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*Agency of Transportation*

August 9, 2012

The Honorable Miro Weinberger, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

Dear Mayor Weinberger:

Thank you for your letter of July 11, 2012 requesting information on various aspects of the Champlain Parkway and the new Rail-Yard Enterprise District project that the City has initiated through the Chittenden County Regional Planning Commission (CCRPC).

For purposes of review, the legal status of the Champlain Parkway is that it has received conditional approval of the Act 250 Commission and is awaiting storm water permits. The National Environmental Protection Act (NEPA) process is complete and a Record of Decision approval from the Federal Highway Administration (FHWA) has been issued. Under the NEPA process, once the project has cleared NEPA and received a Record of Decision from the FHWA, the project cannot be amended to include other significant elements such as new streets that were not included in the original design. Thus, the Champlain Parkway as currently conceived must either be built as designed or not built at all.

If the City desired to add the Rail-Yard Enterprise District project into the current designed Champlain Parkway, the entire federal process would start over again, including Act 250, and it is doubtful whether the FHWA would participate financially. Moreover, to not move forward on the project as currently permitted would result in forgoing the funding ratio that currently exists at 95/3/2, federal/state/local.

The best way for the City to achieve construction of the Champlain Parkway and the Rail-Yard Enterprise District project would be to pursue them as separate projects. The FHWA has agreed that the Rail-Yard Enterprise District project would be eligible for federal participation on an 80/20 basis which the State agrees could be an 80/10/10, federal/state/local split.

If the City of Burlington were to choose not to build the Champlain Parkway at this stage in the process, there would be payback requirements under FHWA regulations. The FHWA has informed me that the minimum payback for the Champlain Parkway would be approximately \$5 million and the cooperative agreement that the City has with the State would require the City to be responsible for such payments.

You had asked about the consequences if the City wished to revisit the 4f determination in the NEPA process regarding the rail spur alternative of the Champlain Parkway. In discussions with FHWA, there doesn't seem to be an opportunity to revisit the 4f decision concerning the route through the rail yard which has been designated by the City as an historic district. As you may be aware, land which has a 4f designation cannot be utilized for transportation infrastructure projects if there is an alternative route which satisfies the purpose and need of the project. Even if the City were to change the designation of the historic district, the 4f issues would remain with this project.

The Rail-Yard Enterprise District appears to be a project that this Administration would support as it promotes economic development and has the potential to improve access to the rail yard for the movement of freight in and out of Burlington. The State would have a significant interest in seeing that rail operations along the State-owned rail line are not severely impacted by this project.

As you are aware, local transportation projects must be supported first locally and then regionally through the Chittenden County Regional Planning Commission – Metropolitan Planning Organization (MPO) process through inclusion in their Transportation Improvement Program (TIP). Once that has occurred, the project must also receive approval at the Vermont General Assembly by inclusion in the State Transportation Capital program. I can offer VTrans support through this process to better define the project, identify impacts that may need to be mitigated and include the project in our recommended program to the Legislature.

Should you require any additional information regarding the City's options as they relate to the Champlain parkway, please do not hesitate to call.

Sincerely,



Brian R. Searles  
Secretary of Transportation