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February 2, 2016

Town of Shelburne  
c/o Joseph Colangelo, Town Manager  
5420 Shelburne Road  
Shelburne, Vermont 05482

Re: Vermont Railway's Shelburne Intermodal Facility.

To the Town of Shelburne:

My name is David Wulfson and I am the President of Vermont Railway. Four other family members and I are the sole owners of this 52 year old business that was started by my father. Like my father before me I have always been proud of our family company and the benefits that we bring to our beloved Vermont. My father instilled in all of us in our family a sense of community and above all, honesty and integrity. Over the course of the past few weeks there have been many things said in the public forum about our railroad, about me and about the project that we are building in Shelburne. Sadly, many statements have been made that are not true. Even more painful to me personally I have been accused of being callous and not caring about the town or people of Shelburne. I live in Shelburne and must say that these statements being made about me could not be any further from the truth. I wish to communicate to my Town some of the facts about our railroad and this project of which the public may not be aware.

On June 23, 2015, our railroad's general counsel and I met with the Joe Colangelo, the Town Manager and Dean Pierce, the Director of Planning and Zoning. At the meeting I rolled out a plat plan and disclosed the location and proposed layout for an intermodal facility that our railroad was going to build in Shelburne. Our railroad's general counsel gave Joe and Dean additional documentation explaining why the project was exempt from local zoning regulations, being federally preempted by federal law under the 1995 Interstate Commerce Commission Termination Act. During that meeting I emphasized that as a Shelburne resident myself and as good corporate citizen I was there to give the Town advance notice of our railroad's plans and to invite the Town to provide us with its concerns about the project and I assured the Town

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Manager and the Director of Planning and Zoning that if the Town had a specific request for changes or accommodations that we could include without hampering the project, that we would most certainly do what we could to make those changes. I invited the Town Manager to share the information that we had left him with the Select Board or anyone else that he might think would seek to have input. At the meeting we discussed the size of the facility and the length of the rail siding, but at that time we did not know exactly where the rail siding and structures would be located until our environmental engineers had an opportunity to study the site and determine what would be the best location on the site for the structures that we had just disclosed. I urged them to seek input and let us know so that we could include their concerns if possible in our design and that we would bring more final plans to the Town when they were completed and approved by our railroad. The Town Manager and the Director of Planning and Zoning each expressed their gratitude for us sharing this information with them acknowledging that we had no duty to do so. After our meeting in June I never heard back from the Town expressing any concerns. Again out of courtesy to the Town on December 29, 2015, I again requested a meeting, and then met, with the Town Manager once again to inform him that we had closed on the purchase of the site where we would be building our facility. Upon my offer to do so, I have now met twice with the Select Board at their publicly warned meetings and disclosed our final site plans and I have also met with the Town Fire Chief on the site to show him what we were building.

In the past few weeks much has been said publicly by different government officials from the Town of Shelburne about this project being unexpected and that it was moving too fast. The reality is quite different. This property has been in the ownership and control of my family since the late 1960s when my mother and father purchased the property. From 1995 my brother Todd and a business partner of his owned the property until our railroad purchased it back from them in December. The strip of land between this property comprising about 15 acres between the railroad's land and the LaPlatte River that is considered a buffer zone was donated to the Town of Shelburne by my parents Jay and Joan Wulfson. At different times in the last nearly fifty years the Town has been presented with various plans for the development of this property. For many different reasons these projects were not completed, however, the Town understood that this was a piece of land that one day would be dedicated to railroad use. As I mentioned above, the Town was notified of the current project more than six months before we started work on the property. Each time that the Town has been notified of the railroad's plans it has been invited to contribute its concerns and requests for accommodation. The law does not require our railroad to do this, however, I have always felt very strongly that any town where our railroad projects are being developed should have advance notice of the project and an opportunity to express its concerns.

Even though our railroad may fall outside of state and local land use planning, it is intensely regulated under federal law. On January 20, 2016, in response to the Town's request for additional information about traffic and other matters it was explained to the Town that the railroad was prohibited by federal law from disclosing that information to the public. The response explained that the railroad would be permitted to disclose the information to the select board in an executive session held under a confidentiality agreement and that the railroad was more than willing to do that. A violation of this federal law would expose the railroad and the Town to penalties under the law. Sadly, it has been represented to the public that I am personally

trying to conceal important information from the public. On the contrary, I am trying to obey the law and I have tried to explain that to those concerned.

Our railroad's intermodal project in Shelburne is subject to applicable federal environmental law and the railroad is working with VHB, a premier environmental engineering firm, to design the project in full compliance with environmental law and to secure any and all required federal environmental permits. While it may be difficult to understand, the fact is that this project is good for the environment. First of all by having this salt delivered to Vermont by rail it cuts in half the truck traffic related to the movement of that salt in Vermont, which is not only an environmental benefit, it is a public safety concern as well. Additionally, Vermont Railway's fuel efficient locomotives use up to 1/3 less fuel than trucks do to accomplish the same job. The project in Shelburne is being constructed with state of the art methods designed to control and manage storm water and is being built in a very isolated area that will barely be visible from adjacent properties. It would appear that the public is unaware that we have filed a stormwater plan for this facility applying for the required federal permits and this permit application was published by the State of Vermont Agency of Natural Resources and even posted for 10 days in the Shelburne Town Hall for public comment. Not a single person commented, not even the members of the Town's government who have been so vocal criticizing our project and the alleged inability of the public or the Town to participate. It is curious to me how quick some can be to criticize when they know so little about the truth.

Our railroad has needed to relocate its current intermodal salt transfer facility for some time. The state of Vermont and 101 municipalities depend upon this facility for road salt to keep our highways safe and it is inadequate to meet those needs when our winters are severe. This is the primary reason for constructing this new facility in Shelburne. Additionally, a much needed community market in the south end of Burlington has led the Onion River COOP to purchase our existing facility. We viewed the purchase by the COOP and our relocation to Shelburne as good for the community and good for the environment. With our new facility in Shelburne we will no longer be routing large truck traffic through residential streets by having direct access to Route 7. Despite what people may be being told there will be no increase in truck traffic traveling to the south through the village of Shelburne. About 15% of the trucks carrying salt from our current Burlington facility already are traveling south through the Village of Shelburne and have done so for nearly 30 years. This will not change. I expect that most people are not even aware of these trucks since compared to the rest of the traffic on Route 7 these trucks have very little impact. This is also true because these trucks enter and leave our facility during off peak hours.

Vermont Railway has received complaints that its property where the Railroad Commuter Parking Lot was constructed was being used as a "short cut" by some motorists posing a potential safety hazard. Concern was also raised that possible illegal activities were going on in the parking lot during the overnight hours. The railroad closed the parking lot and placed a locked cable across the roadway that was being used and had been causing concern. Prior to closure the railroad made more than a dozen copies of the key to the locked cable and distributed them to the Shelburne Police and Fire Departments. It was explained to them what the railroad was doing and not one complained about the closure, rather, informally they expressed their agreement with the closure expressing frustration with the way the public was using our private roadway and property.

Up until the commuter parking lot was constructed we used that land area for intermodal transfer of products as a “public yard” where the public could receive goods shipped by rail. Despite the fact that Vermont Railway is more than 120 miles long there are very few places along that distance where we can conduct this type of transfer of goods for our customers. It was a sacrifice for us to give up the land in the Shelburne village that was used by us and the Rutland Railroad before us as an active rail freight and passenger transfer site for nearly 150 years. Sadly Governor Dean’s dream of a viable commuter rail did not survive and yet the commuter rail parking lot remained. Somehow it morphed in people’s minds to a public street and commuter lot, but it has caused problems. On a hand shake with a prior Town Manager I permitted the Town to allow this use so long as they cared for it. Sadly the lot is being used as a short cut and a haven for illegal activity. I have approached the state of Vermont and the Town of Shelburne and offered to lease this lot to the Town at no cost, provided that it will not permit the situation to continue and will enforce restrictions on the lot’s use. We are waiting for the Town’s reply as to whether or not it wants to accept that responsibility.

My family business is as much a citizen of this community as I am and we do our best to give back to the community to make this a better place to live. We have supported numerous charitable organizations throughout Vermont for many years. For instance just over the past 17 years alone we have donated our train and crew for the Burlington Polar Express which supports the Vermont Children’s Trust Foundation, the Jingle Express supporting the Ronald McDonald House, and for other numerous organization’s fund raising events throughout the state. We don’t do this to curry public favor. We do this because we live here and care about our community. We support the local economy and employ more than 160 people all while we provide a critical transportation resource of great value to all Vermonters.

The above listed facts are some of the most important that I wanted to communicate to you. I am more than happy to share any information that I may legally discuss with any that may inquire. Please bear in mind, however, that the Town has chosen to file a lawsuit against us rather than engage us in a meaningful dialog about our project. Because of this lawsuit I may not be at liberty to discuss every detail you may want to discuss. Regardless of the Town’s aggressive legal attack I am nonetheless still trying to meet with the Town and have them discuss with me their concerns, rather than the current Town’s position of “we don’t want you here.” I will keep trying.

Thank you for taking the time to consider our position and the facts about this matter.

Sincerely,  
David W. Wulfson  
President  
Vermont Railway, Inc.

