



**CITY OF BURLINGTON, VERMONT
CITY COUNCIL TRANSPORTATION, ENERGY &
UTILITIES COMMITTEE**

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Councilor Maxwell Tracy, Chair *WARD 2*
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Transportation, Energy and Utilities Committee of the City Council

Tuesday, November 19, 2019 6:00 PM

**Burlington Police Department – Community Room
1 North Avenue – Burlington, VT**

–DRAFT MINUTES–

1. Agenda

Call to order at 6:03

Motion to pass – unanimous

2. Minutes of 10/24/2019

Motion to accept – all in favor

3. Public Forum

Melinda Molton CEO of Main St Landing

No misinformation being put out. State wants to put 700' of train 8' from the building where people live and work. Extending rail line for the second rail line is for the dinner train and additional trains. Not for Amtrak. State of VT and City of Burlington need to consider noise, air quality, livability of Wing Building. No false info. All from emails and public records request. She was not brought into the conversation early enough. Pictures attached. 8' is not enough for emergency vehicles and servicing of this stretch of path. Additional servicing required for the train will be harmful for the College King area as well (i.e. sewage, fuel, etc.)

Rick Molton

Statement attached.

William Gottesman Burlington resident

Appreciates that trains needs to be serviced and a place to stay. This is not the first thing that should be seen in the City and that will be the case if Amtrak parks at Union Station.

Carl Fowler

This has been in the works for decades and is just now being pushed to the public for feedback. There has been little invitation for feedback. Study of where to idle the train had inadequate public input. This is offensive. Information being shown is repetitive and not being updated. St Albans is a feasible option. The State of VT can successfully put together passenger trail routes. VT rail system freight yard is the only feasibly option and it was ruled out for cost. This seems like it could accommodate the train. Additional spots are on flood plains in Winooski or Essex IBM Campus which are both disappointing alternatives. The proposed land at Union Station is owned by the state of VT. If the state says no what will VRS do? Badly designed project. 24hrs a day impact. Short term send it to St Albans and Montreal. If track to St Albans can't be fixed in 2 years then short term use freight yard

See Attachment.

Richard Berger from Counsel on Main St Landing

Public record act obtained documents from VTrans. Project has been secret and withheld info from Main St Landing. They have an easement and should have been made aware. It is the state's land but there is an easement that cannot be interfered with. Secretary Flynn stated he wants the decision made by the end of the year. The second track was assumed necessary because initially the track would not be able to get by. Then it was said it was necessary because it would need to be overnighed at this location. Then it was stated necessary for the seasonal dinner train. The schedules of these trains don't match. VTrans found it easiest to overnigh here and is now pushing this second track regardless of the cause. Yes the bike path should be on the west side of the tracks. The pedestrian path should be saved on the east side of the tracks. May 23 2019 kick of meeting with state, city and VHB states there will be a second track, yet they say there is no decision made. In Feb Mrs Boomhower states there will be a second track. If the City stops this second track we can still get Amtrak. They have never taken a position on the second track being necessary. The City should be asking what is necessary. This will be a blight on the City's waterfront forever. Once the track is here the train will do whatever it wants. This is a slippery slope.

Kim Lang

Big supporter of the train until found out the details. Happy with waterfront development since the 80s. Waterfront is a destination and a rail yard will be disruptive. Hasn't been notified. Would love to see a train here in the right way but this is the wrong way. Allow citizens to participate. Consider how you engage with the public. Would have wonderful things to say if proud of how the train was coming. On the bike path 5 days a week. Real people are invested in the project. Burlington Waterfront is a Vermont Gem.

Councilor Bushor

Proud of Burlington and the waterfront. The thought of changing the waterfront back to a more industrial look is devastating. Can't understand the lack of communication with this project. This project is atypical in terms of VTrans and CCRPC public outreach or lack of. Surprised and frustrated to only have heard about this 6 weeks ago. Collective failure with communication. Need to get input from the people and see what our options are. People want rail. I want rail. Public transportation is good. Do want to be a barrier of preventing a disruptive plan for the train. Put into perspective the activities that need to take place and illuminate those that don't.

Rich Sharp. Segway

Pushed for original bike path. Here since the 80s. The future of the City is recreation and a beautiful waterfront not a railyard. Where the track is currently is perfect. Both sides of the track currently service the community. Hazard to go across the tracks twice in this short a distance on a bike and other things such as skates, seaways, etc. This is currently an issue and would be made worse with additional tracks. The City should push back with the rail on the waterfront. Currently the rail carts that are there are already an eye sore. Dinner train is disruptive already. Everyone in the City wants a waterfront path and recreational area. We all want Amtrak but this can be done right.

Close public forum at 6:42

4. Street Seat/Parklet Draft Program Guide

- a. Elizabeth Gohringer, DPW and Kim Furtado, DPW presenting
- b. 15-minute duration
- c. No action requested, informational only.
 - i. Clarification that this item is seeking action and support from TEUC members

See attachment.

Jack Hanson – loves program. Endorses it moving forward. Hope we can consider eliminating the cap on number of parklets. Appreciates all the aspects that were addressed.

Max- appreciates the public accessibility of this. Ensuring the seating is there all the time is crucial. Important that the seating is welcoming at all times and not a huge noticeable difference between public and private hours. Creating purely public based parklets is needed. With other projects under construction such as city hall park and city place we need more public spaces. Bike parking piece is important and happy this was addressed. The one outside of New Moon is a good example of what this could do to help bike parking. Considering including things to support these types of parking could be good. This is a good example of streets being used in alternative ways. This has had a good impact.

Jack – highlight and appreciate emphasis on locally sourced and sustainable materials in this project. Hopeful this idea can be adopted on a larger scale throughout DPW.

Jack moves to endorse this pilot to a permanent program.

Paulino seconds motion

Unanimous Aye

5. VTrans Waterfront Rail Update

- a. Michele Boomhower, Division Director Policy, Planning & Intermodal Development
Dan Delabruere, Rail & Aviation Bureau Director
- b. 90-minute duration
- c. No action requested, informational only.

MB – hopes to be able to provide insights and is appreciative of all input given. Wants to show efforts being taken to ensure this project is most beneficial for all.

See Attachment.

See State Rail Plan for more information.

Paulino – has VTrans provided documentation about the 50 million \$ claim? Geographically it looks like there is space? Is there documentation of this cost?

MB- Not loss of business revenue. Principally the lines that are within the yard are used for storage, loading, and intermittent use throughout the day. There has been no track of the length and condition that can accommodate this train. This would require relocation of current yard functions which would be costly to develop a new yard.

Dan – when a train comes into the yard they are pulling it apart and rebuilding. The rail yard is currently maxed out. The 50 million \$ is the price to do these current activities in a different yard.

Paulino – the drawing of different design. Current bike path becomes a walk way?

MB- will outline this in person after. Would bring bike path all on the lakeside of the waterfront. The City will be repositioning its bike path working with Lake Champlain transportation to acquire the property needed for this and to bring it out of the rail ROW.

Paulino – will Burlington be paying for this? Is there a grant of money to help relocate the bike path?

MB- this project does not have the capacity to make and accommodations for this. This is something that was agreed upon by the City when the agreement for this land was originally made. Other funds may be available outside of this project.

Paulino – is there a benefit to servicing the train on the waterfront at this controversial location?

MB- variety of factors. Change rail road companies there. Key element is where there is electricity, sewer, water access. How much infrastructure do we need to build to accommodate it. Crew time is a consideration.

Dan – coming to final destination and moving a train beyond that costs money which is a factor. The study done by CCRPC outlines factors at each location.

Hanson – second track is a VRS requirement. Do they have final authority? If they decide they don't want Amtrak what happens?

Dan – They are the ultimate authority. Amtrak is the only railroad that has the authority to run rail anywhere but the railroad can set criteria to make operations work. VRS is the host railroad. Although we own the property we have leased the land to VRS. VRS said Amtrak is welcome to come on railroad with stipulation that second track is built.

Hanson – McNeil option – has VRS weighed in? VRS said they will build second track regardless. This sounds like they are assuming Amtrak will be there.

MB- clarifies the McNeil location is on the New England Central Railroad. How feasible will this be? Based on the parameters given as of today it seems feasible to have the train overnight here. Even if it overnights here the train will be residing in the VRS location during the morning and at night when it on boards and off boards. These will be scheduled. VT Rail system understands they need a consistent operating line at all times. They need to accommodate freight, dinner train, etc. The two

track system would allow them to accommodate all this plus the Amtrak schedule. Host Railroad makes an agreement to maintain track so Amtrak train can use it as scheduled.

Hanson – Who would pay for second track if Amtrak doesn't overnight at the waterfront?

MB- State has to pay because we are creating the need regardless of us overnighiting. There is no way to host the Amtrak being in station for any time and keep their systems operating. This includes freight, dinner train, etc. These contracts are fluid and VRS needs ability to do operations. Freight and operations will increase as the Middlebury tunnel project is underway. All freight traffic will be closed through there for 10-12 weeks and will be detoured through Burlington.

Hanson – if the City were to want Amtrak but not the second track would that hold any weight?

MB – neither the city nor state have the ability to control if this second track is put in. This would stop Amtrak and there would be a substantial payback needed of grant funds received.

Hanson – what could the city say or do to impact this decision?

MB – the city could engage with VRS to better understand what they need.

Paulino – the second track is coming regardless of Amtrak?

MB- technically they could start at any time. This is regardless of Amtrak overnighiting.

Dan – they leased the entire property and can use it as needed.

Paulino – if Amtrak doesn't come they will have to pay

Hanson – feels like a bully/hostage system. VRS says you won't get Amtrak unless you pay for business things needed. To Chapin Hanson asks about VRS communications.

Chapin – We have made efforts to have a conversation with VRS. We have asked many of the questions you are asking. They have told us the same thing they said to VTrans. They indicated they would construct a second track regardless of this project. Validity of the statement is unknown.

Hanson – would they be willing to talk to the public

Chapin – will make the request

Hanson – any independent oversight or validity of VRS claims of what they need?

MB – railroad operations and existence dates back 100's of years and as an interstate commerce type transportation activity that is reliant on a limited ROW network. They were given a lot of rights in the early days that have been maintained. There is no independent authority that can validate their claims and make them transparent.

Dan – it's federally regulated. Much like airspace. FRA controls how freight moves between states etc. creates a united rail system.

Hanson – when can their demands to further their private business gain be stopped?

Dan – they can only use their ROW. When we ask for funding we ask for specific things. This funding is specific to what is necessary. The money can only be used for certain things. Can't be used to comply with extra demands from private businesses.

MB- as a train on host network, Amtrak is allowed to be there but the operating needs of the railroad need to be considered. If we said we had no money to build second track they could have countered and said they will still build second track with their own funds.

Hanson – do they need to prove their need?

MB- no

Hanson – in general this system seems totally absurd. Gains for business at expense of public on state land. Seems like only option is to cancel the Amtrak or allow VRS to get whatever they want.

MB – even if we cancel Amtrak they could still build second track. Then second track and no Amtrak.

Hanson – understands this and finds this to be the problem of the situation. They specifically are using this as an opportunity to get the second track paid for by someone else.

Paulino – concern about second track is not just short term but also long term VRS gets money for people to use it but in the future this is an investment opportunity for Burlington to Montreal traffic. This would be an impact to the waterfront.

MB – from college st north it is not owned by VRS. NE central owns this which the Vermonter runs on. VRS wouldn't gain any additional revenue from another service. Amtrak doesn't put in services unless they know there will be ridership. VT is so small

and additional Amtrak services after this seem unlikely. This small amount of money gained from Amtrak services is small in the big picture of VRS

Dan – VRS is a freight railroad. Their business is in freight. Passenger rail isn't their income concern

Hanson – Leverage. It is state land. When does their lease expire?

Dan – 2054 range. Advantages of lease is VRS indemnifying the state of anything that happens on the railroad. We would have liability if we controlled operations.

Max – Challenges with general model and how difficult this feels to not seem to have an option while being told the city needs to give input.

MB- we are welcoming info from the mayor and the council about how they would like to provide input. Jointly or individually. Any form is welcome. The input could include the input of the frustration for federal rail system operations. State is under same constraints and appreciates and understands the frustration. City's review of overnight locations and pros and cons and ranking so impacts are understood by Vtrans is good. Special considerations that the city would like the state to take under advisement for future actions would be helpful for how Vtrans thinks about the future.

Max – first time hearing of McNeil. Will this be graded in the same rubric as previous options? Seems like there isn't much time.

What is the timeline and what we will be looking at in terms of impact of this site?

MB- we could reasonably in the next few weeks provide comparative information. Not the depth of the noise or air quality monitoring that were done for the prior sites. This site is likely analogous to other sites and can be compared to other sites.

Dan – this new location has many assumptions being made on whether we can even use this. We aren't sure what NECR's requirements are and if Amtrak will run on this condition of track. This location schematically fits but that's about what we know.

Max – seems like the last minute nature of this shows we need more thought. Hard to compare sites and assumptions being made are concerning. Seems like there is due diligence that needs to be done. Timeline precludes us from adequately considering all options

MB – great feedback to hear. On the current schedule, to meet fed grant requirements. We have a lot to work on even if we don't make a final decision on overnighting location. We have a fall back at union station with another location that we are building towards at the McNeil plant. We have scrubbed all the potential locations that we are aware of. If outside sources come up with locations we are happy to look at them. We are still looking into St Albans with the acknowledgement that this would be a longer term project. For the secretary of transportation to decide

Max – independent monitoring of claims. With VRS claim no substantiations of this. To what degree is Vtrans or VRS to provide proof?

MB – can't speak for VRS but this is a valid request and we can ask if there is a way VRS can document this so their limitations can be understood by the average person. Their train activities include their business activities. Reasonable to expect that they could provide more detail. VTrans will peruse.

Max – ask them how they will use second track.

Max – have they been asked if they will come before the committee?

Chapin – haven't been asked

Max – would like to speak with them. Is there anyone here today from VRS? (no one responds)

Max – emergency access maintained to wing building, the station etc

Dan – the current design meets the requirement. 8' space was in agreement with Wing Building.

Max – can an ambulance or fire truck fit through there?

Dan – unsure but requirement is 8' and it is being met

Max- sewage truck to back up onto the track vs infrastructure?

Dan – having sewer there would have to be a stand pipe to service every car. Hoses would not be practical to service 80' cars.

Truck was better because it would be less of an impact and easier to service. Be done in 20 minutes. Hoses would freeze and be a physical 80' - impractical. Truck would drive down the platform. It would temporarily close the platform. This is done in Rutland currently and takes 20 minutes. This happens at 9 at night

Max – I would like to see this

Dan – great idea

Hanson – why was McNeil plant option not looked at sooner?

MB – distance from city. Limitations with other spots made us consider this further.

Dan – federal grant stops at college st. no federal money to go to McNeil area. We are building our projects within the limits of the grant.

Hanson – 230000 contract to design at this location. Why was this agreed to before getting public input?

MB- all the things done at this station under this contract will need to be done whether the train overnights there or not.

Hanson – given how long the administration has been communicating I am frustrated this wasn't opened up sooner so other options such as McNeil couldn't be discussed sooner.

Paulino – to make a decision or give input I would like to know what it will cost the city to move the bike path

Cindy – will be a win for the city to get the path on the west side. Safer for everyone.

Councilor Bushor – decision by the end of the year because of federal funding. If it doesn't end by Dec 31 I request a decision by January if possible to have opportunity to evaluate what is being presented and hear from the railroad. Holidays are also limiting in this time frame as well.

MB – understandable request. Will bring to the secretary.

Charlie from CCRPC – see memo. Clarify the RPC's role. Different than normal planning process. Technical assessment. Quantitative and analytic work without policy overtop. A few public meetings. Our report was not recommendations but technical assessments. Meant for you to add your values to the assessment and tell decision makers what you want to happen. The report was never intended to be a final document.

CB Offman VT business magazine – Terms and access is where disputes lie. Is there a possibility for the STB?

MB- we are familiar with this process. Would not imagine that the agency would make the decision to challenge the railroad's rights. The decision would be in the railroad's favor. Huge expenditure of taxpayer dollars not in favor of the intended decision.

John Masonge – Councilors asked key questions. Hostage situation. VTRS is using Amtrak. Have them talk about urgent need for this extra rail. Thank you Max for pushing this.

Melinda Molton – Lisa Steele would not be happy to see her name on this PowerPoint. Its Main Street landing condominium. We do have something that we can do. It may be safe for the bike path but not safety for the building. Already someone who put up unit for sale and others who are considering leaving. In the easement it talks about emergency. This easement is until 2050. We will take this on as a safety issue. If the City felt that this was a security issue and made that clear then something could change.

Additional public comment – the rating system is seems to not weigh all considerations equally.

CCRPC – technical assessment. Meant for you to give input such as this where what is more important characteristics gets more weight

Public comment – how do we give this public input.

Ellaine Churchill – no weights to these quantities

Jan Sudbay – condo in wing building

Air quality assessment done with train sitting at 50' but the train will be 8' from a bedroom window. No one could live in the noise. .5 miles from the train currently and can still feel impacts.

Richard Berger – you are being held hostage by both VRS and Vtrans. Mrs Boomhower sent emails in 2018 saying it will be overnights at Union Station. VHB signed contract to design here. There are meeting minutes that state the train will be stored at Union Station. VRS will not pay for additional track. How much will it cost to build second track?

Dan – unsure. That was also a false statement. The VHB contract is to design the platform among other things.

Bill Gottesman – evaluation matrix. It is weighted. Seems to be ranked on money. Not about people or local concerns. Don't buy into the matrix. Second track – encourage the city to fight the claim and hire lawyer and look at other towns who have been in similar situations. What are the chances that this will happen at union station? When you talk about deadlines and losing rewards how much money will be lost?

MB – the decision has not been made. An evolving process. Info in the beginning was limited. More info gained through technical analysis from CCRPC. Input gained from forums and tonight. We are still making decisions. Nothing is decided. Had to start somewhere which may make it seem like decisions are made. Contract with VHB is not just about platform and rail road. There are switches at either end, signal timing, utilities, etc. very complex to do rail projects of this nature. With regards to the next questions – the project is a 26 million \$ project and federal grant of 10 million FRA. State legislative and FHWA \$. The piece at risk would be the 10 million for increasing freight capacity and passenger rail such as platforms.

Carl Fowler – where to service the train. If we invest 2-3 million into new facility it will not be moved. VRS insistent on second track. It would be worth while to talk to them about their intent. Two trains cannot park there simultaneously. If they would commit that it would never be used for passing two trains then it could be feasible if this is only 10-15 minutes. Find out from the railroad what their intent is. STB could be a good choice. NEC main line lost in a STB case.

Rich Sharp. Segway – city has a big problem with construction. It will take years to move bike path. It will take several years. Where does the bike path go? Up to battery St?

Public comment – VHB seems to do a better job of laying out tracks than where the train should be overnighed. It's only a done deal on the second track if the state agrees to pay for it. If the state pays for it then the legislature may have a voice in this if it is part of the rail budget for next year.

PC from Eco Stakeholder – good questions from councilors. Thank you to the state representatives but late to public comment. Very important to see plan with people who are producing it. Late to the game.

6. Set Future TEUC Meeting date

Chapin asks for three potential dates.

3rd, 5th, 17th

Paulino leaves 9:06

Chapin – will reach out to VRS with these dates

7. Councilor Updates

Hanson – continue working forward with the expansion of fare free bus service. Follow up outside of meeting with Chapin.

Max- Thank the crews for most recent work with storms. Plowing and servicing.

Implementation of Vision zero was put on the backburner to give staff time to think. Would like to bring this conversation back and see how this can be set in policy.

Chapin – fits well with 2020 work plan

Hanson – east ave resolution looking for updates

Chapin – staff has started conversations. More to happen. Some strategies identified. Traffic calming process updates. It is in queue. It is currently first in first out. Looking to add prioritization .will discuss with councilors. Happy to talk more

Hanson – look forward to continuing the conversation

8. Adjourn

9:10 motion to adjourn.