

# VERMONT TRANSPORTATION BOARD MEETING SEPTEMBER 16, 2014

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## **Board Members Present:**

Nick Marro, Chairman, term expires 2/28/2016  
Wesley Hrydziusko, term expires 2/28/2015  
James Fitzgerald, term expires 2/28/2015  
Robin Stern, term expires 2/28/2015  
Tom Dailey, term expires 2/28/2016  
Vanessa Kittell, term expires 2/28/2016

## **Board Members Absent:**

William Tracy Carris, term expires 2/28/2017

## **Others Present:**

John Zicconi, Board Executive Secretary  
Michael Kuranda, applicant from Stamford  
Karen Kuranda, applicant from Stamford  
Guy Rouelle, VTrans Aeronautics Administrator  
Paul Ethier, Stamford Fire Chief  
William Levine, Stamford Emergency Management Director  
Stephen Bechtel, Stamford Planning Commission Member  
Lois Bona, Stamford Resident  
Jim Bona, Stamford Resident  
Ruth West, Stamford Resident  
Mark Lawrence, Stamford Resident  
Ester Fitzgerald, St. Albans Resident  
Wayne Hrydziusko, Windsor Resident

## **Call to Order:**

Chairman Marro called the Tuesday, September 16, 2014 meeting to order at 11:40 a.m., which was held at the Community Room of the Stamford Community Church, 1059 Main Road in Stamford, VT. The meeting was preceded by a site visit at 323 The Lane in Stamford, VT.

## **1. NEW BUSINESS**

### ***1.1 TB-414 Stamford Private Landing Area***

This matter involves an application for a personal landing area for ultralight aircraft at 323 The Lane in Stamford, Vermont submitted pursuant to 5 V.S.A. § 207 and Parts III, IV, VI and VII of the Vermont Aeronautics Rules and Regulations.

Michael and Karen D. Kuranda filed the application with the Vermont Agency of Transportation (VTrans) on or about May 14, 2014. After a VTrans aviation specialist reviewed the application, the Agency forwarded the application to the Transportation Board on July 23, 2014. The Board on August 6, 2014 reviewed the application, and ruled it complete. As a result, the Board, pursuant to 5 V.S.A. § 207(d), schedule this hearing.

Mr. Kuranda told the Board that he wished to build the private airstrip for mostly personal use, but that occasionally he may have friends use the landing area as well. Flying would take place exclusively in the daytime, and would likely be limited to three hours before sunset and three hours after sunrise as these are the times of day when atmospheric conditions to operate ultra-lights aircraft are optimal, Mr. Kuranda said.

VTrans Aeronautics Administrator Guy Rouelle stated that the proposed landing area met the substantive regulatory requirements for the Board to issue a Certificate of Approval.

Mr. Rouelle stated that the aircraft proposed for this landing area has an approach speed of less than 30 MPH. As a result, Federal Aviation Administration (FAA) regulations call for the runway to have a minimum length of 333 feet and a minimum width of 150 feet to meet all safety specifications. In this case, the Applicant is proposing to build a runway that is 350 feet in length, with a width of 150 feet. Along with this, Mr. Rouelle said the Applicant is proposing an airstrip envelope that includes safety zones that totals 500 feet long by 150 feet wide, which the Agency is comfortable with.

To meet safety regulations regarding approach zones, Mr. Rouelle requested that the Board require the applicant to clear several trees to the south of the runway, and several to the north. In total, Mr. Rouelle said all clearing would total less than an acre of land.

Mr. Rouelle also stated that to construct a safe runway, the proposed landing area could remain grass but would need to be graded to flatten the land and eliminate some of the “rolling” landscape that currently exists.

FAA regulations also require that such a landing area be located at least 200 feet from power lines. In this case, the nearest power lines are approximately 265 feet from the south end of the runway, Mr. Rouelle said.

Stamford emergency management director William Levine said that he contacted Dartmouth Hitchcock Advanced Response Team (DHART), which agreed to place the landing area on its emergency-landing list so that when appropriate it could use the landing area to transport those in need of medical care to Dartmouth Hitchcock Medical Center. Mr. Rouelle said that the landing area, as designed, would accommodate the DHART helicopter as well as several other classes of emergency aircraft.

Stamford Fire Chief Paul Ethier said that to meet fuel storage regulations, the Applicant should be limited to storing no more than 10 gallons of fuel on site unless he acquires a fire-resistant cabinet. The 10-gallon storage is in addition to any fuel that is located inside any aircraft’s fuel tank.

Abutting landowner Mark Lawrence asked the Board to limit the flight path of the ultra light vehicles using the private landing area so that they would not fly over, or interfere in any way with the operation of, the golf course that he owns at 194 The Lane.

Mr. Rouelle said that Federal Regulations preempt the State from limiting flight patterns during times of

emergency. He also said that FAA regulation 14 CFR 91.119 sets minimum altitudes that aircraft can operate over populated areas.

Mr. Lawrence asked the Board to investigate if there was a way it could require Mr. Kuranda to obtain insurance related to any aircraft that uses the landing area. Mr. Kuranda said he did not intend to obtain insurance, and said he was comfortable using the airstrip without it.

Mr. Rouelle added that he is not aware of any federal or Vermont statute that requires owners of private landing areas to possess insurance. However, Mr. Rouelle noted that 5 V.S.A. § 479 dictates liability and that the operator of the ultralight aircraft is liable for injuries to persons or property caused by the ascent, descent or flight of the aircraft.

Mr. Lawrence also asked that use of the landing area be limited to a specific number of users at any one time so that the landowner could not establish a “club” where dozens of users could dominate the neighborhood. Mr. Kuranda said he would be comfortable with a limitation of three aircraft using the landing area at any one time.

Mr. Lawrence and other abutting landowners said three was a reasonable number, but that no such restriction should apply to DHART or other emergency.

Mr. Marro closed the hearing at 12:50 p.m., and the Board took a 10-minute break.

**At 1 p.m., the Board on a motion by Mr. Daley seconded by Mr. Fitzgerald entered into deliberative session, pursuant to Title 1 § 313, to discuss TB-414.**

Mr. Zicconi was invited to attend the deliberative session.

**At 1:50 p.m. the Board exited deliberative session.**

***1.2 Review/Approve Minutes of the August 6, 2014 Meeting***

**On a motion by Mr. Fitzgerald seconded by Mr. Hrydziusko, the Board unanimously voted to approve the minutes of the August 6, 2014 Board meeting as submitted.**

***1.3 Executive Secretary’s Report***

Mr. Zicconi told the Board that he spent considerable time last week speaking with an attorney who represented a phone company regarding railroad crossings and the amount of rent VTrans is able to charge for a utility to cross its right-of-way. To date, no appeal has been filed. But Mr. Zicconi said the lawyer told him that barring a breakthrough in negotiations with VTrans, the phone company is poised to file an appeal with the Board. Mr. Zicconi said all discussions with the attorney focused on procedure, and the Board’s roll in adjudicating such disputes.

Mr. Zicconi told the Board that he will be away during the last week of October, and that the Transportation Board office will be closed during that time.

#### ***1.4 TB-415 Jerry's Nissan***

Mr. Zicconi informed the Board that Jerry's Nissan of Rutland petitioned the Board on July 29, 2014 to open a case pursuant to Vermont's Motor Vehicle Manufacturers, Distributors, and Dealers Franchising Practices Act. Jerry's Nissan is upset that Nissan North America, Inc. wants to terminate its franchise.

While the case is now active, Mr. Zicconi said that both sides have asked for a stay to the proceedings as they are attempting to work out a settlement. Mr. Marro, who by rule as chair presides over preliminary matters regarding the so-called Maker-Dealer Act, agreed to grant a 60-day stay and did so on September 10.

#### ***1.5 TB-416 G. Stone Motors***

Mr. Zicconi informed the Board that G. Stone Motors of Middlebury petitioned the Board on August 14, 2014 to open a case pursuant to Vermont's Motor Vehicle Manufacturers, Distributors, and Dealers Franchising Practices Act. G. Stone Motors is upset that General Motors, LLC. wants to terminate its franchise.

Board Rules dictate that the Board's Chair preside over preliminary matters regarding the Maker-Dealer Act, but Mr. Marro said he must recuse himself from this case because one of GM's lawyers is his brother-in-law. As a result, the Board must select someone else to preside over the case.

Mr. Zicconi said any Board member can be chosen, but he recommended that the duty fall to the Board's ranking member, which is Robin Stern. Ms. Stern said she would assume the duty if the Board wished.

**On a motion by Mr. Fitzgerald seconded by Ms. Kittell, the Board unanimously voted to have Robin Stern act as chair in all prehearing matters involving TB-416.**

## **2. OLD BUSINESS**

### ***2.1 Fall Public Hearings: Discussion and Planning***

Mr. Zicconi said he has completed the preliminary work needed to schedule this year's public hearings, which will be held at eight college campuses beginning October 14. The focus of this year's hearings is young adults (ages 18-34) and their changing transportation habits.

With the locations now set, the Board needs to approve this year's topics for discussion. After consulting Board members privately prior to today's meeting, Mr. Zicconi suggested the following six topics:

- Nationally, many young adults are choosing not to purchase cars. Is this true in Vermont?
- What transportation options do young adults consider when choosing a place to live and work?
- How important are motor-vehicle alternatives such as rideshare, bicycle infrastructure, public transit and Zipcars?
- What future transportation projects are important to young adults?
- What urban transportation solutions can be adapted to rural areas?
- What technologies, such as car-sharing apps, are important to the mobility of young adults?
- How can we reduce the rate of distracted and impaired driving among youth?

The Board approved this list. Mr. Zicconi said he would prepare a PowerPoint presentation reflecting these topics that would be used at each public hearing to spawn discussion.

### **3. OTHER BUSINESS**

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

No one had any items to discuss.

### **4. ADJOURN**

**On a motion by Mr. Dailey seconded by Mr. Hrydziusko, the Board unanimously voted to adjourn at 2:45 p.m.**

Respectfully submitted,

John Zicconi  
Executive Secretary

**Next Board Meeting:  
October 14, 2014 at 6:30 p.m.  
Public Forum at Norwich University, Milano Ballroom, Crawford & Roberts Hall**