



City of Burlington
Department of Public Works

Technical Services Engineering Division
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Memo

Date: December 15, 2020

To: Transportation, Energy and Utilities Committee of the Burlington City Council

From: Chapin Spencer, Director
Norman Baldwin, P.E., Assistant Director/City Engineer
Susan Molzon, P.E., Senior Public Works Engineer

Subject: Railyard Enterprise Project – Advancement to Preliminary Engineering Phase

The Railyard Enterprise Project (REP) is a proposed multi-modal transportation link connecting Pine Street to Battery Street. The purpose of the Railyard Enterprise Project is to support economic development in the area; improve livability of the surrounding neighborhoods; enhance multimodal travel connectivity between the Pine Street corridor and Battery Street in the Burlington Waterfront South area; and improve intermodal connections to the Burlington Railyard.

CURRENT REQUEST

In response to the City's request to expedite the availability of 90% grant funding instead of waiting for completion of the Champlain Parkway project, VTrans has provided the attached letter dated November 10, 2020 which expresses their commitment to provide the 90% federal and state funds to begin preliminary engineering in Fiscal Year 2022 – pending Legislative approval of the State's FY'22 budget.

We are seeking the TEUC's support and recommendation to the full City Council to advance the preliminary engineering phase of this project using 80% Federal, 10% State, and 10% City funds up to \$20M.

BACKGROUND

In October 2012, the City Council unanimously passed a resolution to support scoping efforts for the Railyard Enterprise Project. In partnership with the City, Vermont Agency of Transportation (VTrans), the Federal Highway Administration (FHWA) and the Chittenden County Regional Planning Commission (CCRPC), an enhanced scoping process under the Every Day Counts/Planning and Environmental Linkages (EDC/PEL) FHWA initiative was completed.

The Steering Committee, comprised of members of City, State and local organizations, recommended that the City Council support the advancement of three Phase 2 Alternatives into the National Environmental Policy Act (NEPA). Public input during the process raised topics including concerns about impacts to existing buildings in the project area, a desire to have more local control, and interest

in developing the project in a timely manner to reduce traffic impacts in the King St and Maple St neighborhoods as soon as possible. In December 2015, the City Council passed a resolution advancing three REP Phase 2 Alternatives, but the resolution also stated that the Council “strongly supports build alternatives...that connect Pine Street and Battery Street with the least impact to private property and existing business.” Of the three REP Phase 2 Alternatives, City and VTrans staff determined that Alternative 1B would be the most viable as a local/state project because it impacts the fewest number of private properties, has the fewest lane miles of new roadways, and appeared to have the most support through the public process.

In November 2016, the City Council passed a resolution “express[ing] its support for conducting a supplemental scoping of REP Phase 2 Alternative 1B to evaluate whether a local/state approach that does not utilize federal funds is feasible”. The City Council also requested a thorough report upon completion of the supplemental scoping effort so that the Council can determine whether to proceed with advancing Alternative 1B as a local/state project without NEPA review or proceed with advancing the REP Phase 2 Alternatives 1B, 2 and 5B into a Federal Environmental Permitting Process.

The supplemental scoping was very beneficial in conducting more detailed review of the historic and environmental considerations as well as railyard and private property impacts in the project area. The findings from the supplemental scoping will help inform upcoming project development work including the Federal NEPA process. Based on the supplemental scoping and the overall projected cost, in June 2020, the City Council passed motions to accept the supplemental scoping report, to seek federal and state funds to advance the project, and to request the State of Vermont expedite the availability of 90% grant funding for this project to advance into the preliminary engineering phase.

Mayor Weinberger and Director Spencer met multiple times with VTrans leadership to inform them of the City Council’s and Administration’s strong support to advance this project with 90% Federal and State funding. The meetings were productive and helped improve VTrans’ and Federal Highway Administration’s understanding of the project’s local support, beneficial economic development opportunities, and improved multimodal traffic management. The attached November 10, 2020 letter to the City is a result of our fruitful dialogue with State and Federal partners; and we greatly appreciate their ongoing investment in Burlington’s and the region’s vitality.

The Phase 1 and Phase 2 Scoping Reports can be found on the CCRPC’s website here:

<https://www.ccrpcvt.org/our-work/transportation/current-projects/scoping/railyard-enterprise-project/>

NEXT STEPS

Prior to incurring any substantial costs associated with advancement of this project, DPW staff will return to the City Council to seek authorization to enter into a cooperative agreement with VTrans which will outline the financial obligations and responsibilities of each party. We anticipate this will occur in late spring or summer 2021. After execution of a cooperative agreement, the City will publicly advertise a Request for Proposals to procure preliminary engineering design services. DPW will return to the Board of Finance and City Council for the necessary authorization to enter into a contract with the selected consultant, likely in fall 2021.

One key component of the preliminary engineering phase is completing the federal environmental permitting process in compliance with the National Environmental Policy Act (NEPA). This process

will reconsider all proposed Alternatives and select a preferred Alternative based on the evaluation of environmental and related social and economic effects.

Feel free to contact us to discuss any of this in further detail.

ATTACHMENTS:

November 10, 2020 Letter from VTrans to Director Chapin Spencer

MOTION:

To recommend the City Council direct the Department of Public Works, in partnership with the State of Vermont Agency of Transportation and Federal Highway Administration, to advance the Railyard Enterprise Project to a preliminary engineering phase with the use of 90% federal and state funds for up to \$20M of project-eligible costs for federal participation.

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Agency of Transportation

November 10, 2020

Chapin Spencer
Public Works Director
City of Burlington
PO Box 849
Burlington, VT 05402-0849

Dear Chapin,

We are writing to in response to Burlington's request to reconsider the timeline for moving forward with preliminary engineering for the Railyard Enterprise Project (REP). The City made compelling arguments about the urgency to move forward and that the project is poised for success following a robust scoping process.

Having listened carefully to the City, we are pleased inform you that we concur and VTrans is committing to moving the REP forward in FY22. This amends our previous communications and will allow the design of the REP to be independent and separate from the Champlain Parkway design and construction. REP startup funding will be included in Governor's recommended Transportation budget. The funding will be subject to the legislative process, but if approved this will allow the project to begin preliminary engineering tasks beginning in July of 2021.

We would like to reiterate the funding commitment made by Secretary Flynn in his April 18, 2019 letter. Specifically, based on the recent scoping estimates for the project, VTrans will commit to providing federal and state funding to the Railyard Enterprise Project as follows:

- 90% of up to \$20,000,000 of actual project-eligible costs for federal participation,
- federal and state funding capped at \$18,000,000, and
- eligible project costs above \$20,000,000 and/or costs found not to be eligible for federal or state participation will be the responsibility of the City of Burlington.

We look forward to working collaboratively with the City to design and construct the Rail Yard Enterprise project.

Sincerely,

Sincerely,

Wayne B. Symonds, PE
Chief Engineer

Michele Boomhower
Director of Policy, Planning & Intermodal Development

Cc: J. Flynn, Secretary of Transportation
S. Scribner, Director, Municipal Assistance Bureau
K. Marshia, Acting Director, Asset Management Bureau