VTrans Involvement in Act 250
Act 145 - Transportation Impact Fees

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CCRPC TAC

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VTrans Participation in Act 250

- VTrans reviews all Act 250 applications, holds weekly internal collaboration meetings with staff representing all transportation modes.
- We seek input from the applicable Regional Planning Commission or host municipality, when necessary.
- Applications are reviewed for items relating to development access, traffic congestion, safety, bike/pedestrian facilities, transit and proximity to state airports, railroads and rail trails.
- The proposed development is also reviewed for assessment of the Act 145 Transportation Impact Fee.
- VTrans also participates in formal Act 250 hearings, as necessary

VTrans Act 250 Statistics – Statutory Jurisdiction

In 2024, VTrans reviewed 256 Act 250 Applications

42 required a VTrans Entry of Appearance

12 had an Act 145 Transportation Impact Fee assessed

Act 145 of 2014

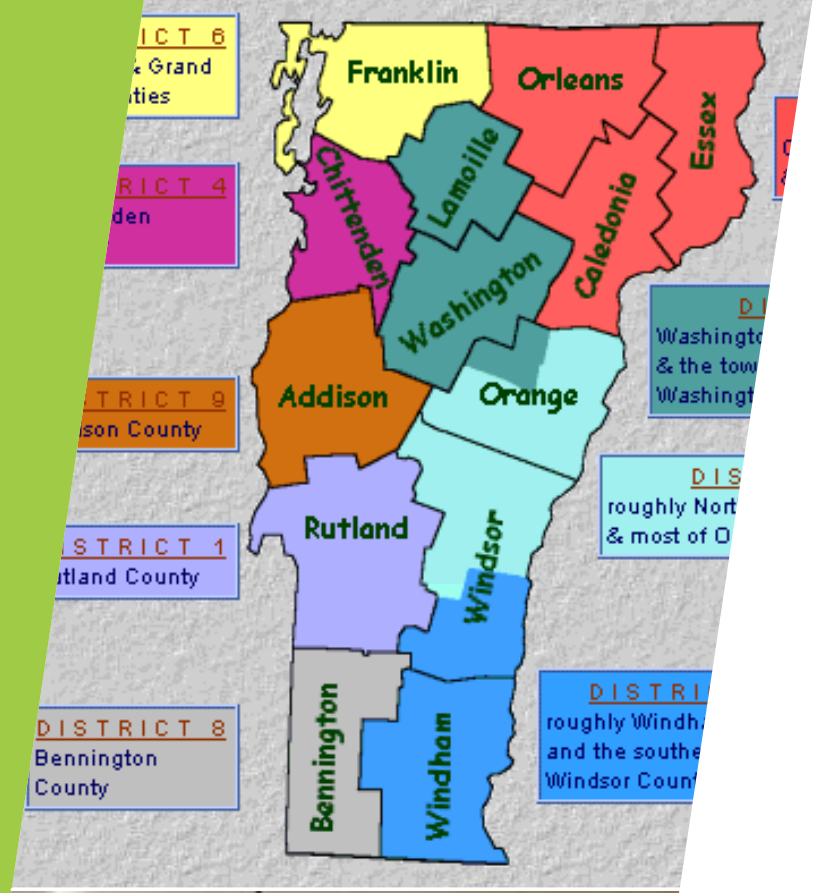
Purpose

- Create a mechanism by which developers pay a “fair share” cost into VTrans transportation capital project (s).
- Reduces “Last one in pays” obstacle often stated by developers

Authorizes:

- Act 250 District Commission to Establish Act 145 Fees

Effective July 1, 2014



Act 250 District Commission Established Fees

- Triggered by Act 250 application
- Based on transportation project(s):
  - **In VTrans Capital Program,**
  - Municipal Capital Project, or
  - Built by developer (relief to the “last one in”)
- Project must mitigate transportation impacts, or benefit proposed land use
- For Projects in VTrans Capital Program, VTrans calculates and “recommends” a fee to the District Commission

Basic Act 145 Transportation Impact Fee Formula

$$\frac{\text{Total Transportation Project Cost}}{\text{Total Vehicular Peak Hour Capacity}} = \frac{\$\$\$\$}{\text{Peak Hour Trip } \textit{(vehicles per hour)}}$$

VERMONT

Fee Adjustments for Specific Development Projects

- Traffic allocations from existing permits
- Net Change in Traffic/Trips
  - Pass-by Trips
  - Existing site traffic
- Location in designated center or neighborhood
- Transportation Demand Management (TDM)
- Developer built projects

Act 145 Statistics

Example Act 145 Fees:
Colchester, Exit 16 Diverging Diamond Interchange = $309K

St. Albans Town, Exit 19 Roundabout = $61K

Hartford, US5/Sykes Ave Roundabout = $56K

Total Program Collection Over 10 Years: Approximately $1.6 Million

Average $160,000 annually

156 Act 250 projects have been assessed Act 145 fees

34 Projects had a Designated Center Deduction

62 Projects had Transportation Demand Management Deductions

Act 181 Implications for VTrans

- Act 250 Exemptions reduce VTrans ability to assess Act 145 Transportation Impact Fees
- Developer concern about “Last One In Pays” will return, unless other method(s) can be found to assess “fair share” transportation impact fees
  - Municipal Fee Authority
  - Transfer to Sec. 1111 (Highway Access Permit) process
  - TBD based on recommendations/findings of Act 181 Transportation Support Study
- Act 181 Transportation Support Study – Dec. 15, 2025 Completion

Act 181 – Transportation Support Study

Act 181 (2024) Sec. 37a. TRANSPORTATION SUPPORT STUDY :

- Determine the revenue received by the state, both current and projected, through Act 145 transportation impact fees
- Consider and suggest processes to preserve these revenues, requirements, and benefits including financial support for transit.
- Consider including transportation demand management and subsidy requirements in development review authority for municipalities.
- Review statutory authority or mechanisms to enforce statewide transportation impact fees as part of the municipal review process.
- Engage a diverse range of stakeholders including land developers, local government officials, alternative transportation organizations, transit providers and financial institutions