



THE PUBLIC TRUST DOCTRINE

The Public Trust Doctrine is a legal concept that says the bed of Lake Champlain belongs to all the people of the State of Vermont. Approximately 50 acres of land has been created over the years by filling in the lake, including the Lake Champlain Transportation ferry dock. According to a 1989 Vermont Supreme Court ruling the land filled into Burlington harbor is subject to the Public Trust Doctrine and must be used for public purposes.

So the filled land that the ferry docks are located on belongs to the people of Vermont and must be used for public purposes. A ferry dock is a public purpose but does that mean Lake Champlain Transportation has a license to maintain this property in its current condition indefinitely and deny the relocation of the leading tourist attraction in Burlington to a safer location without bottlenecks west of the railroad tracks? Isn't it time to take back a small sliver of this property to correct a major impediment on the Burlington Bicycle Path?

EMINENT DOMAIN

No one likes to employ eminent domain to create a public right of way such as a highway, a railroad, a pipeline, a power line or a bicycle path. Eminent Domain is the taking of private property for the public good with due compensation to the owner of course. It should only be employed in rare cases where the private property owner will not voluntarily yield to the greater public good.

Eminent domain was recently employed by the Town of Colchester to acquire four small sections of private property necessary to construct the bicycle path along Holy Cross Road. The Vermont Courts have upheld the application of eminent domain to bicycle paths in Colchester.

If this small sliver of property cannot be obtained from Lake Champlain Transportation voluntarily then eminent domain should be used to move the bicycle path to the west side of the railroad tracks between College and King Streets.

This advisory ballot item will shine a light on this relocation. A large yes vote on this item will likely move this relocation along faster.

Please vote yes on this ballot item on November 8, 2016.

RELOCATION OF THE BURLINGTON BICYCLE PATH

The Burlington Bicycle Path is still a work in progress 36 years after Howard Dean, Tom Hudspeth and I got together to advocate for a continuous public path along the shore of Lake Champlain. We did that just like we are doing so again today with an advisory ballot item.

That ballot item in 1980 got 75% support of city voters, eventually creating the Burlington Bicycle Path we all enjoy today.

The current ballot item is: **“Should the Mayor of Burlington and the City Council be advised to relocate the Burlington Bicycle Path to the west side of the railroad tracks between College and King Streets even if that means utilizing the public trust doctrine or eminent domain to accomplish this task?”**

By signing this petition you are just adding your name to those necessary to put this advisory item on the November 8, 2016 City ballot. You will still have an opportunity to vote yes or no on the ballot item itself on November 8, 2016.

THE BACKGROUND

The City has done a great job of upgrading the Burlington Bicycle Path as it currently snakes through the heart of the downtown district. This summer it will relocate the bike path to the water’s edge through the “north forty reserve”. The only remaining realignment necessary to finally accomplish the City goal of a “world class bike path” is the two block stretch that is the subject of this petition.

For the past 30 years or so the bike path has been diverted eastward across the railroad tracks at College Street and then back west across the tracks at King Street. This has created bottlenecks on the bike path at the Local Motion Trailside Center and Ice Cream Bob’s. Realignment of the path to the west side of the tracks would avoid both track crossings and the bottlenecks mentioned above.

So far Lake Champlain Transportation has been unwilling to convey an easement to the city for relocating the bike path to the west side of the tracks in this area. This ballot item is intended to move the Burlington Bike Path to the west side of the tracks in this area sooner.

I was 28 years old when we started the public campaign for creating the Burlington Bicycle Path. I’m now 63. I’d like to see it complete while I’m still here to enjoy it.

The cost of this relocation can be covered with TIF money at no additional expense to taxpayers.

This petition drive is being contributed to the community by Burlington Segways. Come visit us.

Rick Sharp

