

# VERMONT TRANSPORTATION BOARD MEETING MARCH 27, 2014

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## **Board Members Present:**

Tom Dailey, term expires 2/28/2016  
Vanessa Kittell, term expires 2/28/2016  
Nick Marro, Chairman, term expires 2/28/2016  
Wesley Hrydziusko, term expires 2/28/2015  
William Tracy Carris, term expires 2/28/2017  
Robin Stern, term expires 2/28/2015

## **Board Members Absent:**

James Fitzgerald, term expires 2/28/2015

## **Others Present:**

John Zicconi, Board Executive Secretary  
John Hasen, Board Legal Counsel (via phone)  
Jennifer Fitch, VTrans Accelerated Bridge Project Manager  
Scott Burbank, VHB VTrans Consultant  
Kristin Higgins, VTrans Accelerated Bridge Senior Project Manager  
John Dunleavy, Assistant Attorney General  
Susan Schreibman, Rutland Regional Planning Commission  
Dan Delabruere, VTrans Rail Director  
Ed Sheehy, Clarendon & Pittsford Railroad  
Joe Zingale, Town Manager, Town of Rutland  
Robert Chamberlin, RSG, Town of Rutland Consultant

## **Call to Order:**

Chairman Nick Marro called the Thursday, March 27, 2014 meeting to order at 2 p.m., which was held at the Hoff Hall Conference Room, Castleton State College, 338 South Street in Castleton, Vermont.

## **1. NEW BUSINESS**

### ***1.1 TB-409 Site Visit: Route 30, Bridge #93 over Clarendon & Pittsford Railroad***

A site visit of Bridge #93 in Castleton was held at 1 p.m. No testimony was taken during the site visit.

### ***1.2 TB-409 Hearing: VTrans' request for a height variance, Route 30 Castleton, Bridge #93***

Ms. Fitch said VTrans is before the Board seeking a waiver of the 23-foot vertical clearance established in statute for Bridge #93 to 21 feet of vertical clearance from high rail to the bottom beam of the bridge. The project is in the Agency's Accelerated Bridge program, and VTrans hopes to begin construction in 2015 as the condition of the bridge's deck is poor with full-depth holes. Ms. Fitch said normally Accelerated Bridge projects take 24 months from start to finish, but Bridge #93 is in such poor condition that she was given just 18 months and hopes to construct the bridge sometime in 2015.

Mr. Burbank said the speed limit along Route 30 over the bridge is 40 mph, while the average daily traffic count is 4,000 vehicles with per-hour traffic at the 80<sup>th</sup> percentile being 450 vehicles, of which 250 are trucks. The existing bridge is a Three-span steel beam structure with a concrete deck that was constructed in 1938. The bridge is 109 feet long, and is considered structurally deficient as it has a deck rating of 4 (poor), superstructure rating of 5 (fair) and substructure rating of 5 (fair). The deck is in such poor condition that it has potential to develop additional full-depth holes at any time. Water is already leaching through the deck.

Mr. Burbank said the bridge deck geometry is substandard. The bridge should have 11-foot travel lanes and five-foot shoulders, but currently it has 11-foot travel lanes, but only two-foot shoulders. The bridge also has a substandard K-Value, which causes a blind-hill scenario, so as you approach the bridge you cannot see over to the other side and detect whether there is oncoming traffic that may be obstructing your travel lane. By Vermont standards, the bridge's K-Value should be 60 with a stopping site distance of 275 feet. Instead, the bridge has a K-Value of 24 with a stopping site distance of 228 feet. The nearby sewer treatment plant has an access at the bridge that is dangerous because the substandard sight distance makes it difficult for drivers to see oncoming traffic.

Mr. Burbank said the current bridge has a substandard vertical clearance above the Clarendon & Pittsford Railroad of 20 foot, 6 inches. The tracks also have issues with drainage, while the bridge's piers are within 16 feet of the center line of the tracks. According to AAREMA standards, anything within 25 feet of the track's centerline is supposed to have crash protection, which there is none. Mr. Burbank said under current conditions, VTrans cannot rehab the existing bridge and simply lower the railroad track as doing so would remove fill from around the bridge piers, which would negatively affect frost protection of the pier footings, which could lead to undermining. As a result, the Agency wants to replace the bridge with a more modern structure.

Mr. Burbank said utilities exist overhead east of the bridge, while a sewer line crosses under the tracks in the bridge vicinity. The sewer line consists of two, eight-inch sewer mains, which are owned by the Town of Castleton. Fiber optic cable is located on the south side of the tracks. The current bridge also has geometric constraints when it comes to the roadway, Mr. Burbank said. There is a bridge (Bridge #92) that is located about 200 feet to the south of Bridge #93. Bridge #92 was widened in 2001 and is in good condition, with a bridge rating of 7. There is no reason to replace Bridge #92.

Mr. Burbank said VTrans wants to lower Route 30 to improve Bridge #93's K-Value and site distances, but lowering the roadway would reduce the bridge's vertical clearance over the railroad. On the other hand, if VTrans raises the structure to improve its vertical clearance over the railroad tracks, it would create a worse K-Value and decrease the stopping sight distance. The Bridge's scoping report determined that there is no scenario by which all of the bridge's geometric constraints can be resolved.

Based on the fact that there is no perfect solution, Mr. Burbank said VTrans plans to take the following corrective measures when it builds a new bridge: 1) widen the roadway over the bridge to 32 feet to create 11-foot travel lanes and five-foot shoulders, 2) lower the rail two feet, which would provide a slightly greater than 21-foot clearance which also allows for the roadway to be dropped one foot to improve the K-Value and increase the stopping sight distance, and 3) make it easy to drop the tracks two more feet in the future to create a 23-foot vertical clearance by installing permanent steel sheet piling along the side of the railroad tracks under the bridge.

This new bridge would have a K-value of 30, a stopping site distance of 263 feet, and a vertical clearance of 21 feet 2 ¼ inches, Mr. Burbank said. The new K-Value and stopping sight distance would be appropriate for a 30 mph design speed. The posted speed limit of Route 30 over the bridge, however, is 40 mph. While still not perfect, this improvement is positive because according to Vermont standards you are allowed to have a design speed 10 miles below the posted speed limit without needing to acquire a design exception, Mr. Burbank said. As a result, the State would post warning signs stating that the "hill blocks view," with a supplemental speed sign noting 30 mph is advised.

Ms. Fitch said the bridge will be closed for about four weeks during construction. Traffic will be detoured. Post construction benefits to the roadway, Mr. Burbank said, include a new bridge (75-year design life) with increased

width and improved sight distances so motorists can better see oncoming traffic. Benefits to the Railroad, he said, include a 21 foot 2 ¼ inch vertical clearance. This clearance would allow high-cube, double-stack train cars to pass under the bridge, while the removal of the existing bridge piers improves safety. The closest new bridge abutment will be at 29 feet from the tracks. The project also improves drainage along the tracks under the bridge, and lowers the fiber-optic cable to the depth needed to accommodate a 23-foot bridge clearance so that the fiber-optic cable does not have to be moved in the future.

Ms. Fitch said originally VTrans was just going to lower the tracks to increase the vertical clearance, but after looking closer the Agency realized it also could make roadway safety improvements by dropping Route 30 and increasing site distances at the bridge. The railroad likes the project, Ms. Fitch said, and has executed a signed agreement agreeing to the variance, which is part of the Board's record. The Agency hopes to complete final design of the project this spring, and both advertise and award the project in the fall. Construction is scheduled for either spring or summer 2015.

Mr. Zicconi asked Ms. Fitch to address the reason for the height variance. He asked her to explain why the Agency cannot adapt the current project so that it has 23-feet of clearance. Ms. Fitch said the railroad is privately owned, and that the Agency views this project as a bridge-replacement project. She said the purpose and need of the project is to replace the bridge, but while fixing the bridge the Agency is "addressing the future needs" of the railroad by making it easy for it to drop the tracks and increase the vertical clearance to 23 feet. Currently, the railroad asked for 21 feet plus a few additional inches, and that is what the Agency is providing, she said.

Mr. Zicconi asked Mr. Sheehy why the railroad was not addressing the 23-foot standard now while construction is being conducted. Mr. Sheehy said the railroad is looking to the future. A vertical clearance of 23 feet is not needed today, but in the future the industry is headed down that road. During the next bunch of years, 21 feet is all that is needed, Mr. Sheehy said, so to be cost effective the railroad is OK with waiting because it would cost a lot more money at this time establish a clearance of 23 feet.

Mr. Dunleavy said state statute establishes 23 feet of vertical clearance as the goal. The Agency has established 23 feet in other areas where there are not a lot of physical constraints. But the statute, Mr. Dunleavy said, also establishes a variance process which acknowledges it is not always practical to get to 23 feet right away. One of the key features of this project, he said, is that "we have built in a passage to get to 23 feet." There may be a need to get to 23 feet within the lifetime of this bridge, but that need is not right now, Mr. Dunleavy said. At this point, the expenditure of public funds and the expenditure or railroad funds to get to that point is not necessary, he said.

Mr. Zicconi asked Mr. Sheehy to address the practical reasons why a 23-foot clearance is not needed today and to describe the type of rail cargo that currently passes along the line. Mr. Sheehy said "everything that comes into the State of Vermont uses this line," including Amtrak passenger trains, anything emanating or heading to Omya, ethanol headed to Rhode Island, and "every kind of wood product you could imagine. "We are not running double-stack (cars) because we cannot at this point. This (bridge) is the constriction for that now." As to the future, the reason the railroad is looking to be able to establish 23-feet at some point is because taller train cars likely will be used at some yet unknown future time, he said.

Mr. Sheehy said bridge #93 is the only restriction to allowing 23-foot train cars to pass along the Clarendon & Pittsfield railroad. He later, however, retracted this statement, but could not provide details of, or identify where any other such restrictions are, located. Mr. Dailey asked if there are other rail lines that feed into the Clarendon & Pittsford that have restrictions below 23 feet. Mr. Sheehy said the Canadian Pacific line, which feeds into the Clarendon & Pittsford line in Whitehall, NY runs freight requiring 23 feet through Whitehall. Mr. Sheehy,

however, later retracted that statement, saying he believes there is a tunnel along the Canadian Pacific line that restricts height to a little more than 21 feet.

Ms. Kittell asked if there have been any side-by-side costs studies done regarding establishing 23 feet at Bridge #93 vs. the proposed project establishing 21 feet 2 ¼ inches. Ms. Fitch said VTrans took a “quick look” at that, but did not design such a project. She said establishing 23 feet would face challenges, including impacting a wetland and impacting an historic culvert (which would trigger federal 4-F historic review). Also, there is a municipal sewer line that runs under the tracks that is not impacted at 21 feet, but would likely be impacted if the project included establishing a 23-foot vertical clearance. “There is a lot more involved if we go to 23 feet at this time,” she said.

Mr. Carris asked if it would be cheaper in the long run to go to 23 feet now, rather than try to do it in two separate projects spread over time. Ms. Fitch said the purpose and need of the project is that it is a bridge-replacement project. She said VTrans recognizes the 23-foot statute, but that the Agency is proposing an improvement over what is currently there (20 foot, 9 inches) while providing the permanent sheet piling that would allow the railroad to get to 23 feet in the future.

Ms. Fitch also said there are other places in the state where VTrans has recently received a variance from the Board to build to lower than 23-feet but with the capability to easily achieve 23-feet in the future. Examples include the Middlebury Tunnel and two bridges in Hartford. Mr. Dailey said a distinction is that those rail lines, as were the highway bridges above them, are owned by the State, while the Clarendon & Pittsford rail line is privately owned. These other projects, Mr. Dailey said, involved the State spending State funds on State infrastructure, while the construction needed to provide this project with a 23-foot clearance involves impacting a privately owned rail bed.

Ms. Fitch said to establish 21 feet 2 ¼ inches of vertical clearance at Bridge #93, VTrans has to lower 1,000 linear feet of track by approximately two feet to ensure the track under the bridge is at the proper grade. This work is being done at State expense, she said.

Mr. Dunleavy said the State in the past has paid for clearance improvements to 23 feet at the privately owned Bellows Falls Tunnel, but in that case there was an actual need to improve vertical clearance, which justified the expenditure of federal and state funds. Here, however, VTrans is trying to balance everything and be good stewards of taxpayer money. It makes no sense to build beyond what will be required in the near future, he said.

Ms. Fitch said VTrans collaborated with the Clarendon & Pittsford Railroad from the beginning of the project’s design so that the State early on understood what the railroad needed. This allowed them to work together to address the needs of both the railway and the roadway. Everyone agreed to the 21 foot 2 ¼ inches of vertical clearance, she said. The railroad is behind this and endorses this, she said.

Mr. Zicconi asked if the railroad, during project planning, asked for 23 feet of vertical clearance, how would that have worked. How would the funding and construction have worked? Ms. Fitch said she was not sure as that was not part of the planning process. But her understanding is if 23 feet was the goal, then the project would have to be re-scoped, which is a 12-month process, and that the project would likely be constructed under the Agency’s conventional bridge-construction process, not its accelerated bridge-construction process, which likely would add an additional five-years to the process. Going to 23 feet also could trigger the need to acquire additional right-of-way as well as additional environmental permitting due to wetland impacts and potential impacts to the historic culvert.

Mr. Zicconi asked if the Board approved the variance, whose responsibility – the State or the railroad – in the future would it be to construct and pay for dropping the tracks and establishing 23 feet of clearance. Ms. Fitch said she did not know. Mr. Dunleavy said the State does not receive federal formula money dedicated specifically for rail improvements, which makes funding rail projects unpredictable. He said he could not whether the State in the future would spend money to improve height clearances along private rail lines, but at the same time he did not want to say the State would not. “It’s an unknown,” he said.

Ms. Stern said that to help the Board analyze whether a variance is prudent it would be helpful if the State could 1) better quantify the price differential between establishing 21 feet vs. 23 feet, and 2) have the railroad establish a timeline for when it believes 23 feet will be needed: is it 10 years from now? 20 years? 25 years? Not providing the 23-foot clearance when it is necessary likely would have economic consequences and affect the economic viability of the State, Ms. Stern said.

Ms. Fitch said she did not want to speak for the railroad, but if the railroad wanted 23 feet and thought it would happen in a year or two – or some other time in the near future – she assumed it would have come to the negotiating table and told the State it needs 23 feet. The fact the railroad did not do that, and instead said it needs 21 feet, speaks volumes about how soon the railroad believes it will need 23 feet, she said.

Mr. Dunleavy said that when considering height constraints, the Board has to look beyond the Clarendon & Pittsford line, and also consider that presently there also are height constraints along the other railroad lines to which the Clarendon & Pittsford connects, such as the CP, GMRC and the NECR. So it is not like freight requiring 23 feet would be able to run along the Clarendon and Pittsford tomorrow even if there was 23 feet of clearance beneath Bridge #93, he said.

Mr. Marrow asked if the public had any questions. Ms. Schreiberman asked why the variance request was coming to the Board now, rather than before the project was scoped and/or designed. Ms. Fitch said coming to the Board at this stage is actually considered relatively early in the process. Normally, the Agency gets all the way to final plans before coming to the Board, but in this instance the project is still in the preliminary design stages. Ms. Fitch said the State does not come before the Board until it knows whether it can obtain a signed agreement from the railroad because if the railroad and State disagree and do not have a signed agreement, the process before the Board is different. The signed agreement was achieved only a few months ago, she said.

Ms. Schreiberman said the Rutland Regional Planning Commission wanted to point out that even if the height clearance is 21 feet 2 ¼ inches at this time that conventional double-stack train cars could still pass beneath the bridge. She then said that the Clarendon & Pittsford rail line is a critical mode for the region, and that she hopes the State and the railroad were planning ahead. She brought up the outstanding environmental issues (wetland and historic culvert), and asked if there was some provision for working through those issues in the future so there “was not some bottleneck down the road.”

Ms. Fitch said the State as part of the proposed project is accommodating the nearby fiber-optic cable so that it is where it needs to be to accommodate 23 feet, thus this utility would not have to be moved again.

Mr. Dunleavy brought up the municipal sewer line that runs beneath the tracks and said that under Vermont law utilities that are within highway right-of-ways that need to be moved to accommodate construction must be done so at the utilities expense. So if the Board at this time were to force the tracks to be lowered to accommodate 23 feet of vertical clearance, the lowering would affect the Town of Castleton, which would be on the financial hook

for relocating the sewer line. “We don’t want to push that expense upon the Town of Castleton before it is required,” Mr. Dunleavy said.

Mr. Dailey said the track that currently passes beneath the bridge is older, jointed rail. Modern continuously welded rail is a bit taller, he said, and asked if anyone could tell him how much taller. Mr. Sheehy said welded rail is a little more than an inch taller. Ms. Fitch said the reason the State is proposing 21 feet 2 ¼ inches is to provide the railroad some “room for maintenance” and still make sure the vertical clearance is at least 21 feet.

Mr. Zicconi said that the Agency’s presentation mentioned that a “high-cube double-stack” train car is almost 21 feet tall (20 foot 9 inches), so building a new bridge to 21 feet 2 ¼ provides just inches of clearance. He asked if that is enough wiggle room considering the bridge could settle or other things could shift that in the future slightly lowers the bridge’s clearance. Mr. Sheehy said the railroad runs cars within inches of bridge clearance all the time. If a bridge clearance changes “an inch,” the railroad’s inspectors are there quickly and slowing trains down so accidents do not happen, Mr. Sheehy said. If a track moves 2-3 inches “we go into panic mode and fix the problem,” he said. Lots of overpasses or rock cuts along railroads clear only by inches. “Inches are our world,” Mr. Sheehy said.

Mr. Delabruere said 21 feet of clearance can accommodate the kind of containers that presently run through New England and the United States. But in Europe, railroads are using containers that when double stacked come close to 23 feet. Those containers are not in New England yet because most rail lines cannot yet accommodate them. But in the future, the industry believes taller containers are coming, which is why the standard for new construction has been established at 23 feet.

Mr. Marro thanked everyone for coming, and said the Board would discuss what it heard and let everyone know if the Board needs more information or whether it makes a decision.

### ***1.3 Review/Approve the Minutes of the January 16, 2014 Meeting***

**On a motion by Ms. Kittell seconded by Mr. Dailey, the Board, with Mr. Carris abstaining, unanimously voted to approve the Minutes of the January 16, 2014 Board meeting as submitted.**

### ***1.4 Executive Secretary’s Report***

**TB-387:** Mr. Zicconi told the Board that he expects the Town of Rutland to let the Board know this evening following the 6:30 p.m. public hearing whether it can be ready for the Board to hold an evidentiary hearing in April regarding the town’s request for a break in Route 7’s limited access, or whether the town needs until May or possibly longer to be ready. During the 4:30 p.m. site walk, the town said it needed at least until May.

**April Meeting:** Mr. Zicconi said there were some people who could not attend a meeting on April 17, the normal time for the next Board meeting. Board members, with the exception of Mr. Carris, said they could meet April 16 or April 18. Mr. Zicconi said he would talk with others who needed to attend the April meeting and work with the Chairman to choose a date. He will then let everyone know via email.

**Rule updates:** Mr. Zicconi informed the Board that over the summer and fall he plans to review the rules that govern both the Transportation Board as well as the rules that govern the New Motor Vehicle Arbitration Board to determine if any of these rules could benefit from updating. Should he identify any rules he believes would benefit from an update, he will bring ideas to the Board at a future meeting. Altering rules requires a legislative

process, so the goal, assuming the Board approves of any upgrades, would be to recommend any suggested upgrades to the Legislature during its 2015 session.

***1.5 TB-387 Site Visit: Farrell Road, Rutland***

The Board held a site visit at 4:30 p.m. at the intersection of Cop John Drive and Farrell Road in Rutland. No testimony was taken at the site visit. Following the site visit, the Board suspended business for a dinner break.

***1.6 TB-387 Public Hearing: Proposed Break in Route 7 Limited Access at Farrell Road in Rutland***

The Board held a public hearing on TB-387 beginning at 6:30 p.m. at the Rutland Regional Planning Commission, 67 Merchants Row in Rutland. The hearing was held as part of the Planning Commission's regularly scheduled meeting of its Transportation Advisory Committee. No minutes of the hearing were taken.

**2 OLD BUSINESS**

***2.1 TB-383 Winterset – Meet with Counsel***

**At 3:35 p.m., the Board on a motion by Ms. Stern seconded by Ms. Kittell entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-383 Winterset.**

Mr. Zicconi and Mr. Hasen, who participated by phone, were invited to attend the deliberative session.

**At 4:05 p.m. the Board exited deliberative session.**

**3 OTHER BUSINESS**

***3.1 Round Table***

**At 8 p.m. following the Rutland public hearing, the Board on a motion by Mr. Dailey seconded by Ms Kittell entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-409.**

Mr. Zicconi was invited to attend the deliberative session.

**At 8.25 p.m., the Board exited deliberative session**

**4 ADJOURN**

**On a motion by Ms. Stern seconded by Ms. Kittell, the Board unanimously voted to adjourn at 8:26 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting:  
April 16, 2014 at 9:30 a.m.**

**Conference Room R235, Dewey Building, One National Life Drive, Montpelier, VT**