



STATE OF VERMONT
GENERAL ASSEMBLY

Joint Transportation Oversight Committee Agenda

Wednesday, September 27, 2023

1:00 p.m.

Room 10 and Zoom

[Livestream Link](#)

Last Updated 10/2/2023 8:28 AM

1:00 p.m. Introductions and Overview of JTOC

Rep. Sara Coffey, Chair, Joint Transportation Oversight Committee
Anthea Dexter-Cooper, Office of Legislative Counsel
[Cite: 19 V.S.A. § 12b]

1:10 p.m. Overview of July Flooding Impacts and Response Activities

Joe Flynn, Secretary, Agency of Transportation
Wanda Minoli, Commissioner, Department of Motor Vehicles
Ann Gammell, Director, Highway Division
Erin Sission, Deputy Director, Highway Division
Todd Law, Acting Director Maintenance - Fleet
Ernie Patnoe, Acting Director District Maintenance - Operations
Michele Boomhower, Director, Policy, Planning & Intermodal Development
Jayna Morse, Finance & Administration Director

1. Impacts to transportation systems and DMV operations
2. Emergency projects undertaken
3. Ongoing and future challenges
4. Preliminary cost and federal reimbursement estimates

1:40 p.m. Impact of Flooding on FY 2024 Transportation Program and Budget

[Cite: 19 V.S.A. § 10g(h)]
Bradley Kukenberger, Chief Financial Officer, Agency of Transportation

2:00 p.m. Update on Flood-Related Program Changes to Vehicle Incentive Programs (Incentive Program for New PEVs, MileageSmart, and Replace Your Ride)

Patrick Murphy, Project Manager, Sustainability and Innovations, Agency of Transportation
[link to [August 15, 2023 press release](#) announcing changes]

2:15 p.m. Franklin County Airport-Related Property Transaction

Possible Action Item

[Cite: 5 V.S.A. § 204(b)]

*Michele Boomhower, Director Policy, Planning & Intermodal
Development, Agency of Transportation*

2:35 p.m. Caledonia Airport Sale/Lease Updates

[Cite: 2023 Acts and Resolves No. 62, Secs. 8-9]

*Michele Boomhower, Director Policy, Planning & Intermodal
Development, Agency of Transportation*

3:00 p.m. Adjourn

Statutory References to Agenda Items

Joint Transportation Oversight Committee

Cite: 19 V.S.A. § 12b

(a) There is created a Joint Transportation Oversight Committee composed of the Chairs of the House and Senate Committees on Appropriations, the House and Senate Committees on Transportation, the House Committee on Ways and Means, and the Senate Committee on Finance. The Committee shall be chaired alternately by the Chairs of the House and Senate Committees on Transportation, and the two-year term shall run concurrently with the biennial session of the General Assembly. The Chair of the Senate Committee on Transportation shall chair the Committee during the 2009-2010 legislative session.

(b) The Committee shall meet during adjournment for official duties. Meetings shall be convened by the Chair and, when practicable, shall be coordinated with the regular meetings of the Joint Fiscal Committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § 23. The Committee shall have the assistance of the staff of the Office of Legislative Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

(c) The Committee shall provide legislative oversight of the Transportation Fund revenues collection and the operation and administration of the Agency of Transportation construction, paving, and rehabilitation programs. The Secretary of Transportation shall report to the Committee upon request.

(d) If and when applicable, the Secretary shall submit electronically to the Joint Fiscal Office for distribution to members of the Committee a report summarizing any plans or actions taken to delay project schedules as a result of:

(1) a generalized increase in bids relative to project estimates;

(2) changes in the consensus revenue forecast of the Transportation Fund or Transportation Infrastructure Bond Fund; or

(3) changes in the availability of federal funds.

Emergency Project Reporting Requirements to JTOC

Cite: 19 V.S.A. § 10g(h)

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision

and action taken 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, the Joint Fiscal Office, and the Joint Fiscal Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify the Joint Transportation Oversight Committee, the Joint Fiscal Office, and the Joint Fiscal Committee when the General Assembly is not in session and the House and Senate Committees on Transportation and the Joint Fiscal Office when the General Assembly is in session. With respect to projects in the approved Transportation Program, the Secretary shall notify, in the district affected, the regional planning commission, the municipality, legislators, the House and Senate Committees on Transportation, and the Joint Fiscal Office of any change that likely will affect the fiscal year in which the project is planned to go to construction. No project shall be canceled without the approval of the General Assembly, except that the Agency may cancel a municipal project upon the request or concurrence of the municipality provided that notice of the cancellation is included in the Agency's annual proposed Transportation Program.

Approval for Aviation-Related Property Acquisitions/Transfers

Cite: 5 V.S.A. § 204(b)

(b) An acquisition or transfer under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the General Assembly of the acquisition or transfer and its terms or, if the General Assembly is not in session, with the specific prior approval of the Joint Transportation Oversight Committee. The requirement of this subsection shall not apply, however, if the General Assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

Caledonia County State Airport

Cite: 2023 Acts and Resolves No. 62, Secs. 8-9

* * * State Airports * * *

Sec. 8. SALE OR LEASE OF CALEDONIA COUNTY STATE AIRPORT

(a)

(1) The Agency of Transportation is authorized to issue a request for proposals for the purchase or lease of the Caledonia County State Airport, located in the Town of Lyndon, and the Agency shall consult with the Town of Lyndon on any requests for proposals related to the purchase or lease of the Airport prior to the

issuance of any requests for proposals related to the purchase or lease of the Airport.

(2) The request for proposal shall include a request for a business plan, which shall, at a minimum, include the prospective purchaser's or lessor's plans for investments in the Airport and the surrounding communities and may include plans for partnerships with secondary and post-secondary institutions in the surrounding communities.

(b) Subject to obtaining any necessary approvals from the U.S. Federal Aviation Administration, the Vermont Secretary of Transportation, as agent for the State, is authorized to convey the Airport property by warranty deed according to the terms of a purchase and sale agreement or through a long-term lease.

(c) Any such conveyance shall:

(1) include assignment of the State's interest in easements, leases, licenses, and other agreements pertaining to the Airport and the acceptance of the State's obligations under such easements, leases, licenses, and other agreements that requires, at a minimum, that any leases and terms of leases that are in effect at the time of the conveyance of the Airport are fully honored for the balance of the lease term;

(2) ensure that there are investments in the Airport to address current deficiencies and necessary repairs;

(3) ensure that the Airport continues to be a public-use airport and that the public continues to have access to the Airport for general aviation uses in perpetuity;

(4) ensure that the Airport continues to be identified as a public-use airport within the National Plan of Integrated Airport Systems until at least 2050, subject to federal determination;

(5) include, if the Airport is conveyed through a purchase and sale agreement, a six-month right of first refusal, running from the date that the owner of the Airport provides notice to the State of an intent to sell the Airport, for the State to repurchase the Airport at fair market value before the Airport is resold or transferred to a new owner; and

(6) include, if the Airport is leased, that the lease cannot be either assigned or the lessor cannot sub-lease all or substantially all of the Airport without the written approval of the Vermont Secretary of Transportation.

(d) The Agency shall not proceed with a sale or lease of the Airport unless:

(1) there is a fair market value offer, as required under 19 V.S.A. § 10k(b) or 26a(a), that meets the requirements of subsection (c) of this section; and

(2) the Town of Lyndon is given the opportunity to review and comment on the final purchase and sale agreement or lease as applicable.

(e) This section shall constitute specific prior approval, including of any sale or lease terms, by the General Assembly for purposes of 5 V.S.A. § 204.

Sec. 9. REPEAL OF AUTHORITY FOR SALE OR LEASE OF CALEDONIA COUNTY STATE AIRPORT

Sec. 8 of this act shall be repealed on May 1, 2026.