
NO. 122. AN ACT RELATING TO THE CHITTENDEN COUNTY
TRANSIT AUTHORITY.

(H. 215)

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

Sec. 1. Creation of authority

There is hereby created a transit authority to be known as the “Chittenden County Transportation Authority”.

Sec. 2. Area of operation

The area of operation shall be Chittenden, Franklin, Grand Isle, and Washington Counties and the towns of Orange, Washington, and Williamstown. The area of operation shall include Addison and Caledonia counties and the towns of Orange County other than Orange, Washington, and Williamstown, but only for the provision of commuter services. The area of operation shall include Lamoille County, but only for the provision of published scheduled services.

Sec. 3. Membership in the authority

Membership in the authority shall consist of those municipalities, which elect to join the authority by majority vote of its voters present and voting on the question at an annual or special meeting duly warned for the purpose prior to July 1, 2010. Beginning July 1, 2010, a municipality may hold an annual meeting or a special meeting for the purpose of determining through election by a majority vote of its voters present and voting on the question only if the municipality is specifically authorized to join the authority either under Sec. 13 of this charter or by resolution duly passed by the Chittenden County Transportation Authority Board of Commissioners. The initial meeting of a municipality called to determine whether or not to join the authority shall be warned in the manner provided by law, except that for such meeting only, any warning need not be posted for a period in excess of 20 days, any other provision of law or municipal charter to the contrary notwithstanding. Membership may be terminated only in the manner provided in section 8 of this act.

Sec. 4. Purposes and powers

(a) The authority is hereby created for the following purposes and is granted the following authority: to purchase, own, operate or provide for the operation of land transportation facilities, and to contract for transit services, to conduct studies and to contract with other governmental agencies, private companies and individuals.

(b) The authority shall be a body politic and corporate with the powers incident to a municipal corporation under the laws of the state of Vermont consistent with the purposes of the authority, and shall further have the purposes and powers set forth herein.

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(c) The authority is granted the authority to exercise all powers necessary, appurtenant, convenient or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(1) To sue and be sued;

(2) To adopt, use and alter at will a corporate seal;

(3) To acquire, purchase, hold, lease as a lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer or dispose of any property or interest therein acquired by it;

(4) To fix, alter, charge and establish rates, fares and other charges for the services and facilities within its area of operation, which rates, fees and charges shall be equitable and just;

(5) To acquire and operate, or provide for the operation of local transportation systems, public or private, within its area of operation;

(6) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business;

(7) To enter into management contracts with any person or persons for the management of a public transportation system or controlled by the authority for such a period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable by the authority;

(8) To accept gifts or grants or loans of money or other property, and to enter into contracts, leases or other transactions with any federal agency, the state, any agency of the state, or with any other public body of the state, including municipalities, school districts and other authorities;

(9) To borrow money and issue evidence of indebtedness as provided by Chapter 47 of Title 24. For the purpose of that chapter, the grand list of the authority shall be deemed to be the total of the grand lists of the member municipalities, and the debt limit of the authority shall not be diminished by any obligation incurred by a member municipality alone. Obligations incurred under such chapter shall be the joint and several obligations of the authority and of each member municipality but shall not affect any limitation on indebtedness of a member municipality. The cost of debt service shall be included in the annual budget of the authority as provided in section 7 of this act, and shall be allocated among the member municipalities as set forth in said section. Where voter approval is required pursuant to Chapter 47 of Title 24, the board of commissioners shall determine the number and location of polling places, and when a majority of all the voters present and voting on the question from all of the member municipalities at such meeting vote to authorize the issuance of bonds, the board of commissioners shall be authorized to issue the bonds as provided in said chapter. The counting of ballots shall be conducted by the board of commissioners together with the town or city clerk from each member municipality or his designee.

(10) To develop transportation plans, and to coordinate its planning and programs with those of appropriate municipal, county, and state agencies and other political subdivisions of the state;

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(11) Within Chittenden County and its member municipalities, to acquire by the exercise of the power of eminent domain any real property which it may have found necessary for its purposes, in the manner provided for the condemnation of land or rights therein as set forth in sections 221-233 of Title 19, and acts amendatory thereof or supplementary thereto;

(12) To prescribe and promulgate necessary rules and regulations consistent with the provisions hereof;

(13) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this act or any other law.

Sec. 5. Exemption from regulation

The public transportation systems and facilities operating under this authority are generally exempt from any of the regulatory provisions of Title 30. However, the public service board may impose those regulatory provisions of Title 30 that it may determine from time to time to be necessary.

Sec. 6. Government and organization

(a) The officers of the authority, and their election or designation shall be as follows:

Board of commissioners. The purposes, powers, duties and responsibilities of the authority shall be exercised by the Board of Commissioners, consisting of one commissioner from each municipality which is a member of this authority and two commissioners from the City of Burlington. The commissioners shall be appointed by and serve at the pleasure of the legislative body of the member municipality. Any vacancies on the board of commissioners shall be filled by the legislative body of the respective member municipality, but in the event that the legislative body fails to appoint a commissioner within two months from the date of the occurrence of the vacancy, the vacancy shall be filled by the Board of Commissioners. Commissioners shall serve without pay.

(1) Terms of office. Each commissioner shall serve for a term of three years ending June 30 or until his successor is duly appointed and has qualified.

(b) Officers. The board of commissioners annually shall elect from among its members a chairman, vice-chairman, treasurer and secretary, and such other officers that are necessary for the conduct of its business.

(c) Meetings of the board of commissioners. The frequency and method of calling regular and special meetings of the board of commissioners, procedures for the transaction of business, and other necessary matters shall be in accordance with bylaws adopted and amended from time to time by a majority of the commissioners.

(d) Administrative personnel. The board of commissioners may appoint a transit director, and such other personnel as is necessary for the conduct of the business of the authority, and the board of commissioners shall have the power to prescribe their duties, fix their compensation, and delegate to them such responsibilities for the management and control of the operations of the authority, as its interest may require.

Sec. 7. Annual budget and assessments

(a) On or before February 15 in each year the board of commissioners shall prepare a budget for the authority for the next fiscal year, which shall include an estimate of the revenue of the authority from fares and other sources, except membership assessments, and the expenses for the next fiscal year, including debt service, and at such time the board of commissioners shall call a meeting of the residents of its members for the purpose of presenting the proposed budget and inviting discussion thereon. The meeting shall be held at a place within the county and shall be warned by a notice published in a newspaper of general circulation in the county at least 15 days prior to the meeting. The notice shall contain a copy of the proposed budget, and members of the legislative body of each member municipality shall be notified of the meeting by certified mail.

(b) Annually, following the meeting provided in the preceding paragraph, the board of commissioners shall review the proposed budget of the authority in light of any discussion thereon at the meeting, and shall then adopt said budget with or without changes.

(c) The treasurer of the authority, following adoption of the budget, shall apportion the sums required to be contributed by each member municipality according to the formula for apportionment. The formula for apportionment may be changed by the board of commissioners with the concurrence of all the legislative bodies of at least three-quarters of the member municipalities.

(d) The treasurer of the authority shall immediately notify the treasurer of each member municipality and the chairman of the legislative body in each member municipality, of the amount of such assessment, and the member municipality shall add such assessment to its own budget and shall assess such tax as is necessary to raise the amount of the assessment. The amount of the assessment in each member municipality shall be paid to the treasurer of the authority on or before July 15 in each year.

(e) In the event that the budget of the authority in any year becomes insufficient to support the operations of the authority, the board of commissioners may assess the member municipalities for additional sums, apportioned in the manner provided in this section, but such additional assessment shall require the approval of all the legislative bodies in the member municipalities.

Sec. 8. Termination of membership

(a) A member municipality may withdraw from membership in the authority, if notification of withdrawal is given more than one year after the member municipality joined such authority. Such withdrawal shall take effect at the end of the first full fiscal year following such notification of withdrawal, such notification to be in the form of a resolution duly adopted by the legislative body of the withdrawing member and delivered to the board of commissioners at a regular meeting thereof.

(b) Notwithstanding subsection (a) of this section, upon giving notice as required by subsection (a), a member municipality may withdraw from the authority after the authority has voted to bond itself in accordance with the provisions hereof but shall continue to be liable for its share of all existing

indebtedness incurred under Chapter 47 of Title 24 at the time notice of its withdrawal is given.

Sec. 9. Miscellaneous provisions

(a) The authority shall prepare an annual report of its activities, including a financial statement, and submit the report to the legislative bodies of the member municipalities.

(b) The fiscal year of the authority shall commence July 1 in each year.

(c) It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, no other section, subsection, sentence, clause or provision of this act shall be deemed invalid or ineffective.

Sec. 10. Implementation

(a) The initial members of this authority shall be those municipalities which elect to join, in accordance with the provisions of section 3 of this act on or before March 7, 1973. The authority may commence operations when two municipalities have joined as members. On or before March 15, 1973, the authority shall prepare a budget for the period ending June 30, 1973 and for the fiscal period July 1, 1973 through June 30, 1974, and shall proceed with the adoption of same and assessment as provided in section 7 of this act. Until such time as the initial members have appointed commissioners as provided herein, the executive director of the Chittenden County Regional Planning Commission shall have the authority to initiate the organization of the authority and to submit preliminary applications for financial assistance, provided, however, that he shall have no authority to incur financial obligations on behalf of the authority.

(b) The membership of municipalities other than the initial members shall require the approval of the board of commissioners.

(c) Immediately upon joining the authority, the municipality shall appoint two commissioners as provided herein. The initial terms of the commissioners of the initial members shall be arranged by the Chittenden County Regional Planning Commission so that the terms of approximately one-third of the commissioners shall expire in each year. The initial terms of commissioners from municipalities joining after March 7, 1973, shall be set by the board of commissioners.

Sec. 11. Sec. 11. This act shall take effect from passage.

Sec. 12. Assessments of New Members Outside of Chittenden County

Municipalities outside of Chittenden County that vote to join Chittenden County Transportation Authority on or after July 1, 2010, shall negotiate with the board of commissioners of the Chittenden County Transportation Authority on the amount of the levy to be assessed upon the municipality and terms of payment of that assessment; and the municipality may not join prior to agreement with the authority on terms of the levy and payment. Upon the addition of one municipality to the membership of the Chittenden County Transportation Authority from outside Chittenden County, said authority shall immediately begin work on the formula for assessment that will be approved in

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accordance with this act.

Sec. 13. Municipalities Authorized to Vote for Membership in the Chittenden County Transportation Authority

The following municipalities are authorized to hold an election for the purpose of determining membership in the Chittenden County Transportation Authority: Barre City, Berlin, Colchester, Hinesburg, Montpelier, Morristown, Richmond, St. Albans City, Stowe, and Waterbury.

Sec. 14. Other Representation

If Washington, Lamoille, Franklin, or Grand Isle county does not have a municipal member from its county on the board of commissioners of the Chittenden County Transportation Authority, the regional planning commission serving the county may appoint a board member to the Chittenden County Transportation Authority from a member of its regional planning commission or regional planning commission staff to represent its interests on the Chittenden County Transportation Authority board.

Sec. 15. Repeal

Secs. 46 and 47 of No. 56 of the Acts of 2003 are repealed.

Sec. 16. Effective Date

This act shall take effect on July 1, 2011. However, a municipality that is authorized to vote for membership in the Chittenden County Transportation Authority under Secs. 3 and 13 of No. 122 of the Acts of 1973 as amended by this act, shall be authorized to do so at its 2011 annual meeting.

Originally approved: February 2, 1973.

Amended: March 30, 2010

ATTACHMENT A

Supplements Section 7(c)

The Treasurer of the Authority, following adoption of the budget, shall apportion the sums required to be contributed by each member municipality according to the following:

1. (a) Member assessments for fixed route service, defined as all service operated by the authority exclusive of paratransit and interregional commuter express routes (known as LINK Express services), will be frozen at the amount assessed to each municipality in fiscal year 2007, with the exception of the amount assessed for non-fare fixed route services which shall be assessed utilizing the formula in paragraph (d) of this subsection. The amount of fixed route service, in terms of the number of revenue hours of service, provided to member and non-member municipalities in fiscal year 2007 is considered to be the base level of fixed route service. The total municipal assessment for the base level of fixed route service may be increased or decreased subject to Board approval.

(b) The Board may authorize minor changes in service within the base level of fixed route service with no impact on individual member assessments if:

1. the service changes do not affect driver pay hours by more than 10 hours per week in a given member municipality or the value of the net local share of the proposed service changes are not more than 10% of the total fixed route assessment for that municipality, whichever is less; and
2. minor service reductions within a member community occur not more than twice in a five year period, unless said member community has received similar minor service increases within the same time period.

Any approved minor service changes under this paragraph shall be formally communicated in writing to the affected municipalities.

(c) Budgeted ADA complementary paratransit service expenses will be assessed to each municipality receiving such services according to the percentage of ridership of the total originating from each municipality, based upon paratransit ridership in the most recently completed year. Member municipalities will be assessed 50% of the net cost of service for the budgeted fiscal year for the total number of ADA rides originating in that municipality expressed as a percentage from the total number of rides from the most recently completed year. Non-member municipalities will be invoiced 100% of the net cost of service for the budgeted fiscal year for the total number of ADA rides originating in that municipality expressed as a percentage from the total number of rides from the most recently completed year.

(d) If the Board determines that a route should operate without charging a passenger fare, the community or communities in which the route operates will reimburse the Authority for the foregone fare revenue in addition to the standard local share for that route. The amount of foregone fare revenue assessed to that community or communities shall equal the total annual ridership

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from the most recently completed year on the subject route multiplied by the average fare revenue per passenger for all other fixed route services from the most recently completed fiscal year at the time of budget adoption. In the case of a fare free route that serves more than one community the rides per community shall be determined by an annual ridecheck conducted for this purpose. Burlington shall be assessed both the standard local share and the foregone fare revenue for the College Street Shuttle. The Board of Commissioners shall determine and approve of a transition plan from the current assessment for the College Street Shuttle to the assessment contained in this paragraph.

2. (a) New services are defined as any fixed, deviated fixed, commuter route or demand response public transportation service not operating at the time of the adoption of this amendment.

(b) Major changes in service are defined as anything that cannot be defined as a minor change in service as defined in (1)(b) of this section.

(c) Proposals for new services and/or major changes in service shall be prepared by Authority staff in consultation with the affected member community commissioners and communities. The staff will prepare a funding package for any such services or changes and present it to the board for approval.

3. For any new service the required local share shall be paid according to the funding package approved by the Board. Such local share shall appear on the municipalities' assessment as new service. When the Board determines that a new service is sustainable based upon ridership and funding availability, the Board may incorporate such service into the base level of fixed route service. Once a service has been incorporated into the base level of fixed route service the host community/ies will pay the local share at the same rate as paid for other base services. For its initial year as part of the base level of fixed route service, the local share for fixed route services will be based on the most recently completed fiscal year; for later years, the new service will be treated the same as all other routes in the base level of fixed route service.

4. Pursuant to the powers granted in this Charter, the Authority may negotiate special agreement(s) with a community seeking membership in the Authority or with an existing member community for the levy of special one-time or multi-year assessments to be paid by that community which the Authority deems necessary and appropriate for the purchase of capital equipment required for new route(s), or new route segment(s), or new transportation service(s) provided in that community. Assessments for new members shall include their share of the base level of fixed route service for services operating in their municipality that they would have paid if they were members in fiscal year 2007. At the discretion of the Board new members could also be assessed for a portion of the local share for past capital investments. Assessments may take form of cash payment, or grant, or in-kind contribution. The terms of such agreement(s) shall be clearly defined and agreed to by the community on which the assessment is

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being levied. The obligation of the specially assessed community shall be clearly defined and secured.

5. The amount of debt service due from each member community from the total indebtedness of the Authority will be proportional to the amount of local funding provided by each municipality for all public transportation services supported by bond revenue. Upon a notice of termination of membership from the authority by a municipality, the treasurer of the Authority shall calculate the debt service owed to the Authority by such member municipality. Such calculation shall be as follows:

The total outstanding indebtedness of the Authority as of the end of the last fiscal year for which service is provided will be multiplied by a percentage arrived at by dividing the withdrawing community's average billing for operating expenses for the last three fiscal years in which service is provided by the Authority's total billing to all member communities for operating expenses for the same fiscal years. The resulting amount will represent the withdrawing community's obligation for indebtedness pursuant to Section 8(b) of the Charter. Such amount shall be paid to the Authority on a schedule as determined by the Board of Commissioners. The Board is authorized to create special agreements that may change the calculation contained in this subsection, in those instances the terms of the special agreement shall apply.

6. The formula for apportionment may be changed by the Board of Commissioners, with the concurrence of all the legislative bodies of the member municipalities.