



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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MEMORANDUM

To: Burlington City Council
Fr: Chapin Spencer, Director
Re: **Champlain Parkway Project Update & Necessity Hearing**
Date: April 12, 2018

We respectfully request the City Council approve the following motion:

-) To authorize the City to initiate proceedings for the laying out of the highway project known as the Champlain Parkway, and to set the time and place for the site visit and hearing to determine necessity at the times and places described in the attached draft Citation/Notice.

BACKGROUND:

We are providing this latest update on the Champlain Parkway as we engage the City Council in the Right-Of-Way acquisition process – securing the property rights (both permanent and temporary) to construct the project.

As has been described in previous memos, the Champlain Parkway design has become – through years of successful effort – a greatly improved project. Its two-lane multi-modal city street includes significant stormwater, bike/pedestrian, and traffic calming components so that the project will complement and foster the growing vitality of the South End well into the future. More background on the project can be found attached to this memo and at www.champlainparkway.com.

While we are actively managing a shrinking number of ongoing issues that have the potential to set this project back, we are still following a realistic project schedule that has construction starting in the spring of 2019.

In our previous update sent to the Council on October 24, 2017, we laid out the following next steps leading up to construction:

- Reline two sections of Pine Street's water line through separate contracts because the Parkway project does not include upgrades to Pine Street's subterranean infrastructure
- Obtain support for the Lakeside Ave utility undergrounding from the City's undergrounding committee
- Continue to acquire additional areas needed for right-of-way

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

- Develop a soil management plan for the project (a supplemental soil assessment is underway to better understand and manage soil liability issues and costs)
- Complete final project plans with construction level of detail
- Complete Final Supplemental Environmental Impact Study (FSEIS) re-evaluation and permit extensions / amendments
- Bid project
- Construct project (estimated duration is two full construction seasons) and will work with the community and businesses to have good communication and minimize disruptions.

We are continuing to work through these steps, and we have additional detail and a couple additions to share at this time:

Right-Of-Way Acquisition Process: There are a total of 50 properties where temporary or permanent rights need to be acquired for the construction of the Champlain Parkway. VTrans, who is leading the acquisition effort has sent offers to all of these property owners and has secured the rights for 27 properties. Of the remaining 23 properties, 13 require only temporary rights to be secured for the construction phase. There will be a City Council work session on April 16 to discuss the Champlain Parkway status generally and the Right-Of-Way acquisition process (see attached memo). A City Council meeting will follow later the same evening where we will be asking the Council to proceed to Necessity and to set the hearing date and time.

-) Proposed Necessity Hearing and site visit - May 21, 2018
 - o Site visit leaves City Hall by bus to tour the project at 5:30PM and returns by 6:45PM
 - o Necessity hearing starts at 7pm with City Council meeting

Water Main Relining: The water main relining work along Pine Street will take place this season starting in mid to late April – weather depending. One of Pine Street’s two water mains was installed in 1894. The first section to be relined is between Main and Maple (April-May) and will have a one-way traffic pattern. The second section is between Howard and Lakeside (May-July) and will accommodate two-way traffic though on-street parking in this section will be temporarily removed.

Pine St Repaving: The unexpected and significant deterioration of Pine Street’s pavement this winter required us to modify our previous plan of waiting for the Parkway to repave the street. As you may recall, the Champlain Parkway’s design calls for a “mill and fill” – grinding and replacing the top layer of asphalt. Our investigation this winter determined that the existing asphalt surface is not thick enough to withstand the significant commercial vehicle traffic on Pine Street. As a result, we must entirely remove the deteriorated asphalt this year and lay down two thick “base courses” or layers of asphalt between Kilburn and Flynn. This work must be completed prior to the Champlain Parkway so that the Parkway project can install the “wear course” (the top layer) of asphalt afterwards. Without installing a solid asphalt foundation on a well-graded sub-base, the Parkway’s wear course would not be durable.

Legal Challenges: After successfully resolving multiple Act 250 appeals between 2012 and 2016, and more recently receiving a favorable court decision on Fortieth Burlington’s appeal of the project’s wetlands permit in Environmental Court, two parties are currently challenging the project.

-) Fortieth Burlington has elevated their appeal of the project’s wetlands permit to the Vermont Supreme Court. Oral argument is scheduled for April 24, 2018.
-) Fortieth Burlington appealed to the Vermont Superior Court Environmental Division a Department of Environmental Conservation decision that no permit is necessary under the Vermont Wetland Rules for wetlands G & Y.

-) The Pine Street Coalition has written to Federal Highway Administration (FHWA) requesting that the agency rescind its Record of Decision for the Final Supplemental Environmental Impact Statement, and threatened to bring an action in U.S. District Court.

We are actively managing both challenges and will provide future updates as these matters proceed.

Lakeside Ave Undergrounding: We will be seeking the City's undergrounding committee's approval in the next month or two to bury the telecommunications and electrical utilities on Lakeside Avenue between Pine St and the Champlain Parkway as part of the project.

Public Outreach:

In addition to the Council updates, we have continued to provide updates for the general public.

-) Project Website: Updates on the project can be found at www.champlainparkway.com.
-) DPW Commission: We provided a project update to the DPW Commission at their November 15, 2017 meeting.
-) Ward 5 Neighborhood Planning Assembly: We provided a project update to the Ward 5 NPA at their November 16, 2017 meeting.

For those looking for additional background, we have attached my October 2017 memo to the City Council and VTrans' 2016 memo on future flexibility – both documents demonstrate the progress achieved over the last several years. Feel free to contact us to discuss any of this in further detail.

CC: Matthew Hake, Division Administrator, VT Division of FHWA
Michele Boomhower, Director of PPAID, VTrans
Wayne Davis, Project Manager, VTrans



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MEMORANDUM

To: Burlington City Council
Fr: Chapin Spencer, Director
Re: **Champlain Parkway Project Update**
Date: October 24, 2017

To keep City leaders updated on the progress of the Champlain Parkway project, I have provided periodic reports to the City Council. The last update was provided at the February 6, 2017 meeting.

Project Background:

The Champlain Parkway, formerly the 'Southern Connector' originated in the 1960's as a four lane limited access highway to improve vehicular access between downtown Burlington and I-89. Today's two-lane version, with a multi-modal design that includes significant stormwater, bike/pedestrian, and traffic calming components, represents a fundamental departure from the project's distant origins and will complement and foster the growing vitality of the South End well into the future. Specifically, this project will:

-) Build a new 25-mph city street between Home Avenue and Lakeside Avenue that will expand South End connectivity.
-) Construct 1.5 miles of new shared-use path in the South End – creating a continuous shared-use path from the border of South Burlington at Queen City Park Road to Pine & Kilburn where new buffered bike lanes will connect to downtown on Pine Street up to Maple Street.
-) Reduce truck and commuter traffic through the Home Avenue, Flynn Avenue, and Champlain School neighborhoods – allowing for future street redesign opportunities in those areas.
-) Install two major stormwater features that together with other project components will improve stormwater management over current conditions.
-) Install new sidewalk, pedestrian signals, and transit shelters.
-) Complement the Railyard Enterprise Project's multi-modal connectivity between Pine Street and Battery Street so that there will be more connections between downtown and the South End.

Recent Design Progress:

As mentioned in previous memos, this project isn't perfect. It has been challenging for many Administrations to work within the project's original Purpose & Need to re-create the Champlain Parkway into a more modern, pedestrian-oriented investment for the City's future.

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-)] In 2015, we resolved the final Act 250 appeal, lowered future speed limits along the project corridor, and obtained VT Agency of Transportation (VTrans) consent to develop Pine Street design details that will further enhance safety for all transportation modes.
-)] In 2016, we completed interim City-funded upgrades to the Pine & Lakeside intersection, refined the design details along the corridor to improve safety for all modes, and secured a written commitment from VTrans to allow the City, once the Champlain Parkway is completed, to pursue separate projects for items not included in the Parkway project.
-)] In 2017, we obtained VTrans approval to underground utilities at the eastern end of Lakeside Avenue, secured a critical agreement with Vermont Railway regarding two rail spurs, and successfully defended the project against a legal challenge from Fortieth Burlington – the owners of the Innovation Center. We expect the final design for the project to be completed by the end of the year.

Future Flexibility:

With the Champlain Parkway now in the right-of-way phase, VTrans and the Federal Highway Administration (FHWA) have made it clear that the project is past the design phase and we can no longer make further changes to the project. That said, the City, VTrans and FHWA all acknowledge that this transportation corridor will need to evolve as the needs of the South End evolve.

Our Federal and State project partners have allowed us to pursue separate projects along the project corridor over the last five years, including with:

-)] The community’s desire to better connect Pine Street with Battery Street when the Railyard Enterprise Project was launched in 2012.
-)] The construction of sidewalk improvements and the installation of six crosswalks and Rectangular Rapid Flashing Beacons along Pine Street in 2013.
-)] The Pine & Lakeside intersection improvements in 2015 - 2016.

The same opportunity will exist in the future. Any outstanding requests from the community that have not been incorporated into the Parkway design or constructed already as separate projects can be pursued as additional projects after the Champlain Parkway is constructed. Suggestions we have heard from the public include:

-)] Reconnecting lower Pine Street to Queen City Park Road
-)] Adding additional street features along the Home Ave to Lakeside Ave (C2) section – such as mid-block crosswalks, bus pull-outs and shelters, on-street parking, etc.
-)] Installing roundabouts instead of signals at intersections

Given these and other issues, the City knew it was important for the community to have VTrans put their ongoing commitment to future flexibility in writing. VTrans agreed and the resulting 2016 letter is attached again for your reference. As the VTrans letter demonstrates, the City will have the latitude to initiate new projects along the Champlain Parkway corridor once the project is completed. Our City is constantly evolving and its transportation and infrastructure needs will respond to these changes.

Public Outreach:

-)] Project Website: Updates on the project can be found at www.champlainparkway.com.

- J DPW Commission: We will provide a project update to the DPW Commission at their November 15, 2016 meeting.
- J Ward 5 Update: We will provide a project update to the Ward 5 Neighborhood Planning Assembly at their November 16, 2017 meeting.

Next Steps and Timeline:

For decades the response to the question of when construction will start has been “in two years”. While we are actively managing a shrinking number of ongoing issues that have the potential to set this project back, we are following a realistic project schedule that has construction starting within 18 months – either in the fall of 2018 or the spring of 2019. Here are the key next steps:

- Reline two sections of Pine Street’s water line through separate contracts because the Parkway project does not include upgrades to Pine Street’s subterranean infrastructure (the two sections are Main St to Maple St and Howard St to Lakeside Ave)
- Obtain support for the Lakeside Ave utility undergrounding from the City’s undergrounding committee
- Continue to acquire additional areas needed for right-of-way
- Develop a soil management plan for the project (a supplemental soil assessment is underway to better understand and manage soil liability issues and costs)
- Complete final project plans with construction level of detail
- Complete Final Supplemental Environmental Impact Study (FSEIS) re-evaluation and permit extensions / amendments
- Bid project
- Construct project (estimated duration is two full construction seasons) and will work with the community and businesses to have good communication and minimize disruptions.

Related Project Updates:

While we are working hard to advance the Champlain Parkway, we are also advancing many other projects within or adjacent to the project corridor including:

- J **King St Neighborhood Traffic Calming**: Construction is nearing completion on this comprehensive street reconstruction effort that includes bump outs and other calming features. The traffic calming effort was a requirement of an Act 250 settlement with a neighbor regarding the Champlain Parkway.
- J **Champlain School Pedestrian Improvements**: This Safe Routes to School grant funded project will improve pedestrian crossings at three neighborhood intersections on Locust Street and Birchcliff Parkway. Construction will occur in 2018.
- J **Railyard Enterprise Project**: The goals of this project are to improve connectivity for all modes between Pine Street and Battery Street, expand economic opportunities in the area, enhance the livability of adjacent neighborhoods, and improve railyard access. The Council advanced three alternative designs on December 21, 2015. Based on a November 28, 2016 Council resolution, the City, CCRPC, and VTrans are evaluating whether Alternative 1B could be constructed quicker and cheaper as a local/state project without federal funding. We have been evaluating three minor variations of Alternative 1B over the past year. We expect to return to the City Council in a few months to seek the Council’s direction on which variant of Alternative 1B to study in greater detail. <http://www.ccrpcvt.org/transportation/scoping/railyard-enterprise-project/>.

These projects have advanced with strong support from our partners at the Chittenden County Regional Planning Commission, the Vermont Agency of Transportation, and the Federal Highway Administration, and we thank them for their ongoing support.

Feel free to contact me (cspencer@burlingtonvt.gov) to discuss any of this in further detail.

CC: Public Works Commission
Michele Boomhower, Director of PPAID, VTrans
Wayne Davis, Project Manager, VTrans
Norman Baldwin P.E., Assistant Director and City Engineer, Burlington DPW
Susan Molzon, Engineer, Burlington DPW



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September 30, 2016

Chapin Spencer, Director
Department of Public Works
City of Burlington
PO Box 849
Burlington, VT 05402-0849

Dear Chapin,

As part of the ongoing dialog between the Vermont Agency of Transportation (VTrans) and the City of Burlington (City) regarding the development of the Champlain Parkway (Parkway) project, the City has expressed an interest in understanding the manner in which future transportation-system needs of the City will be addressed in regards to the Champlain Parkway roadway alignment. It is the understanding of VTrans that no future transportation system upgrades are planned at this time, but recognizing that cities such as Burlington are dynamic and growing entities, there is the need for better understanding of future potential transportation options which may be available to the City.

As we have discussed, the Parkway was conceived, planned for and designed over the span of several decades. Over that period of time the City has evolved, as has the project. What was conceived to be a high speed, limited access highway to deliver people quickly through low density neighborhoods in the South End of the City and into downtown Burlington is now going to serve an increasingly diverse and vibrant area of the City. According to the plan BTV South End website, the South End is home to **6,439 residents** and 472 businesses with 6,383 workers; it serves as a focal location for the arts, enterprise and innovation. Plan BTV South End articulates a vision for the future which is dynamic and evolving; the transportation system needs to address this vision, and needs to be flexible and forward leaning.

It is VTrans' understanding that the City seeks future flexibility along the Parkway corridor to support local planning goals, enhance economic development and strengthen the resiliency and diversity of the transportation system. To achieve this outcome, the City is potentially interested in requesting removal of the limited access designation of the C1 & C2 sections of the Parkway, or portions thereof, to allow greater flexibility in addressing future local interests and needs. To that end VTrans would like to provide guidance with regards to activities which would not impede the continued advancement of the project.

Items the City can advance now along Section C2 with the existing limited access designation in place:

- Design removal of fencing along C2 (location(s) to be determined).
- Allowance of on-road cycling along C2 (including associated markings and signage).

Items the City can advance along C2 after Parkway construction is complete, but with existing limited access designation in place; if funded locally these projects would not be subject to Federal or Transportation Board review:

- Sidewalks.
- Mid-block crossings.
- Transit stops.
- Bulb-outs.
- On-street parking.
- Street trees.

Items the City can advance along C1 & C2 after Parkway construction is complete, with existing limited access designation in place, following Transportation Board approval for break-in-access:

- Break-in-access for a public street to expand the street grid in areas such as the intersections with Pine Street/Queen City Parkway and Briggs Street.
- Break-in-access for a private access if supported by the City of Burlington and its municipal planning documents.

Regarding the process for achieving a break-in-access, or re-designation, of the limited access sections of the Parkway (C1 & C2), Chapter 17 of Title 19 addresses Limited Access Facilities. Under 19 V.S.A. § 1708(b), a break in limited access requires the prior written consent and approval of the Transportation Board, which may allow the break in limited access only if it finds that the public interest will be served. The Board must conduct a public hearing and consider the technical recommendations of VTrans before making its decision.

Under section 1703(a), the State may designate town highways as limited access only with the approval of the select board. It is VTrans' understanding that the City Council has approved the Champlain Parkway, which includes the limited access facilities. Therefore, a break in these limited access facilities would, under the current designation, be governed by section 1708(b), rather than by municipal law.

VTrans understands that prior to Parkway construction, the City will not seek any substantive change(s) to sections C1 or C2 that would have been prevented by the limited access designation, without the prior written support of VTrans. Should the City proceed with a request for break in limited access in the future, the City will be solely responsible for any costs that may be incurred in obtaining a break in limited access, including all permitting and litigation expenses. Depending upon the type of funding used to address future transportation system modifications, planning for projects would likely need to address issues such as project necessity, permitting, design, funding feasibility, as well as public interest and input.

As indicated above, all parties would like to stress the importance of initiating construction of the Champlain Parkway prior to contemplating the future matters addressed in this letter. VTrans has been a partner and supporter of the City over the decades and looks forward to the continued growth and success of endeavors undertaken by the City.

Please feel free to contact me if you have further questions.

Sincerely,



Michele Boomhower, Division Director

Cc: Chris Cole, Secretary
 Kevin Marshia, Highway Division Director/Chief Engineer
 Sue Scribner, Municipal Assistance Bureau Director
 Wayne Davis, Project Manager
 Matthew Hake, Division Administrator, FHWA
 Larry Dwyer, Deputy Division Administrator, FHWA