VERMONT RAIL SYSTEM
One Railway Lane, Burlington, VT 05401
Tel. 802-658-2550 Fax. 802-658-2553

November 25, 2019

Secretary Flynn, Chairman
Vermont Rail Advisory Council
Vermont Agency of Transportation
219 North Main Street
Barre, VT 05641

Re: Amtrak Servicing and Storage Study

Dear Secretary Flynn and Members of Rail Advisory Council:

We are excited to be a part of the effort to bring long awaited daily passenger train service to Burlington and write to offer comments on the CCRPC analysis of potential locations to store and service Amtrak's Ethan Allen after its nightly arrival at Union Station in Burlington. As you already know, VRS has been publicly working for several years now with VTrans and others to help identify how and where to accommodate Amtrak, and we believe it is important to recall that this has been a long-standing work in progress that dates in some manner as far as back as the Champlain Flyer. Detailed engineering plans for double-tracking in Burlington were shared with City officials more than three years ago in 2016, and Main Street Landing has already acknowledged that the CCRPC assessment process included public meetings in 2017 with the Burlington Public Works Commission at which the owner of Main Street Landing raised her concerns about overnight site locations and the potential for a negative impact on her Main Street Landing development project. Main Street Landing expressed similar reservations at Rail Council in November, 2017 so it is hardly appropriate to suggest that these questions have only recently been brought forward for public discussion.

As a first matter, we agree with CCRPC that the railyard and the siding south of Flynn Avenue are the least appropriate of the alternatives considered, but otherwise have no real operational preference as to whether Amtrak overnights at Union Station or other locations north of Maple Street. In light of claims by representatives of Main Street Landing LLC suggesting that the railyard is a more appropriate location than Union Station or points north, we believe it would be helpful to understand

two key issues from our point of view: our inability to build new track in an already congested railyard; and the operational difficulties of accommodating Amtrak within the existing footprint when we have to interchange with the NECR every night. As detailed below, overnighting Amtrak south of Flynn Avenue would cause similar interference with existing freight operations, doubling the time Amtrak requires VRS freight and passenger trains to stand down and clear the main line, and doubling the number of train movements blocking city streets every morning and every evening.

We also want to set the record straight and advise Rail Council that VRS considers construction of a second passenger siding at Union Station essential to the return of Amtrak passenger service to Burlington – and would intend to proceed with necessary track work regardless of any eventual decision about where Amtrak will overnight. None of the work planned by VRS between Maple and College Street will extend beyond the right-of-way that existed long before Main Street Landing's development began, and all of the work can be coordinated with the City of Burlington's longstanding plan to relocate and rehabilitate the bike path. Main Street Landing LLC or others who suggest that Amtrak service can return to Burlington without construction of a second siding at Union Station or that track construction somehow depends upon the site selected for Amtrak storage and service appear uninformed about the realities of railroad operations. As we stated more than eighteen months ago in a letter to attorneys representing Main Street Landing only weeks after the State of Vermont completed the multi-million dollar purchase of the train station, "[r]econstruction of the siding to allow passenger service can't possibly be a surprising development to your clients and will be a necessary element of rail service regardless of where the train overnights." A copy of this March 19, 2018 letter to attorneys for Main Street Landing, VTrans and the City is attached for your convenience, not having been included in the materials presented to Rail Council at your prior meeting.

1. <u>Rail Yard Congestion:</u> In evaluating possible site locations for overnighting Amtrak, the CCRP study reviewed the operational and cost implications of overnighting Amtrak's Ethan Allen in the railyard. As those familiar with the CCRP Study (See Fig. 8) already understand, the existing Burlington railyard is squeezed between Lake Champlain and properties along Pine Street and there is no room to build new track for Amtrak's Ethan Allen (two locomotives and five or six passenger cars) within the existing footprint and current track configuration. In that confined area, freight trains arriving south from Rutland and from the north over the NECR have to be received,

reorganized, maneuvered, loaded and unloaded every day. Track space needs to accommodate locomotive and freight car maintenance, inspection and repair work as well as switching and loading activities for daily freight trains and for special trains such as those associated with December's Polar Express or large scale rail movements by the Vermont Army National Guard. See attached photo of VTANG loading in April, 2019. The railyard also includes buildings, storage facilities and the infrastructure needed to transload freight that cannot be moved to build new tracks.

Ms. Moulton and others are also wrong to suggest that the railyard is active only during the day, and that nothing is going on at night that would be impacted by Amtrak storage. VRS operates 24 hours/day, and every night the NECR brings a train with inbound railcars from the NECR past the Union Station passenger platform and into the Burlington yard to set off cars for us, and to pick up outbound cars. Two of the railyard tracks that might appear to be open or empty to those unfamiliar with railroad operations are needed during this interchange process to accept inbound railcars for our customers while the other track is kept open to "run around" their train and get onto the north end of the outbound cars the NECR is collecting.

Whether night or day, we need to have tracks to move around on as part of regular daily operations; not all tracks can have railcars on them. As it is, we separate our passenger trains into two or three parts when operating in Burlington so we can fit the passenger coaches on tracks that already have freight cars – all in order to keep our operating tracks open. Shuffling Amtrak passenger coaches in this manner is not feasible because Amtrak requires that the train be kept as a single unit and will not allow it to be split up onto separate tracks each night and reassembled every morning.

2. <u>Flynn Avenue:</u> Storing or siting the Amtrak train outside of the railyard and south of Flynn Avenue would not require track space in the railyard for storage, but presents other operational problems and would double the number of times each morning and each evening when VRS needs to clear out of the way for Amtrak to cross through the yard. Storage south of Flynn Avenue would also double the number of times that traffic will be blocked at Flynn Ave., Maple Street and King Street – impacts that are minimized if the Amtrak train remains north of Maple Street because VRS freight and passenger trains would be able to get back to work quickly as soon as Amtrak gets through the yard limits each morning and each evening.

If Amtrak does not stay north of Maple Street and was required to come back in the yard to tie up for the night at a siding south of Flynn Avenue, our own train crews would need to stay clear of the mainline and stand by while Amtrak unloads passengers and then eventually makes a backup move over King Street, Maple Street and through the yard past Flynn Ave., all the time waiting for Amtrak to clear up on an "open" track. The result is that our employees and train crew could easily be waiting over an hour extra every night for all this to occur even in the best of circumstances. In the morning the reverse process would need to occur with our crews and local freight service again waiting until Amtrak could clear through the yard limits from Flynn Ave. up to Union Station and then south again after boarding passengers.

As it is, accommodating Amtrak through the yard every morning will not be simple or straightforward since we have a very limited window to maneuver the freight cars received overnight at interchange and building the outbound freight quickly enough to meet schedules. Most of these daily activities must happen between 7:00 AM and Noon in order to make connections, so requiring Amtrak to make multiple moves in or through yard limits during this time will be exponentially difficult for our operations and customer service. Remaining north of Maple Street after arrival is the only way to reasonably minimize yard interference.

* * * * * * * * * ***

A real estate developer intentionally choosing to build so close to active railroad tracks, fully aware and advocating for the return of passenger rail service to Burlington, and receiving more than $3.0 million in payments from the State of Vermont to secure the train station for public use, should not be surprised to encounter railroad activity in the vicinity of a train station and within the boundaries of a pre-existing right-of-way. We continue to believe that the return of passenger service to Burlington is cause for celebration, and would be glad to provide additional information on our operations if helpful to your understanding.

Regards,

Selden Houghton
Vice President

FACT SHEET- RAILROAD OPERATIONS

1. **No Amtrak Refueling Anticipated:** Amtrak's Ethan Allen does not currently refuel in Rutland during overnight servicing, has not refueled in Rutland, and there have never been plans to include refueling as part of overnight service for the Ethan Allen when scheduled passenger service begins to Burlington.

2. **Shore Power eliminates or greatly reduces any need for idling.** Amtrak has advised VRS and VTrans that locomotive idling for extended or overnight periods will no be part of normal or ordinary Amtrak operations in Burlington regardless of site location.

3. **Amtrak Train Length.** Amtrak requires that its train (680') be overnighted as a single unit and not separated to be shuffled around the railyard, unlike freight and passenger trains currently operated by VRS. When Amtrak service was initiated to Rutland, a new siding was built at the Rutland train station specifically to accommodate overnight storage and service requirements.

4. **Nightly Freight Interchange.** VRS and NECR interchange freight daily in Burlington south of Maple Street and freight trains arriving from and departing to the north use the single track adjacent to Union Station. Every night, track must be kept open and available in the railyard for VRS to accept inbound freight trains and prepare outbound trains for nightly departure. VRS operations also regularly include freight movements north of Maple and beyond College Street as well.

5. **Northern Urban Reserve (Site 1)** The City of Burlington realigned the path through the Northern Urban Reserve in 2016 to follow the lake shore as part of its Bike Path Rehabilitation Project (Phase 1b). https://enjoyburlington.com/burlington-greenway-project. After the City moved the path, VRS identified the Northern Urban Reserve as a potential and practical site within the right-of-way and adjacent to an existing 1200' siding.

6. **Crossing impacts and crew time.** Overnight storage of Amtrak at the station platform where passengers embark in the mornings and disembark in the evening minimizes the number of times that passenger train movements block crossings and delay traffic at King Street and Maple Street, and eliminates additional run time for train crews subject to hour of service limitations.

7. **Burlington City Referendum to Realign Bicycle/Pedestrian Path.** The City is actively working to finalize the bike path's new design and relocation to the west side of the rail right of way. Relocating the bike path away from the Union Station passenger loading platform was the subject of a public vote by Burlington residents in 2016 after a 2012 City Bike Path Task Force Study recommended realigning the path to improve safety.

> ***"Should the Mayor of Burlington and the City Council be advised to relocate the Burlington Bicycle Path to the west side of the railroad tracks between College and King streets even if that means utilizing the public trust doctrine or eminent domain to accomplish this task?"***
>
> **APPROVED- November 2016**

8. **Public Ownership of Train Station:** The State of Vermont owns the train station in Burlington and has paid Main Street Landing approximately $3.0 million to secure public use of the train station for Amtrak at platform level - the final payment of $500,000 toward the purchase having been made to Main Street Landing in February, 2018.

9. **Siding Reconstruction at Union Station.** Vermont Railway intends to reactivate a second track for passenger service at Union Station to accommodate both Amtrak and existing railroad operations, and considers it fortunate that we can fully construct a second track within the existing right-of-way. VRS gave specific notice of this intention to Main Street Landing, VTrans and the City of Burlington more than eighteen months ago by the attached letter dated March 19, 2018.

Without a second siding, Amtrak will block the mainline and potentially interfere with freight operations. The absence of a second siding could also require that VRS curtail popular passenger operations such as Polar Express, the Ronald McDonald House Jingle Bell Express, and even the

Burlington Fireworks trains in order to avoid conflicts over track authority since non-Amtrak trains could not lawfully be occupying the same track at the Burlington passenger loading platform.

The need to preserve railroad flexibility to operate over the pre-existing right-of-way in the event it became necessary or desirable to resume operations was a key element of the original 1985 Agreement with the City and the State of Vermont, and use as a bike path has always been acknowledged as temporary.

> **"... Lessee further expressly acknowledges that it is aware that it again may be necessary or desirable for the [State] or the Railroad to terminate this Lease Agreement *and to relay railroad tracks and resume railroad operations over all or a portion of the lands and premises* herein leased to the Lessee." *(emphasis added).***
>
> 1985 Bike Path Lease Agreement, Article IX, Paragraph 1

See Also 1985 Bike Path Lease Agreement, p.2. (An allowed use *"during the period of time that such portion of the LESSOR's lands and premises is not immediately required for railroad operations."*);

See Also Amendment No. 2 (1996) ("...the CITY has arranged to lease, *for interim use* as a bicycle and pedestrian path....);

See Also Amendment No. 3 (2015) ("In accordance with 49 C.F.R. §1152.29 (Prospective use of rights-of-way for *interim trail use* and rail banking), the City acknowledges that use of the VTR's North Burlington Branch right-of-way *is subject to possible reconstruction and reactivation* of the right of way for rail service").

10. Bike Path Relocation – Not Destruction: Well before construction of the Wing Building, the 1994 Agreement with Main Street Landing explicitly referenced the 1985 Bike Path Lease Agreement, and specifically acknowledged that the Railroad retains the right "to relocate existing railroad tracks and facilities" to within eight feet of the building, if not closer. 1994 Main Street Landing Agreement, Para.11.

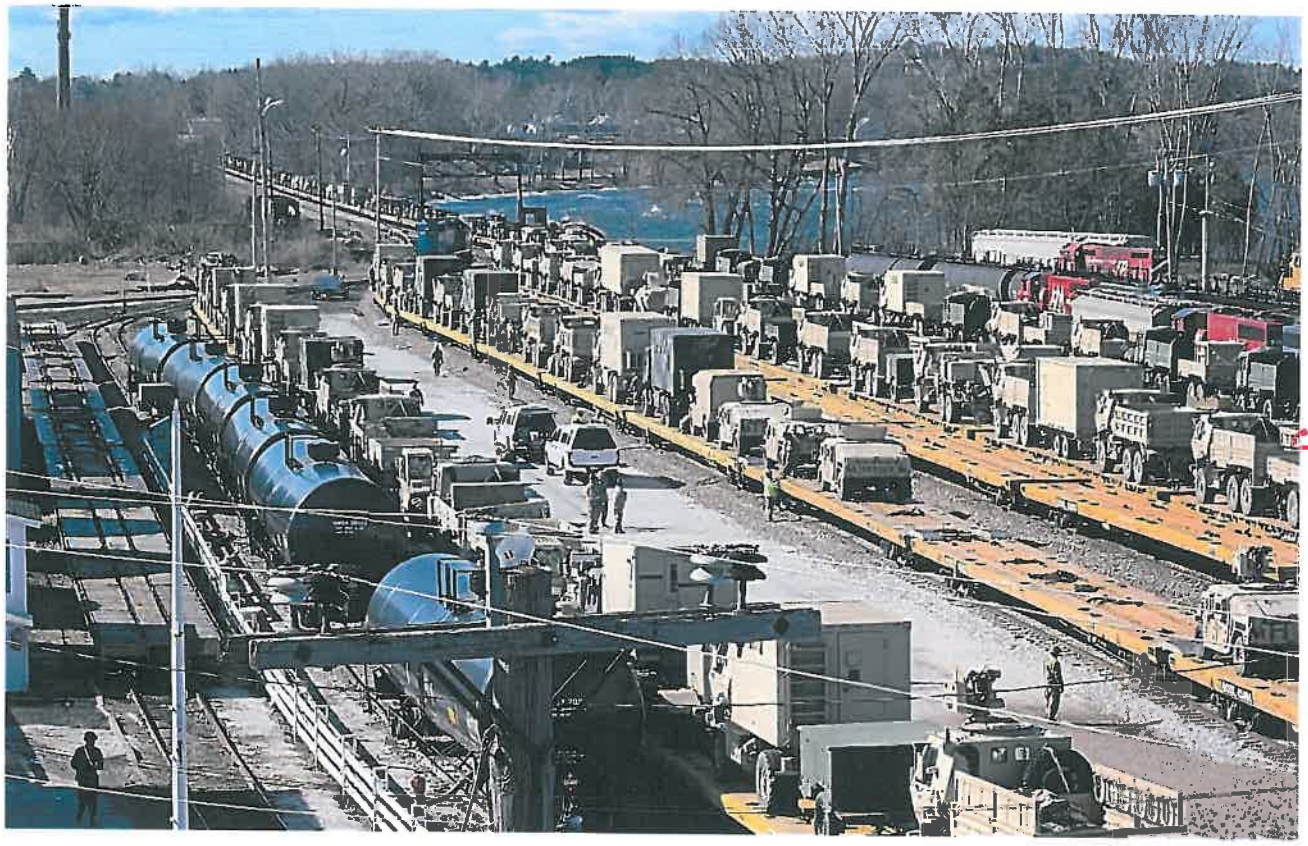
VRS track work planned for Union Station will take place entirely within the existing railroad right of way and fully coordinated with the City's ongoing upgrade and planned relocation of the bike

path. The completed project will maintain eight feet of pedestrian access for businesses while improving platform safety for railroad passengers and the public.

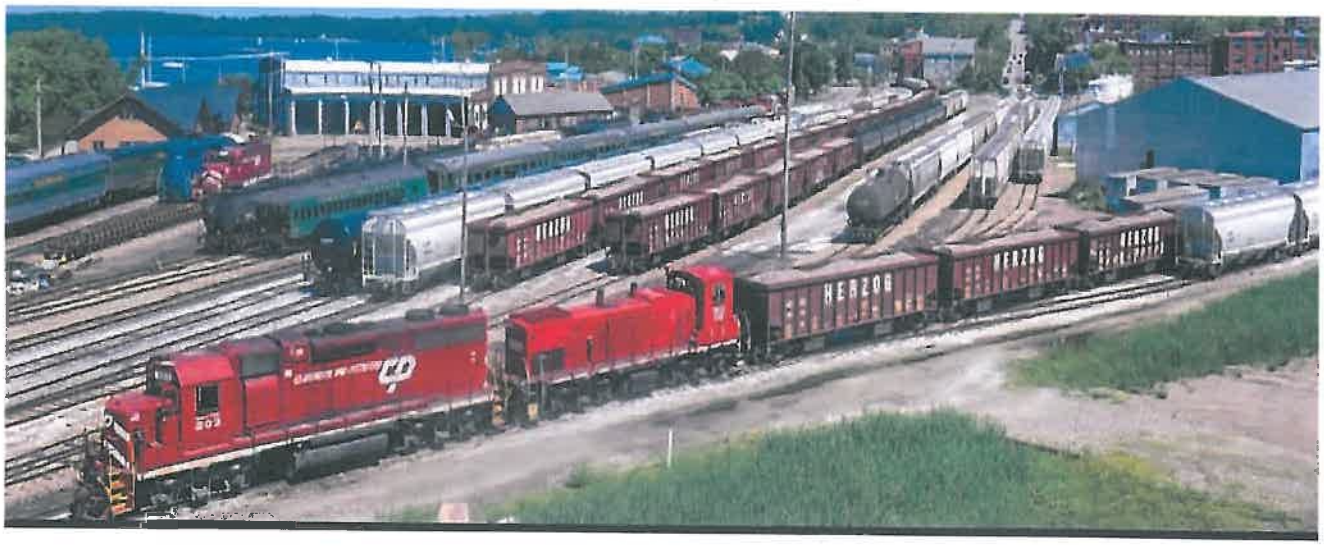
11. <u>Wing Building Proximity to Active Rail.</u> Main Street Landing LLC chose to site new construction without a setback and as close as possible to active railroad tracks with full knowledge that the railroad could reactivate tracks within the right of way. The 1994 Agreement signed by Ms. Moulton does not restrict the right of the Railroad to rebuild a second track and does not provide that the bike path is to remain on the passenger platform on anything other than an interim basis. Purchasers of condominiums from Main Street Landing should have been aware that the owner had agreed that the Railroad has the right "to relocate existing railroad tracks and facilities" and that relocated track could be expected to come as close as, if not closer than, eight feet of the building according to that 1994 Agreement.

12. <u>Main Street Landing Support for Relocation</u> Efforts to relocate the bike path did not begin with the 2016 City vote, and even those who do not favor selecting Union Station for overnighting should recognize these are two separate issues and support relocating the bike path away from the train station loading platform for safety reasons.

> **"We need to move ahead ASAP on the relocation of the bike path....we don't want pedestrians and bikers to collide....so the City needs to proceed poste (sic) haste – what is the hold up with the State getting the money to the City to do this work? –let's coordinate the spur at the same time."** Excerpt from Melinda Moulton Email (8/3/99) to Brian Searles at VTrans and Burlington Mayor Peter Clavelle.



Burlington Railyard Looking South - April 2019



Burlington Railyard looking North

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Mathew Byrne, Esq.
Gravel & Shea
P.O. Box 369
Burlington, VT 05402-0369

March 19, 2018

Re: Main Street Landing, LLC

Dear Matt:

I am in receipt of your letter of March 8, 2018 noting concerns by Main Street Landing LLC with bringing Amtrak passenger service to Union Station, and more than a bit dismayed by the contentious tone of your correspondence. As you well know, it has been a long standing goal of many in Vermont (and your client in particular) to bring back regularly scheduled passenger rail service between Burlington and New York City. Reconstruction of the siding to allow passenger service can't possibly be a surprising development to your clients and will be a necessary element of rail service regardless of where the train overnights. I would be happy to explain further if you would like to meet and discuss, but suffice it to say that it is inaccurate for you to characterize the reconstruction effort as building a "new rail siding" or a breach of any agreement or promise by Vermont Railway, Inc. The 1994 Agreement you referenced does not support your allegations. Moreover, the law is perfectly clear that any interim use is subject to possible reconstruction and reactivation of the right-of-way for rail service.

As to your suggestion that other locations be considered for Amtrak locomotives during the overnight hours, your client should have already advised you that a formal analysis of the several options available has not yet been completed. It is therefore premature and inaccurate for you to write that an overnight location has already been selected. I would be pleased to forward you a copy when that analysis is received so that it can inform future discussions with your client.

Please call directly if you have any concerns you would like to discuss.

Regards,

Peter F. Young
Deputy General Counsel

Cc: Office of the City Attorney
Vermont Agency of Transportation

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Mathew Byrne, Esq.
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P.O. Box 369
Burlington, VT 05402-0369

June 8, 2018

Re: Main Street Landing, LLC

Dear Matt:

I am writing to reiterate our offer to meet with Ms. Moulton to discuss the concerns she has expressed about railroad passenger operations at Union Station and Amtrak's efforts to return regular passenger service to Burlington, and to update her on the various operational changes we have implemented over the past few weeks. These include a shift in locomotive and generator placement farther away from the passenger platform and residents, a reduced reliance on locomotive generating power in meeting train requirements for electric power, as well as changes to the automated at-grade signals at King Street. You should also know that another change we have implemented is that the locomotive itself is not running until approximately fifteen minutes before the scheduled departure, reducing idle time further.

Whether it's our weekend dinner train or Vermont Children Foundation's Polar Express, Ronald McDonald House Jingle Bell Express, Kids Day rides or Mothers' Day Brunch Excursions, locomotive power is obviously an essential part of our ongoing train service at Union Station. As your client will recall, the Champlain Flyer brought daily service to that passenger platform for a number of years as well.

We would be glad of the opportunity to learn more about your clients concerns, and hope to have the chance to meet to discuss these matters directly.

Regards.

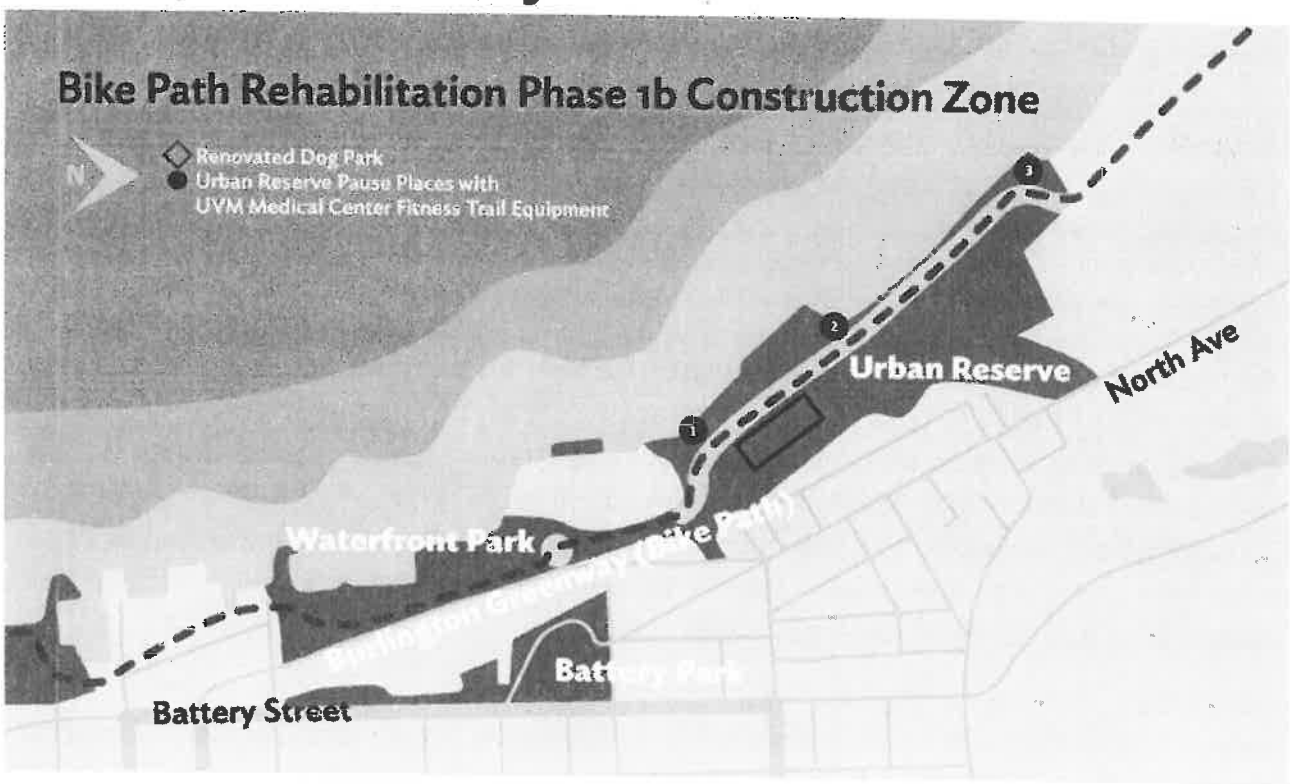
Peter F. Young
Deputy General Counsel

Cc: David Wulfson

BURLINGTON PARKS RECREATION WATERFRONT VERMONT
(https://enjoyburlington.com/)

Blog

Burlington Greenway: Bike Path Rehabilitation Project



Bike Path Re-Opens as Burlington Greenway

Recent aerial drone photo.

Update 12/16

Burlington Parks, Recreation and Waterfront is pleased to announce major construction of Phase 1b of the Burlington Greenway is complete and the beloved lakeshore path is once again open to the public! Thank you for your patience and understanding during the construction closure, which began in late June of this year. One mile of the path, through what's known as the Urban Reserve (just north of the Skatepark), has been completely rebuilt to new, higher standards, and in the southern portion of the project, realigned to hug the Lake Champlain shoreline.

Additionally, three new 'pause places' have been developed, including one new mini park at Texaco Beach. The Waterfront Dog Park received a facelift, and extensive areas of industrial pavement have been removed, soils capped, and extensive landscaping is completed that includes native trees, shrubs and perennials, and a special seed mix of mostly native, resilient grasses and flowering perennials.

"It is with great pleasure and excitement that we open the path back up to the Burlington community." Says BPRW Director Jesse Bridges. "We have transformed abandoned industrial land and rehabilitated it into a gem for the City's park system. Beyond just a path repaving project this project created a true linear park, the Burlington Greenway, that will continue to be the City's defining feature supporting passive and active recreation, tourism and multi-modal transportation."