

November 14, 2006

Bryant Watson, Executive Director
Vermont Association of Snow Travelers
26 VAST Lane
Barre, VT 05461

Dear Mr. Watson,

Thank you for the opportunity to comment on VAST's draft Lamoille Valley Rail Trail (LVRT) Management Plan. It is reassuring to see that your organization is truly committed to managing this public resource on behalf of the public by seeking public input on its management.

The Northwest Regional Planning Commission's (NRPC's) Transportation Advisory Committee (TAC) was pleased to note that VAST has heard previous NRPC comments regarding the need to hire a dedicated project manager for this project. This organization has been concerned about the ability of a seasonal organization like VAST to manage a large multi-seasonal trail – based solely on the experience of the organization to date. We would further request however, that all efforts be made to ensure that the hiring process for the new project manager include voices from outside the VAST organization, and ensure that the selected candidate possesses the requisite 4 season trail building/managing experience necessary for what will be the state's longest rail trail resource.

The "outreach" or "reach out" process that will be undertaken to ensure the involvement of user groups other than snowmobilers needs to be more clearly defined. The following needs to be clearly stated in this management plan:

- Process for outreach
- target audience
- Goals of outreach activities
- Methods used to determine success of outreach activities identified

Additionally, Section 2.2 of the draft plan dealing with public involvement lacks critical details. For example, it is stated that there will be public hearings at various stages of the project – however neither the "stages" that trigger this input, not the process by which that input will be obtained is stated. It is also important that the committee reviewing the comments offered be identified in the plan.

TAC members are uncertain of the LVRTC's membership determination process. The plan explains that the committee membership will be eleven (11) members. The plan states that the VAST Board of Directors will be responsible for the appointment of five (5) of those members. The plan then goes on to state that:

“Five (5) members of the Committee shall be appointed annually from a list of potential members representing non-motorized users who have been nominated by their respective recreational activity to serve on the Committee.”

It is unclear from this statement who appoints these second 5 members, who the recreational user groups are (will there be a recognized list of non-motorized users?) and how the nomination process by these unknown user groups will be conducted. Further confusing this section of the plan, is later language in the same section that refers to the Friends of the Lamoille Valley Rail Trail and the RPC's "reaching out" and recommending candidates to the LVRTC – is this what is meant by the creation of the list of potential candidates previously mentioned? Additionally, this process leaves open the possibility that only one user group be seated on the LVRTC, which is a concern to this TAC. It may be prudent for the language here to allow for a caucus of the respective as-yet-to-be-identified user groups to simply appoint they're representative to the LVRTC.

It is a recommendation of this TAC that the section 3.1.E. be revised, since the Executive Committee is currently set to have an even number of members, allowing for the possibility of tie-vote situations. Perhaps the appointment of an at-large member to the EC could be investigated to avoid such a situation.

The TAC has also expressed some concerns over section 3.1.H. which seems to theoretically allow for the VAST appointees to approve amendments to policies & the plan, without input from other groups on the committee. Additionally, there is no discussion of the public input process for such amendments to plan and policies and it is not clear which policies this plan is referring to.

It is advisable that the language on page 7 of the draft related to the process for the selection of LAC members be removed. The members of the TAC will presume that the choice of the words "The RPC's shall work together to be sure the representatives appointed are balanced in their views" appearing in a draft for public review was in error. There are no such admonitions in print regarding the makeup of the LVRTC – an 11 member body with all but one member appointed by VAST, and one could certainly argue that the regions should be left to appoint the membership they desire for the LAC.

The NRPC TAC members have expressed a great deal of concern related to the language in this draft management plan regarding the issue of ATV access to the LVRT. There are several instances of contradictory policy found within the document. In some portions, it is noted that ATV access is not allowed, while in others it is stated that access is to be decided on a “case-by-case” basis. The facts are that currently there is no ATV access to the trail, save for the few existing crossings already in place and that there is currently no state policy to determine where – if anywhere – ATV access will be allowed along this trail. For these reasons, it is important that the management plan state outright that ATV access to the LVRT is not allowed. Additionally, allowing for a seat on the LVRTC for a group which isn’t allowed to use the trail, while neglecting to place a landowner representative on the LVRTC is a position that should be re-examined, since the same logic used to justify the VASA representative can be used likewise to demonstrate the need for a landowner representative.

The NRPC staff is available to assist VAST in updating the facilities information provided on page 9 of the draft plan. Information pertaining to the available facilities/services in Franklin County appears to have been left out. Additionally, a map showing the locations of facilities should be located within the draft plan as well as a descriptive list with such information as how many parking spaces, what types, distance from the trail, etc.

The NRPC TAC would be very interested in reviewing the information used to generate the user estimates provided on page 10. The number seems to be extremely high, and from a planning perspective, it would be helpful to know which uses are expected to generate the highest numbers of those users. This is particularly prescient given that there are statements made in the draft plan that speak to the adequacy of the existing parking facilities, and plans to construct new ones.

Under section 10 of the draft management plan, there is no discussion of the public involvement process for the decisions related to building and facility salvaging – which is a necessary component. Given that many of these structures and facilities along the LVRT may be of historical consequence, this plan should also outline the process by which removal/salvage decisions are coordinated with the State Historic Preservation Office.

The members of the NRPC TAC are very interested in the proposal under section 11 of this draft plan to collect user fees for users of this trail, and are concerned over the lack of any details on the subject whatsoever. The amount to be charged, the process by which the fees will be collected, the methods by which compliance with the policies is to be

assured and the public involvement process regarding this proposal all need to be discussed in detail, and contained in this plan. It should also be noted, based on previous experience this region has had with the Missisquoi Valley Rail Trail, that the maintenance costs proposed in this draft seem to be unrealistically low. NRPC staff is available to provide any revision assistance that might be necessary to make these figures more realistic. Vermont taxpayers have already hefted a good deal of the bill for this resource – whether through its development as a railroad, the substantial investment made in it in the late 1990’s or now, through the investment of state and federal dollars and employee time involved in ensuring the project is developed appropriately for all citizens, and that any effort to impose user fees should be cognizant of this.

Section 12 of the draft plan addresses the process by which emergency repairs of the trail shall be addressed, however the plan neglects to mention what event constitutes an ‘emergency’ situation. Given that the discussion includes possible choices to use public funds and forgo the public input process, the plan needs to explain the circumstances that would trigger these responses.

Section 13 deals with the summer maintenance of the LVRT, and has been cause for very serious concern amongst members of the NRPC TAC. While VAST entered into a lease agreement with the State of Vermont for the LVRT as a four-season multi-use trail, the language in this section leaves much of the work for the summer uses up to those as-yet-undefined summer user groups. While the NRPC TAC would certainly encourage broad partnerships and cooperation in developing and maintaining this resource as often as possible – it must be clearly and unequivocally understood that it is VAST which bears sole responsibility for maintaining this resource as a four season multi-use trail. A successful management plan developed by the organization tasked with management of a public resource must include a much more detailed explanation of anticipated uses and required maintenance.

Section 14 describes the winter maintenance plans, but would benefit from some discussion regarding the type of training that local snowmobile clubs will be provided to familiarize themselves with the needs of other user groups anticipated to use this trail in the winter months – including cross country skiers, mushers and school children. It should also be clearly stated that the curfew for the trail covers all grooming equipment as well. A discussion regarding the winter snowmobile bypass policies and procedures would be well placed in this section as well. VAST should endeavor to take pains to repeatedly state that this trail is a multi use trail in the winter months, not a “snowmobiles only” route.

The 5 year plan of Projected Maintenance Costs found on page 13 of the draft plan leaves many unanswered questions and appears to engage in unreliable assumptions. For example, Items E & F relate to brush removal. Given the length of the plan and the fact that only 7 miles per year will have had brush dealt with in some fashion, meaning that at the end of the first 5 year period, only one third of the trail will have been dealt with. This will allow for unchecked brush growth along the remaining two thirds of the trail for the first 5 year period. It is advisable that VAST consider brush hogging the entire trail every three years to avoid the potential pitfalls present in the proposed plan. Additionally, it would be helpful to have more information regarding what VAST envisions as having a need to have herbicides applied, as there are questions regarding policies and practices and how they relate to the users safety and aesthetic senses.

Item I on page 13 deals with bridge repairs. However, omitted from that list of anticipated costs associated with these repairs are the handrails, planking and abutment barriers that are needed to meet basic safety guidelines for non-motorized trail users. Item K on the same page refers to labor costs being provided as volunteer labor by trail users. While a laudable goal, the TAC would ask whether it is truly realistic to assume that qualified volunteers will be found to conduct such activities as pesticide application and bulldozing, and slightly less difficult to believe that volunteers would conduct the brush hogging. Should there indeed be such volunteers available, then there is a need to outline the training program/process envisioned to ensure the safety of both the volunteers as well as the trail users. In either event, it is advisable to insert some labor estimates and contingency costs into this plan.

Section 15.B raised several questions from the TAC. Many of these questions related to concerns over option 1 meeting safety standards as well as raising concerns that the hazardous materials contained in the railroad ties would be allowed to continue to leach into the soil. Other comments dealt with option 2, and the reasonability of this proposal given the depth and impaction of the rail road ballast. Questions also still remain about the automotive access system as discussed under option 3 – the details of which should be a part of this management plan. Emergency vehicle access locations and procedures should also be clearly outlined in the plan as well.

Section 15.D of this plan discusses upgrades to the path surface materials for special needs such as wheel chairs or wheeled walkers. This discussion is somewhat confusing given that previously the plan had stated that compliance with both ADA and TE standards would be complied with – meaning that both of the referenced uses should be accommodated already.

In section 18 of the plan, permitting is discussed. The TAC questions whether an attorney has been sought out to concur with the opinion offered in the management plan. While the understanding that the railroad's R.O.W. continues to be railbanked, it would seem to be an acrobatic legal stretch to presume that the LVRT would also enjoy the railroad's exemption, given that it is very much a change in use, and given that portions of the rail bed itself will be removed – the regulatory reviews VAST is claiming exemptions from may in fact be required.

TAC member noted that there was a typographical error on page 20. The correct name of the former rail line that is now home to the Missisquoi Valley Rail Trail was the Central Vermont Railroad.

The grievance procedures laid out under section 19 of this draft plan seem unnecessarily lengthy and not easily parlayed into the type of quick and decisive actions needed in order to maintain a 'good neighbor' ethic in managing and operating this trail. Perhaps it might be advisable for the process to be boiled down into hearing with the LVRTC, and if not satisfied, and appeal directly to the VAST board of directors, and from there on to VTrans.

Section 21, the section of the draft plan that speaks to funding has been found to be seriously lacking for a management plan. This TAC remembers that proposals for use of the LVRT were specifically instructed not to have their proposal rely heavily on state or federal funds – indeed, the rail use proposal for the railroad was decided against specifically because they relied to heavily on state dollars to accomplish their project. In this draft management plan, VAST does the same – this project is completely relying on state and federal dollars to do what needs to be done to make this project happen. As this is a management plan for a large public resource, it is necessary for VAST to further develop this section of the plan, as arguably the remainder of this project is entirely dependant on funding, which as of yet is not adequate.

The law enforcement provisions made in this plan are left seriously lacking. Given the size, scope and impact of this project when complete, this portion of the plan is in need of much more substantive planning. It must also be stated that the law enforcement issue was not new to the project following the signing of the lease or development of the proposal for use, but one that has been at the forefront of nearly every discussion on this project to date. That point is certainly not reflected in this plan. While the TAC notes that VAST points to possible use of county sheriff resources for the enforcement plans for this corridor, VAST should be taking responsibility for outlining the response to complaint protocols that will be used, and give the public a rough estimate of what is

expected for annual patrol hours as well as anticipated cost. To date, VAST has been extremely derelict in this section of the plan, without which it is difficult for this TAC to wholeheartedly support the project in any form other than principle.

The TAC is also interested in reviewing the proposed “rules of the trail” regarding the use of the LVRT once completed, and more importantly delineating the manner by which traffic will be regulated. Given that the trail is proposed to be used by a multitude of users, includes a motorized use questions such as which party is responsible for yielding right-of-way to which party when two uses intersect along the trail will be most important to the success and safety of this project. It would be expected that these trail regulations would also include language regarding safety practices, maintenance reduction opportunities and other such types of information. This is especially critical given that the LVRT is to be constructed to the specifications of the Americans with Disabilities Act to facilitate disabled access, as well as the elderly, children, cyclists and equestrian uses.

Thank you for the opportunity to comment. We look forward to reviewing your amended draft in the very near future.

Sincerely,

Raymond Larose, Chair
Northwest Regional Planning Commission Transportation Advisory Committee