the house and senate committees on transportation on its activities to comply with this act.

(b) The agency shall make available to the public upon request and in an easily understandable format a list of all state and municipally managed projects that have incorporated complete streets principles, accompanied by a description of each project and its location.

(c) The agency shall make available to the public upon request and in an easily understandable format a list of all state and municipally managed projects that have not incorporated complete streets principles pursuant to an exemption of Sec. 2, 19 V.S.A. § 10b(c)(2)(A), or Sec. 3, 19 V.S.A. § 309d(a), of this act. This list shall specify which exemption applied.

(d) The agency and municipalities shall be exempt from the requirement to assign exemptions pursuant to Sec. 2, 19 V.S.A. § 10b(c)(2)(A), or Sec. 3, 19 V.S.A. § 309d(a), of this act and from the reporting requirements of this section with respect to any project for which preliminary engineering is complete as of the effective date of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2011.