

Joe Colangelo

From: Peter Young <pyoung@vrs.us.com>
Sent: Wednesday, January 20, 2016 11:37 AM
To: Joe Colangelo
Cc: David Wulfson
Subject: Shelburne Transload Facility -Your Information Request
Attachments: A_Cover Letter.pdf; C_EPSC Plan Narrative_12-23-15.pdf; D_3_Shelburne Transload_Natural Resources Map with Soils.pdf

Dear Joe:

In response to your recent requests to David, we have pulled together some information that should help Shelburne residents better understanding the expected project impacts. As you will see, we do not expect to see an increase in truck traffic through the village center, and we are confident that the steps undertaken in VHB's design will deal with stormwater issues.

While it is our position that federal preemption applies to preclude Town of Shelburne permitting requirements, we understand and appreciate that you have many questions and hope this helps to resolve some of your concerns. After you have had the opportunity to consider this information, please call so that we can arrange a time to meet as you have suggested previously.

1. Minimal Impact on Village Traffic: We know that Shelburne continues to wrestle with how best to address the impact of existing traffic congestion on the village center and want you to know that we believe operation of the new railroad facility will not increase truck traffic through the village center largely because the south-bound traffic is already accounted for in current volumes. In response to your request for an estimate of traffic impacts, we are able to confirm that based on a review of prior year salt volumes, approximately 15% of all truck traffic from the current Burlington location already travels south on US 7. This volume or percentage is not expected to change with the proposed relocation of the railroad's salt sheds to Shelburne. In fact, one of the benefits to Shelburne of this location rather than one farther to the south is that there will be an almost insignificant net change to traffic volumes in the village center.

We are not in a position to provide more detailed information on truck traffic at this time as federal law prohibits railroads from disclosing competitively sensitive information relating to the nature, quantity, destination, consignee or routing of commodities handled by the railroad. We take our regulatory responsibilities seriously and maintain strict compliance. If we can be assured that the information would be maintained in confidence, however, we would be willing to present the Selectboard with more detailed information about historical truck traffic data in Executive Session. If you believe the Selectboard would be interested in such an arrangement, I will forward a confidentiality agreement for your consideration but the members receiving freight data from the railroad would be required not only to maintain the confidentiality but would be subject to penalties and fines in the event of disclosure.

2. Pedestrian Safety: We share your concern for the safety of children and other pedestrians. The current sidewalk is on the east side of Route 7 and not on the west side where the entrance to the

railroad facility will be located, so traffic entering or exiting the driveway should not impact pedestrians or school children.

3. Traffic during Snowstorms: As we discussed previously, truck traffic will be dependent on seasonal need and weather fluctuations, so the number of trips per day cannot always be predicted with any great confidence. Last winter was one of the biggest ever for salt volume, and deliveries have been travelling south on US 7 for years without appreciable impact on the character of the village center. Generally, truck traffic is scheduled for the early morning hours before traffic on US 7 becomes slowed with commuters.

4. Turning Lane and Traffic Signal: David has publicly offered support for a new southbound turning lane that would ease access to our new facility and improve traffic flow on US Route 7 and the railroad is committed to working with the Town and State on this issue. We included such a proposed lane in the site plan we shared with the Selectboard. Similarly, David already announced the railroad's willingness to participate in and support any studies associated with a potential traffic signal and would offer our support for that project if deemed appropriate, recognizing that traffic congestion is an issue that the Town has been wrestling with for quite a few years. As a fellow Shelburne resident, David is quite familiar with traffic flow in and around the village and the railroad would hope to be part of a solution if at all feasible.

5. Noise: After the January 12 Selectboard meeting and in an effort to obtain reliable information for our conversation, representatives of the railroad took actual field measurements of the back-up alarms on equipment operating both on the property and from other locations.

The back-up alarms are similar to those required of all such equipment, including those trucks and buses maintained by the Town of Shelburne. On the property itself, the maximum measured sound level was 84.4 DBL (directly behind the equipment when operating) and most importantly there was no measurable difference whether or not the alarms were engaged when we monitored from the Waldorf School (ambient sound was measured at 56.3 DBL, children playing at 57.4 DBL). We also took sound measurements from the northern side of the Field House Sports Complex (ambient sound was measured at 57.2 DBL and measured at 57.4 DBL with the back-up alarm engaged on equipment at the facility). These measurements are in no way comparable in volume, duration or intensity to the outdoor music concerts you referenced.

We hope this additional information helps you understand why David feels such confidence in regard to the minimal noise impact expected from our new facility.

6. & 7. Environmental and Stormwater: VRS is proud of the fact that railroads reliably deliver critical freight and commodities including animal feed, road salt and heating fuel in Vermont and throughout the country for a fraction of the environmental cost attributable to highway trucking. As a locally-owned business, moreover, VRS remains fully committed to being a responsible neighbor in the communities where we do business, and already has a number of salt storage facilities around the state where we safely operate in close proximity to rivers and other sensitive environmental areas. VRS is confident the facility will not have a negative impact on the environment and that VHB's approved design for storm water runoff will protect downstream natural resource areas.

The design prepared by VHB and submitted to the State provides that surface stormwater runoff generated by proposed impervious surfaces will be captured and directed east to west to the proposed stormwater management system, which will consist of a stormwater detention pond or treatment swale. Construction and stabilization will be conducted pursuant to the Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the Vermont Erosion Prevention

and Sediment Control Field Gide. VHB worked with the Army Corps of Engineers to delineate wetland locations and no mapped wetlands will be impacted by the project. At no time will the project construction involve more than five acres of disturbed earth at any one time. In fact, representatives of the State's Stormwater Program have already been on-site this week and offered us positive feedback on this plan.

It is my understanding that you already have a copy of the materials and maps submitted by VHB to the DEC, nevertheless I have attached portions for your convenience.

8. "Train Concerns": You included in your earlier email to David a reference to "advance related train concerns". As you well know, David is generally glad of the opportunity to talk about potential issues at any time, and with some sense of the issues we would be happy to provide you with more information although we believe much of these may have been covered at the previous Selectboard meetings.

9. Town recreational easement. In light of the critical need to prioritize safety in our railroad operations, we agree that it would be helpful to learn more about what you might envision in regard to a recreational easement on or adjacent to the property.

VRS has been glad of the opportunity to share our plans with you and the Selectboard, and looks forward to continuing this conversation in an effort to keep residents informed of the railroad's plans for construction and operation of its new transload facility in Shelburne. If you have any other questions whatsoever, or would like to meet directly to discuss any of the above, please don't hesitate to call.

Regards,

Peter F. Young
Deputy General Counsel

Vermont Rail System
One Railway Lane
Burlington, VT 05401
802.658.2550

On Jan 14, 2016, at 9:27 AM, Joe Colangelo <jcolangelo@shelburnevt.org> wrote:

Dear David –

I very much appreciated the fact you came in to see me yesterday and expressed a desire to work cooperatively with the Town of Shelburne. I'm sure you can understand our concerns, especially because detailed information regarding impacts has not been provided, you're asserting federal preemption thus eliminating substantive local review, and the location of this project along Rte 7 in close proximity to Shelburne Village, the LaPlatte, and Lake Champlain could impact the character of our village center, surrounding neighborhoods, and our natural environment.

You told me that you don't think the intermodal facility will create undue negative impacts. Maybe that will be true. I certainly hope that's the case but it's very hard to feel confident about that at this point.

We would like additional information supplied by you to help us understand certain impacts. First, any studies you can provide regarding environmental matters such as stormwater, etc would be appreciated. I believe you said VHB did that work. If you are able to provide those reports to me then great. Second, an estimate on traffic impacts. Potentially you could provide us with traffic counts including types of vehicles on other similar facilities throughout Vermont.

These are not the only two matters we are concerned about but if we start with these two hopefully we will build a foundation for continued cooperative dialogue. I would appreciate this information prior to my January 26 Selectboard meeting.

Again, I do appreciate your aspiration for Vermont Railways to be a good community partner in Shelburne if the project continues to move forward.

-joe-

Joe Colangelo

Town Manager

Town of Shelburne