



NVDA

Northeastern Vermont
Development Association



LVRTC – MP
c/o VAST
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Barre, VT 05641

and

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December 4, 2006

To Whom It May Concern:

The Northeastern Vermont Development Association (NVDA) recognizes the hard work by the Vermont Association of Snow Travelers (VAST), The Vermont Agency of Transportation (VTrans), and the numerous Local, and Regional entities and that have contributed to this project to date. NVDA also applauds the many individual citizens that have made their voices heard during this process. NVDA sees that the Lamoille Valley Rail Trail (LVRT) has major economic development potential for our region and along its entire length and we continue to offer our support and assistance.

It is with a desire to see this project succeed, and with all due respect, that NVDA submits the following comments on the October 23, 2006 version of the Proposed Management Plan (MP) for the LVRT:

Pg. 3, B Committee Membership- NVDA staff has brought up the issue of LVRTC membership previously. It has been clear from the very beginning of this project that the most crucial constituency to deal with in an upfront and timely manner has been the adjoining landowners. Their absence on this committee is a real weakness in terms of recognizing the concerns of this important group.

NVDA staff has questioned why VAST needs to have five appointees to this committee. It is also curious why VAST felt the need to appoint a Vermont All Terrain Vehicle Sportsmans Association (VASA) representative to this committee. Surely the VASA representative could have served as a technical resource to the advisory committee and assisted with crossing and trespass issues from this group. The LVRTC will be the most visible and vocal group as this project develops. It can only benefit VAST to have a diverse and inclusive group of interested individuals on this committee. NVDA strongly suggests that VAST reconsider its decision to exclude adjoining landowners from the LVRTC. This group will pose the most difficult questions and will require the most dedicated effort to address their concerns. By having a member of the adjoining landowner community as part of the LVRTC you take away the claim, by some, that VAST is not interested in dealing with adjoining landowners directly.

It seems clear that the majority of use of the LVRT will be non-motorized. Does it not make sense that the management committee for this project should represent accurately the user base that will utilize and/or interact with it most? If VAST feels the need to have a VASA representative on its management committee for a trail that this group cannot access legally at this point, save for crossings yet to be determined, then NVDA will concur. However, given the previous statement, it would seem that VAST could make room for an adjoining landowner representative whose community will be forced to deal with (live with) all aspects of the LVRT through every season from now on.

It is understandable that VAST feels the need to have a strong presence on this committee. VAST is the signatory of the lease, VAST is the named group on the federal earmark that will pay for the bulk of the restoration and conversion of the line, and VAST will be held to account if things don't go well. However, seeing that the LVRTC is beholden to the VAST Board for its authority and its very existence, it would appear that VAST could be more inclusive in the membership of the LVRTC without relinquishing overall control of the project.

Pg.4 B. Committee Membership, Bullet dealing with Lamoille Advisory Committee (LAC) representation to LVRTC (Bottom of page) is not clear with regards to who will appoint the LAC rep to the LVRTC. Is it the LAC that will appoint? If so it should clearly state so. Also it appears to conflict with pg.7 middle of page that states that the LAC Chair will serve or in the chairs absence the Vice Chair will serve. NVDA would suggest that the LAC membership on the LVRTC should be determined by the voting members of the LAC.

Pg. 9 5.0.6 Park and Ride There are park and ride facilities in St. Johnsbury and West Danville that are within close proximity to the LVRT.

Pg.10 8.0 Required Facilities NVDA's review reveals no specific facilities for the accommodation of the Handicapped and Elderly. NVDA Staff have heard from persons on NVDA's regional TAC, as well as at the last public hearing on Vermont Interactive Television (VIT) that they are concerned about the lack of accommodation for this

demographic group. NVDA understands that due to the nature of the funding and the oversight of VTrans and comments made by VAST members that this trail will comply with the Americans with Disabilities Act (ADA). NVDA would like to see this spelled out clearly (i.e. what required facilities will be provided for this demographic group to adhere to ADA based rules and regulations?)

Pg.13 11.0 Regular Maintenance - Second paragraph, discussing the use of volunteer inspectors needs more detail. What is VAST's plan for training to ensure uniform data collection and that all inspectors have a base level of understanding of the various physical and constructed pieces that need monitoring? "Common sense" is not adequate to ensure proper/timely reporting on an infrastructure piece of this nature.

Pg. 14 11.0 Regular Maintenance Third paragraph, the discussion of user fees needs more detail. If there is a plan for charging blanket general user fees then this should be discussed in much more detail with a public involvement process before any decision is made. This ultimately should be a decision for the legislature seeing that this is state owned property. If VAST is not prepared to undergo this process at this time then perhaps this should be removed from the current management plan. This can always be revisited at a later date.

Pg. 14 13.0 Summer Maintenance- This section needs more detail. How will these groups be organized? Who will coordinate their work? This section reads like summer user groups will maintain the LVRT to address "their" needs. It sounds like you are saying that VAST will not be involved in this work and will not be responsible for addressing the needs of groups other than the snowmobile community. Is this what you are trying to say?

It is NVDA's understanding that VAST signed the lease to operate and manage a four season multi-use path and would be responsible for the maintenance and operation of said path year round for all users. This section does not read that way and it should be changed to reflect VAST's year round responsibility. Signage for all user groups should be included in the regular maintenance operations of the LVRT not just signage for the Winter users. Benches should be thought of as a required element for the Elderly and handicapped who will need a place to rest. Benches (at least a minimum number at strategic locations) are not amenities that can be left to others to supply.

Pg. 16. Proposed Regular Maintenance Cost 5 year plan- In the interest of clarity VAST needs to spell out how it plans to use Herbicides on the LVRT beyond the blanket "we will follow state law". What does VAST plan to use herbicide for. Will it be spot application to address things such as Poison Ivy? Will Herbicides be used to keep weeds down as opposed to using manual methods? Until it is clearly spelled out there will be unnecessary unrest on the part of many adjoining landowners and from anyone who draws water from a well or spring along the LVRT.

At a minimum, if VAST wants to keep their options open and leave the discussion of herbicide use in the management plan, they should include a detailed discussion of how

the decision to apply herbicides will be made. What is the specific public process? How will adjoining landowners and trail users find out if an area is to be sprayed? How do adjoining landowners petition for a no spray option along the LVRT that abuts their property? Who are the contacts? All of these questions should be addressed clearly and specifically.

Based on a NVDA staff discussion with Craig Dusablon (VTrans Operations Division Landscape Coordinator), VTrans in particular and the State in general do not want to see herbicides used on a multi-use pedestrian path. He stated that he would like to see any reference to their use removed from any management plan because, in general, their use is not desired. He further stated that spot applications can be accommodated but that blanket applications will not generally be allowed. VTrans and VAST need to get on the same page with this one. Currently this appears not to be the case.

Pg. 18. 16.0 Snowmobile Use Relocation Criteria- It is essential that this process be governed by an impartial third party. NVDA's position is that VTrans should have final say or at a minimum be directly involved in all discussions regarding this issue. Based on NVDA's direct experience with this process as it is currently spelled out there is too much opportunity for personal differences between the local clubs and the adjoining landowners to get in the way of a fair agreement for both sides.

NVDA staff was involved with State Representative Lucy Leriche, in trying to help ameliorate differences between the local club and an adjoining landowner in Hardwick. After several conversations and meetings, including a kitchen table meeting with the landowner, NVDA staff, the local club, and Rep Leriche, it appeared that there was an accommodation that could be made that would address the needs of both groups. In the end, however, the local club voted down the proposal. The sticking point was that a slim majority of the local club wanted to require the adjoining landowner grant the club additional access to their property as a condition of granting the reroute. This was and is totally unacceptable and to this day this issue remains unresolved. The adjoining landowner constructed an alternate path at their own expense to the specifications of VAST as a good faith effort before any decision was made only to be turned down by the local club.

This is a state owned, federally-financed, multi million dollar facility that has the potential to become a major economic development asset for the region and state. Fairness and equity must define the interactions amongst the various parties with regards to rerouting. NVDA strongly urges that VTrans review this item (please contact Doug Morton at NVDA or Rep Leriche) and take the necessary action to insure that this issue gets resolved **before** the upcoming snowmobile season. NVDA also strongly urges that the reroute policy clearly state that no additional trail access will be required of an adjoining landowner to qualify for a reroute.

Pg. 21 19.0 Conflict and Dispute Resolution- B.) All Other Conflicts or Disputes-

While NVDA appreciates the detail put into this plan it seems that the process is unnecessarily complicated. Further it leaves out the Advisory Committee which is the

committee closest to the ground so to speak and made up of representatives from each region as well as from the group most likely (at this point anyway) to have problems that need to be addressed (i.e. grievances); adjoining landowners. Leaving this group's representatives out of the dispute resolution process is a mistake. The best ways to address grievances of the nature likely to occur are openly and quickly and as close to the ground as possible. This aspect could be addressed by appointing a member of the adjoining landowner community to the LVRTC.

There also seems to be an inordinate amount of time required for a party with a grievance to work their way through this system. Steps 1-4 could take as long as 65 days, an unspecified amount of time for step 5, another 60 days for steps 6-7, and finally an unspecified amount of time for step 8. Surely there is a way to both allow for reasoned discourse by the various appointed groups representing the LVRT management and operations structures and to make these deliberations timely as well. There could be standing sub-committees of the various groups to immediately address concerns as they are put forward. Also the Director of Operations time for response in Step 5 should be given a maximum time for responding like all other steps. It is understood that in step 8 the Superior Court will have its own timeline for response not governed by this Management Plan.

NVDA would like to see a process for dispute resolution that is less cumbersome, more expedient, and has representatives from the advisory committee (Adjoining Landowner Community) involved early on in the process.

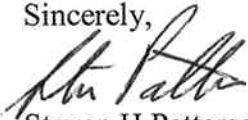
Pg 22. Law Enforcement- This section needs more detail. Specifically, who do people call in the event of a curfew violation, ATV use, inappropriate or dangerous activity on the LVRT? It is a good position for VAST to take the lead in education and outreach to communities about safe and appropriate use of the LVRT. It is also a good position for VAST to advocate for dedicated funding for recreational law enforcement on the LVRT. Unfortunately we must admit that there is an element in our society that will break the law, and that will act inappropriately. This section should have concrete solutions for what to do in the inevitable event that people do their worst. At a minimum there should be an order of contacts with regional numbers. NVDA understands that VAST has a good and close working relationship with law enforcement across the state. VAST should put that relationship to work to produce a firm and clear chain of response in the event that a trail user or concerned citizen witnesses an act that requires a law enforcement response. Obviously VAST is not a law enforcement agency of the state. Who do they call with a law enforcement issue?

Other Comments- NVDA's review of the LVRT Interim Management Plan reveals no discussion of how local ordinances and zoning will be addressed. If a town passes a curfew or noise ordinance that conflicts with the operation of the LVRT as stated in the management plan how will this conflict be dealt with? If there are signage requirements who will pay for them and who will maintain them? Who will be responsible for

notifying Law Enforcement of the change? These topics should be explored and discussed.

NVDA welcomes any questions or discussion pertaining to these comments and is ready to participate in making the LVRT a success for all.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Patterson". The signature is written in a cursive, flowing style.

Steven H Patterson,
Executive Director