

VERMONT TRANSPORTATION BOARD MEETING APRIL 16, 2014

Board Members Present:

Tom Dailey, term expires 2/28/2016
Nick Marro, Chairman, term expires 2/28/2016
Wesley Hrydziusko, term expires 2/28/2015
Robin Stern, term expires 2/28/2015
James Fitzgerald, term expires 2/28/2015 (via phone)

Board Members Absent:

William Tracy Carris, term expires 2/28/2017
Vanessa Kittell, term expires 2/28/2016

Others Present:

John Zicconi, Board Executive Secretary
John Hasen, Board Legal Counsel
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
Dan Delabruere, VTrans Rail Director
Richard Tetreault, VTrans Director of Program Development
Michael Hedges, VTrans Structures Engineer
David Wulfson, President Clarendon & Pittsford Railroad
Mary Anne Michaels, Clarendon & Pittsford Railroad

Call to Order:

Chairman Nick Marro called the Wednesday, April 16, 2014 meeting to order at 9:40 a.m., which was held in Conference Room R235 of the Dewey Building at the National Life Campus in Montpelier, VT.

1. NEW BUSINESS

1.1 Review/Approve the Minutes of the March 27, 2014 Meeting

On a motion by Mr. Dailey seconded by Ms. Stern, the Board unanimously voted to approve the Minutes of the March 27, 2014 Board meeting as submitted.

1.2 Executive Secretary's Report

TB-406: Mr. Zicconi told the Board that he spoke with Kevin Lessard, general manager of Monsalvate Farm, regarding the farm's need to return to the Board for operational approval before it could begin landing aircraft at its new helipad in the spring. Mr. Zicconi said Mr. Lessard informed him that the farm has not yet heard from the Federal Aviation Administration (FAA) regarding its approval, which was a condition of the Board's approval. Mr. Lessard informed Mr. Zicconi that the farm was still buried beneath three-feet of snow, so it has not yet completed construction of the helipad. He said he would reach out to the Board once he heard from the FAA.

Federal Funding Crisis: Mr. Zicconi said he spoke with VTrans Chief Financial Officer who informed him that the U.S. Highway Trust Fund is predicted to become insolvent around August of 2014, while the current federal transportation bill expires September 30, 2014. If Congress does not act promptly to replenish the trust fund and either pass a new transportation bill or reauthorize the old one, then Vermont could experience a significant loss in federal funding that would cause the State to delay highway construction projects.

The State likely could manage cash flow due to congressional inaction for two-to-three months, Mr. Zicconi said. But a longer delay would place Vermont in a position of running out of money unless it delayed projects. As a result, VTrans is currently reviewing its bid schedule and deciding which projects could be delayed should Congress fail to act. Federal inaction would require Vermont to hold back about \$40 million worth of projects, he said.

Mr. Zicconi said it would be highly unlikely that VTrans would stop projects already under construction, as well as cease preliminary engineering that is getting future projects ready for construction. Instead, should Congress fail to act, the most likely tact VTrans would take is to not start new projects that are currently slated to be bid this summer and/or fall. As a result, Vermont likely would not experience a construction slowdown in 2014, but instead would experience one in 2015 because projects that are let in late summer and fall generally begin construction the following spring.

2. OLD BUSINESS

2.1 TB-409 VTrans' Request for height variance, Route 30 Castleton, Bridge 93

Mr. Marro opened the hearing, and explained that today's proceeding was a continuation of a hearing that began on March 27, 2014 and was held in Castleton, VT. After the Board adjourned the March hearing, the Board deliberated and determined some questions were still outstanding, Mr. Marro said.

Mr. Zicconi said that Mr. Fitzgerald, who did not attend the March 27, 2014 hearing has since listened to a recording of the hearing, and therefore will participate in today's hearing.

VTrans is planning to replace an existing bridge along Route 30 spanning the Clarendon & Pittsford Railroad. Construction is tentatively scheduled for spring/summer 2015. Vermont statute requires that all new train overpasses be constructed with 23 feet of vertical clearance, but 5 V.S.A. § 3670 also allows the Agency to ask the Board for a variance. In this case, the agency and the Railroad have teamed up to ask the Board for permission to build the bridge with only 21-feet 2 ¼ inches of vertical clearance.

Mr. Zicconi said at the conclusion of last month's hearing, the Board had several questions and requested additional information. He said the Board identified it wanted information on the following:

- An apples-to-apples cost comparison of building to 23 feet vs. 21 feet.
- What are the other lower than 23-foot impediments along not only the Clarendon & Pittsford line, but also the Canadian Pacific line, which feeds into the Clarendon & Pittsford line.
- What is the Clarendon & Pittsford's long-term plan for removing the lower than 23-foot impediments?
- Are there already train cars requiring 23 feet moving through Whitehall, NY.
- Some sort of cost-benefit analysis of doing 21 feet vs. 23 feet.
- What would it take for the town to have to adapt its sewer line to accommodate 23 feet?

Prior to the hearing, VTrans submitted an apples-to-apples cost comparison, which shows achieving 21 feet of vertical clearance to cost \$2.7 million, while achieving 23 feet to cost \$3.7 million.

Mr. Zicconi said he asked VTrans to provide information about the Canadian Pacific (CP) line and its lower than 23-foot choke points, but Agency personnel were only able to get limited information out of the CP. As a result, Mr. Zicconi said he called Shane Barraclough, who is the CP's Clearance Bureau Manager, who supplied the following information.

- The CP runs from Whitehall north to the Port of Montreal, as well as from Whitehall south to the Port of Albany. Thus any freight headed to Vermont from either of these ports would come via the CP, which is a Class I railroad, meaning it is one of the region's major railroad players. From Whitehall north to the Port of Montreal, the CP has four total restrictions – two roadway overpasses and two tunnels – that are less than 23 feet. The lowest point of these restrictions is 20 feet, 10 inches.
- From Whitehall south to the Port of Albany, The CP contains 17 total restrictions – 13 roadway overpasses, two pedestrian overpasses, one overhead railroad bridge and one truss bridge – that are less than 23 feet. The lowest point of these restrictions is 21 feet, 9 inches.
- The CP has a policy that when it does construction in a place where the vertical clearance is less than 23 feet, it will make the clearance 23 feet. In other words, the CP has a construction policy that if it is spending money to fix something it is going to, as part of the project, make the vertical clearance 23 feet.
- To eliminate the four sub 23-foot restrictions between Whitehall and the Port of Montreal, should the CP want to, would require an estimated two-to-three years. Eliminating the 17 sub 23-foot restrictions between Whitehall and the Port of Albany would take longer to eliminate, at least three-to-five years.
- While these are Mr. Barraclough best estimates, at this time the CP has no plans to actually change any of these choke points as the railroad believes there will be no need to have 23-feet of vertical clearance for at least the next 10 years, probably longer.

As to additional restrictions along the Clarendon & Pittsford Railroad that are also below 23 feet, Mr. Delabruere submitted information that there are three railroad truss bridges in addition to the roadway overpass in Castleton along Route 30. The lowest of these truss bridges restricts the vertical clearance to 20 feet, 4 inches. The other two restrictions are 20 feet, 10 inches and 22 feet. Mr. Delabruere said the most cost-effective way to alter these bridges to achieve 23-feet of vertical clearance is to raise the bridge's top cord member. While he did not have estimates regarding these particular bridges, Mr. Delabruere estimated that raising top cord members runs anywhere from \$50,000 to \$80,000 per bridge, based on the Agency's experience with similar bridges. Assuming this estimate was true, the Clarendon & Pittsford Railroad could remove all the other restrictions along the line for \$150,000 to \$240,000.

As to the Town of Castleton regarding its sewer line, which crosses beneath the railroad tracks within the construction project's limits, Town Manager Charles Jacien provided the Board information that said it would be unlikely that the town would ever relocate the line, but that it instead would lower the sewer line if necessary. While the town has not engineered such a project, Mr. Jacien guesstimated such a project would cost tens of thousands of dollars. The line currently is gravity fed. Lowering the line would drop its elevation in that location, which could affect how gravity affects flow. Mr. Jacien told Mr. Zicconi that he did not know if such a change would require adding a pump. He said the town does occasionally upgrade parts of its sewer line, and the latest cost he had is \$220 per linier foot. He did not have an estimate for how many linier feet would be affected should the line beneath the tracks in the project area need to be replaced or lowered.

Lowering the track two feet as proposed would decrease the amount of insulating soil above the sewer line to less than five feet, Mr. Jacien told Mr. Zicconi. To compensate and prevent frost from affecting the sewer line post project, VTrans will install insulating “blue board” above the sewer line, Mr. Zicconi said, which was confirmed by Ms. Fitch.

Mr. Wulfson said his company, Vermont Rail Systems, aside from owning the Clarendon & Pittsford Railroad also leases four other railroads in Vermont that are owned by the State, including Vermont Railway, the Green Mountain Railroad, the Pan Am Railway and the Connecticut River Line. Vermont Rail System also operates the New York and Ogdensburg Railroad, which is owned by the Port Authority of Ogdensburg, New York. All told, Vermont Rail Systems operates about 350 miles of track, he said.

Mr. Wulfson said the 23-foot vertical height standard originated in the western part of the U.S. He said whenever a railroad can achieve that standard and it did not cost additional money, it should. In Castleton, however, the railroad is asking the Board to do as it recently did in Middlebury (TB-408), which is allow the overpass to be built to a 21 foot clearance, but ensure that the engineering allows construction to 23 feet easily in the future.

The railroad system that serves the eastern part of the United States is the nation’s oldest, Mr. Wulfson said. As a result, there are many “problems” that restrict vertical clearance below 23 feet, one of them being the Bellows Falls Tunnel, which is 21 foot, and there is no way to change that without moving the tracks to the other side of the river because increasing the clearance within the tunnel is problematic due to the streetscape above the tunnel.

Mr. Wulfson provided the Board a list of all the overpasses and bridges along the Clarendon & Pittsford Railroad, the Vermont Railroad (VTR), the Green Mountain Railroad and the Washington County Railroad which totaled 55. Of those 55, only six currently meet the 23 foot vertical clearance standard.

Mr. Wulfson said as long as the structure is built with 21 feet of clearance now but in a way so that it can accommodate 23 feet later, the railroad can “undercut” the tracks in the future without much expense or effort. He predicted that it would take at least 100 years for the eastern railroad system to achieve 23 foot clearance. As a result, any money that is presently available is better used to upgrade local tracks so that they can accommodate a 286,000-pound weight capacity, which is what Vermont railroads really need to remain competitive, Mr. Wulfson said. Railroads in surrounding states are already at 286,000-pound capacity, while much of the track in Vermont can only accommodate 263,000 pounds of capacity, mostly because of the condition of Vermont’s railroad bridges.

Mr. Wulfson said if Vermont has an additional \$1 million to spend, it should spend it upgrading the system to handle 286,000 pounds, not achieve 23-foot clearances, which will never be needed in his lifetime, his children’s lifetime or his grand children’s lifetime. That said, Mr. Wulfson added that building overpasses so that they can easily accommodate 23 feet of vertical clearance in the future, rather than require them to achieve 23 feet now, is “the best planning we can all do.”

Not on the list circulated by Mr. Wulfson was the Bellows Falls Tunnel, which is part of the New England Central Railroad system, which he neither controls nor owns. Several years ago, the State and the federal Government spent millions of dollars to lower the tunnel and achieve 21 feet of vertical clearance so that double-stack train cars could pass through the tunnel and onto points south, Mr. Wulfson said. He called the tunnel Vermont’s railroad gateway to Massachusetts and points south. Lowering the tunnel further is virtually impossible, Mr. Wulfson said. As a result, he does not see the “common sense” in spending an additional \$1 million now to

achieve 23 feet at the Castleton underpass. Spending such money at this time would be the “last thing” he would recommend to his shareholders, he said.

Mr. Wulfson said there is no railroad in the east that currently runs cargo that requires 23 feet of vertical clearance. Out west, where the railroad infrastructure is much newer, railroads do run cargo that requires 23 feet of clearance, he said. Double-stack cars are the standard in the east, and those cars, which require 21 feet of vertical clearance, are moved along eastern railroads, including in Vermont were some, but not all, of the overpasses and bridges accommodate 21 feet, he said.

Ms. Stern asked Mr. Wulfson if he feels any economic pressure to achieve 23 feet anywhere along the railroads he controls. Mr. Wulfson said no, because “there is not enough money” available to build everything to 23 feet. There are clearance obstacles that may “never” allow 23 feet on some lines, he said. “I just don’t see 23 feet ever happening (everywhere), although there may be certain corridors that can open up to 23 feet if the railroad believes it is needed,” Mr. Wulfson said.

Ms. Stern asked if building to 23 feet would increase the economic viability of Vermont. Mr. Wulfson answered no because “there are no 23-foot rail cars moving anywhere, except along certain lines out west.”

Mr. Fitzgerald asked if not being able to handle car weights of 286,000 pounds is hurting his business financially. Mr. Wulfson answered yes, and said his railroads turn business away “daily” because his lines cannot handle 286,000 pounds of weight. At times, Mr. Wulfson said, he is able to offload some of the cargo to trucks so that train car weights do not exceed 263,000 pounds. Doing this, however, is costly, he said.

Mr. Zicconi asked Mr. Wulfson to address the historic culvert and wetland issues that VTrans at the last hearing identified as possible impediments to making the Castleton overpass’ clearance 23 feet in the future. He asked if the railroad’s federal exemptions make dealing with these impediments easier and less costly than the State may encounter if it owned the rail line.

Mr. Wulfson said if the railroad did the future construction project that it would have “to deal” with both wetland and storm-water regulations, which typically are federal regulations that are administered by the State. However, he said he believed the railroad’s federal exemptions would allow the railroad to eliminate the historic culvert so long as it first properly documented the culvert by taking photographs and registering it with the proper State and federal officials.

Ms. Higgins said that VTrans achieves the 23-foot standard wherever it can, but in “instances like this” where it is difficult to achieve 23 feet the Agency’s “standard practice” is to build to a lower height but provide things like deeper bridge footings and/or sheet piling so that 23 feet can be achieved more easily in the future.

Mr. Wulfson said his hope is that the Board can apply the information provided today to future projects to prevent the need for extended hearings each time VTrans and the railroad apply for a variance to the 23-foot standard. Mr. Tetreault asked if it may be possible for VTrans to develop a “programmatic approach” with the railroad for future height-variance requests, much like the Agency currently does with historic preservation issues related to highway infrastructure. “While the statute says we come here (to the Board) for the variance... maybe there is a programmatic agreement we could craft between the Agency, the T-Board and Vermont Rail Systems that outlines how we make a determination (regarding height variances) so we don’t have to come to the Board every time,” Mr. Tetreault said.

Mr. Dunleavy said State statute requires coming to the Board, and last the Legislature discussed this issue it wanted the Board to have the authority to take a final look at variances. Mr. Dunleavy also said the statute also distinguishes between a request where the Agency and the railroad are in agreement regarding a variance vs. a request where the two are not in agreement.

Ms. Stern said it sounded like a check list of some kind would be helpful, where the Agency outlines issues that have been addressed, the various elements involved and whether those elements have been reviewed.

Mr. Zicconi questioned the need to alter statute. Every bridge is different and as a result can have different issues to consider or elements that may require review, he said. But he also said there may be ways to get full information to the Board ahead of a hearing so that the Board can have detailed information ahead of time that will expedite its decision making in the future.

Mr. Marro asked if there were other questions or comments. Being none, he closed the hearing.

The Board on a motion by Mrs. Stern seconded by Mr. Dailey unanimously voted to approve the variance, and instructed Mr. Zicconi to draw up the required paperwork.

2.2 TB-383 Winterset (deliberation)

At 10:55 a.m., the Board on a motion by Ms. Stern seconded by Mr. Dailey entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-383 Winterset.

Mr. Zicconi and Mr. Hasen were invited to attend the deliberative session.

At 11:35 p.m. the Board exited deliberative session.

1 3. OTHER BUSINESS

3.1 Round Table

No one had any items to discuss.

2 ADJOURN

On a motion by Ms. Stern seconded by Mr. Hrydziusko, the Board unanimously voted to adjourn at 11:39 a.m.

Respectfully submitted,

John Zicconi
Executive Secretary

Next Board Meeting:
August 6, 2014 at 9:30 a.m.
UVM Transportation Research Center, Farrell Hall, 210 Colchester Ave, Burlington, VT