

# VERMONT TRANSPORTATION BOARD MEETING SEPTEMBER 27, 2017

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## **Board Members Present:**

David Coen, term expires 2/28/18  
Richard Bailey, term expires 2/28/18  
Faith Terry, term expires 2/28/19  
Timothy Hayward, term expires 2/28/2020  
Wendy Harrison, term expires 2/28/19  
Vanessa Kittell, term expires 2/28/19

## **Board Members Absent:**

Lawrence H. Bruce, term expires 2/28/2018

## **Others Present:**

John Zicconi, Board Executive Secretary  
Ron Shems, Board Attorney  
Peter Young, Washington County Railroad Company  
Chad Allen, VTrans Director, Asset Management & Performance Bureau

## **Call to Order:**

Board Chair Vanessa Kittell called the Wednesday, September 27, 2017 meeting to order at 10:10 a.m., which was held at the Catamount Conference Room on the National Life Campus in Montpelier, Vermont.

## **1. NEW BUSINESS**

### ***1.1 Review/Approve Minutes of the July 27, 2017 Meeting***

**On a motion by Mr. Coen seconded by Mr. Bailey, the Board unanimously voted to approve the minutes of the July 27, 2017 Board meeting.**

### ***1.2 Executive Secretary's Report***

There was no Executive Secretary's Report.

### ***1.3 VTrans' New Prioritization Efforts – Chad Allen Presentation***

Chad Allen, VTrans Director of Asset Management & Performance Bureau, provided the Board with a 90-minute PowerPoint presentation regarding the Agency's reprioritization efforts known as VPSP2. The Board's office has copies of the PowerPoint and audio recorded the presentation. Anyone wishing copies should contact the Board's office.

***1.4 TB-458 Northfield Train Bridge Dispute – Request to Dismiss.***

In the spring, the Town of Northfield filed a complaint regarding the condition of a train bridge on Rabbit Hollow Road. The railroad has since repaired the bridge to the town's satisfaction, and the parties filed a joint motion to dismiss the case.

**On a motion by Mr. Coen seconded by Ms. Terry, the Board unanimously voted to dismiss TB-458.**

***1.5 TB-457 Appeal & Norwich Southern Crossing***

The Board in deliberative session (see item 2.1 below) reviewed the motion filed by John Roback alleging that the Railroad violated parts of the Board's August 10, 2017 order. After coming out of deliberative session, the Board elected to hold a hearing at 10 a.m. on October 13 in the Town of Norwich. Mr. Shems was instructed to write the hearing order that would be issued to the parties. The Board also discussed whether to hold a hearing regarding Kendall Station Road's southern crossing on the same day, but decided not to because the Board's order provides the parties until November 9, 2017 to work out an agreement regarding possible safety improvements of this crossing. The Board, if necessary, will schedule a hearing regarding the southern crossing at a future time.

Mr. Zicconi also informed the Board that both Mr. Roback and the Washington County Railroad Company filed appeals to the Board's August 10, 2017 decision. Mr. Roback filed his appeal in Windsor Superior Court, while the Railroad filed its appeal in Chittenden Superior Court. To consolidate the appeals, the Windsor County Court clerk during a phone conversation asked that Mr. Zicconi write the two courts a letter informing them of the separate appeals. Mr. Zicconi told the Board he would write such a letter later this week.

*NOTE: Following the meeting, the Board cancelled the October 13, 2017 hearing date and rescheduled it to October 23, 2017.*

**2. OLD BUSINESS**

***2.1 TB-443 Schultz Contractor Claim***

**The Board at 10:10 a.m. on a motion by Mr. Coen, seconded by Mr. Bailey and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-447 Roback Railroad Crossing and TB-443 Schultz Contractor Claim, and TB-456 Rouelle Helipad.**

Mr. Zicconi and Mr. Shems were invited to join the deliberative session.

**The Board exited deliberative session at 11:20 a.m.**

## ***2.2 TB-456 Rouelle Helipad***

**The Board under 2.1 (see above) began deliberations but did not finish. At 1:15 p.m. on a motion by Mr. Coen, seconded by Mr. Bailey and approved unanimously entered into deliberative session, pursuant to Title 1 § 313, to continue discussing TB-456 Rouelle Helipad.**

Mr. Zicconi was invited to join the deliberative session.

**The Board exited deliberative session at 1:40 a.m.**

## ***2.3 Fall Public Forums – Discussion***

Following Mr. Allen's presentation (see 1.3 above) the Board discussed how to proceed with its upcoming fall forums. Mr. Zicconi said the Board as previously discussed should focus its presentation and request for comment solely on the Agency's suggested new prioritization criteria, the performance measures associated with these eight criteria, and how each criteria ranks in importance. He said this aspect of the VPSP2 endeavor should be easy to explain to the public within the 90-minute duration of each forum, and that this part of the effort lends itself well to public comment.

Ms. Kittell suggested that the forms also discuss the need for, as well as the overall direction of, the VPSP2 effort, and not just the prioritization criteria it has produced. These issues, she said, could exceed the capacity of the forums. Mr. Zicconi said discussing these additional issues would, in fact, broaden the effort beyond what he was able to prepare by October 18, the day of the first public forum. He suggested that if the Board wished to broaden to scope of the forums that the Board postpone them until spring, which would allow him the time to rework the program. The Board decided it did not want to postpone the forums, and instructed Mr. Zicconi to proceed with the more narrow focus.

*NOTE: Following the meeting, the Board changed direction and cancelled the forums.*

## **3. OTHER BUSINESS**

### ***3.1 Round Table***

No one had any issues to discuss

## **4. ADJOURN**

**On a motion by Mr. Coen seconded by Mr. Bailey, the Board unanimously voted to adjourn at 2:10 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting: 10 a.m. on October 23, 2017**