

DRAFT IN PROGRESS UPDATING VERMONT RAILROADS 2007

Introduction

This report summarizes current operating conditions and recent public and private developments in the Vermont railroad industry. The report is presented by the Railroad Association of Vermont on behalf of its members to inform the General Assembly, Agency of Transportation, Vermont Rail Advisory Council and public about the status of this vital transportation system and **its significant contribution to the Vermont economy, its positive impact on the Vermont environment**, and to assist state government in the formulation of transportation policy, short and long term planning and capital program planning pursuant to 19 V.S.A. §10b.

System Background

Introduction: In 2007, eleven railroad companies operate or have trackage rights in Vermont (see Attachment 1). There are approximately 747 miles of track in Vermont's rail system of which some 453 miles are owned by the State.

The rail system in Vermont is part of a regional, national and international transportation network. Most railroad activity in Vermont is freight traffic, although interstate, intrastate and **excursion passenger services are also important to rail operations and the Vermont economy**. Passenger service includes one north and south bound daily Amtrak that runs connecting St. Albans and Washington, D.C. (Vermont); daily Amtrak runs connecting Rutland and New York City (Ethan Allen Express); and seasonal tourist excursion trains on the Green Mountain Flyer (Bellows Falls-Chester-Rutland) and the White River Flyer (White River Jct. - Norwich), private excursions and group excursions on New England Central Railroad, Green Mountain Railroad and Vermont Railway, and specialty excursions like the American Orient Express, Easter Bunny Express, Mother's Day Excursion, Chew Chew Train, Burlington and Bellows Falls Fireworks Specials, Fall Rutland and Ludlow Limited Excursions and Santa Trains.

Most freight traffic in Vermont is interstate in nature either passing out of or into Vermont, or through Vermont as so-called, "overhead traffic." Historic freight traffic volume information can be found in the *Vermont Rail Capital Investment Policy Plan Report* 2001, Table 1.3, and the State Rail Plan 2005x.

Vermont railroads serve a diverse variety of business enterprises. Their freight handling capabilities make them most attractive to bulk shippers and customers with large or heavy items for shipping, thus their principal customers include grain dealers serving Vermont agriculture; lumber and building materials; wood chips in the forest products sector; petroleum products for residential/commercial use; mining, quarrying, and earth products; cement; byproducts and finished goods from marble and granite; sodium and calcium chloride for winter road maintenance; newsprint and a variety of chemical products for manufacturers.

Vermont's railroads provide cost competitive transportation to these types of shippers and receivers reducing product cost, an economic benefit of rail transport.

It should be noted that some shippers and receivers are rail-dependent in more than an economic sense; for example, the Burlington Electric Department, pursuant to Public Service Board Order, continues to receive 75% of the wood chips for burning at its Burlington McNeil Generating Plant via railroad to prevent the undue burden and impact from the large numbers of tractor trailer trucks which would otherwise be required to deliver the same quantity of wood chips by public highways through adjacent cities.

Railroad Operating Companies¹:

Boston & Maine Railroad: The B&M Vermont operation consists of 6.28 miles of track traversing Pownal between Mechanicsville, New York and Lowell, Massachusetts. B&M is a wholly-owned subsidiary of Pan Am Railways, a part of Pan Am Systems.
www.guilfordrail.com.

Canadian National: CN operates three miles of track in Vermont connecting New England Central Railroad to its through line to Montreal and thereafter Canadian destinations. www.cn.ca

Clarendon and Pittsford Railroad (CLP): The CLP is a privately-owned and operated railroad with 18 miles of track, seven of which are in New York State. The CLP operates between Rutland and Whitehall, New York, acting as a "bridge line" carrier for all commodities from Canadian Pacific Railway moving to and from Vermont Railway and Green Mountain Railroad. GMRC's "Green Mountain Gateway" to Bellows Falls handles rail freight to and from the New England Central Railroad, Providence and Worcester Railroad Company (www.pwr.com) and the Mass Central Railroad. CLP also hosts Amtrak passenger service between Whitehall, New York and Rutland, and it directly serves Vermont's largest rail shipper, OMYA, Inc., at Florence by a branch line. www.vermontrailway.com

Claremont Concord Railroad (CCRR): The Claremont Concord Railroad and its predecessors have been providing transportation following its charter on June 24, 1848. Until recently it functioned primarily as a terminal railroad servicing a handful of customers. Recent investment in infrastructure, equipment, personnel and facilities now allow it to provide direct freight rail interchange services, loading, storage and offloading at three locations. With its connections in New Hampshire and White River Jct., with major rail carriers. What was once a small, two mile long railroad, with minimal staff, was doubled in physical size when it was awarded the operating and yard rights on the former Northern Railroad in Lebanon NH. www.theccrr.com

Green Mountain Railroad (GMRC): State-owned and privately operated with a long term lease partnership with the State of Vermont. It provides freight services between Rutland and Bellows Falls over 50 miles of track. (Formerly east-west portion of Rutland Railroad.) Principal commodities are lumber and building products, steel, petroleum products, highway de-icing salt, talc products, calcium carbonate (limestone) products, cement, feed grain, and plastics. GMRC directly serves the Luzenac America, Inc. plant in Ludlow, which ships talc products throughout the United States and Canada.

GMRC started operations in 1965 and pays a percentage of its gross revenues to the state of Vermont as do other railroad operating companies leasing state-owned rail lines. Its primary

¹ See Page 16 for Mileage Chart.

freight connections are with Springfield Terminal Railroad, New England Central Railroad at Bellows Falls, Vermont Railway at Rutland, Canadian Pacific Railway at Rutland, and CSX Transportation at Palmer, Massachusetts (through a haulage arrangement with NECR). It provides excursion passenger services between Bellows Falls, Chester and Rutland. www.vermontrailway.com

Lamoille Valley: The LVRR historically operated between Swanton and St. Johnsbury. The rail infrastructure is being removed in 2004 and 2005, and the right of way will become a trail with the property railbanked pursuant to federal and Vermont law.

Montreal, Maine and Atlantic (MMA): The Montreal, Maine & Atlantic Railway has 745 route miles of track and associated trackage rights formerly operated as the Bangor and Aroostook Railroad, Canadian American Railroad, Northern Vermont Railroad, Quebec Southern Railway, and Van Buren Bridge Company. It operates from the Newport rail yard through Troy, Vermont into Quebec and re-enters Vermont to serve Richford, the line continuing back into Quebec and points north. www.mmarail.com

New England Central Railroad (NECR): NECR is a wholly owned subsidiary of RailAmerica, and is part of a rapidly expanding international family of over 50 railroads. NECR operates 325 miles from the Canadian border at East Alburg, to New London, Connecticut on Long Island Sound. Annual carloads handled by the NECR are in excess of 38,000, with a wide variety of products being handled. Principal commodities hauled are forest products, paper, ores, minerals, and petroleum products. It employs approximately 89 people.

NECR has 11 interchange locations with both Class I and regional connecting carriers as follows: Canadian National at East Alburg, CSX Transportation at Palmer, Massachusetts, Green Mountain Railroad at Bellows Falls, Guilford Rail System and the Washington County Railroad Connecticut River Subdivision at White River Junction, Massachusetts Central Railroad at Palmer, Massachusetts, Providence and Worcester Railroad at New London, Connecticut, Vermont Railway at Burlington, and the Washington County Railroad at Montpelier Jct.

Additionally the Bellows Falls interchange with the Green Mountain Railroad serves as a connection to the Norfolk Southern and Canadian Pacific railroads via a haulage agreement with the Green Mountain Railroad.

In addition to regular line haul moves to direct receivers, NECR also has several distribution and warehouse centers located on the line. These centers, located in Vermont, Massachusetts and Connecticut, handle lumber, paper, plastic, steel, aluminum, and food products.

NECR has access to intermodal facilities via its interchange connection with Massachusetts Central Railroad in Palmer, Massachusetts where complete facilities are operated for the handling of intermodal traffic loading and unloading. www.railamerica.com

Providence & Worcester Railroad:

St. Lawrence & Atlantic (SL&A): SL&A is a wholly-owned subsidiary of Genesee & Wyoming, Inc., a publicly-traded short line railroad holding company, headquartered in Greenwich, Connecticut. SL&A consists of 165 miles of main-line track in Maine, New Hampshire and Vermont. Its affiliate, the St. Lawrence & Atlantic Railroad (Quebec) Inc.,

(SLQ), consists of 94 miles of track in Quebec, which connects with SL&A at Norton then continuing 32 miles to North Stratford, New Hampshire. It has a freight yard and office in Island Pond. It is the only rail line in Vermont capable of handling double stack freight cars its entire length. Corporate headquarters for SL&A are in Auburn, Maine.

SL&A interchanges in Maine with Guilford Rail System in North Stratford, New Hampshire, with New Hampshire Central Railroad in Groveton, New Hampshire, with New Hampshire Vermont Railroad and in Norton, Vermont with SLQ, which interchanges traffic with Canadian National Railway at Richmond, Quebec. Approximately 23,000 annual carloads of SL&A overhead traffic travel through Vermont, in addition to with 2,200 carloads of traffic originating or terminating in Vermont. Also, about 11,000 intermodal trailers and containers travel through Vermont. Traffic handled consists of paper, forest products, chemicals, grain, salt and consumer goods.

SL&A has about 80 employees, 9 of which are based in Vermont, most of whom live near Island Pond. There are currently no passenger operations, but there is the potential of passenger service between Montreal, Vermont, New Hampshire and Portland, Maine. Part of SL&A, Portland to Auburn, Maine, has been designated as a high-speed corridor for passenger rail, and there is an initiative to extend that to Vermont and on to Montreal. (*See infra page 14*) www.gwrr.com

Twin State (TSR): The line runs 22 miles from St. Johnsbury to South Lunenburg connecting with the New Hampshire & Vermont Railroad extending to Whitefield and Littleton, New Hampshire. The State of New Hampshire has purchased the six mile New Hampshire portion of the line up to a point near the Village of Gilman in the Town of Lunenburg where a paper mill reopened in 2004, and is seeking to obtain operating rights from the Twin State that would ultimately allow it to serve the paper mill.

The current operator of the Twin State Railroad has filed for abandonment of 20 of the 26 miles of track and has requested the removal of infrastructure once the discontinuance is issued. There has been no traffic on the line for more than two years. VTrans has notified the federal Surface Transportation Board (STB) of Vermont's intention to enter into the discontinuance process. The Maine Central Railroad is the underlying common carrier.

The Washington County Railroad Connecticut River Subdivision (a state owned rail property) connecting with TSR at St. Johnsbury believes there are railroad business opportunities in East St. Johnsbury and perhaps through traffic to New Hampshire. At its September 22, 2004 meeting, the Vermont Rail Advisory Council unanimously adopted a motion for VTrans to monitor the STB proceeding and to seek an appraisal of value of the line. A \$75,000 appropriation is proposed in the FY'06 VTrans budget for legal and other costs associated with possible purchase of the line.

Vermont Railway (VTR): It is state-owned, privately operated with a long term lease partnership with the state of Vermont since 1964. (No. Bennington-Burlington portion of the former Rutland Railroad.) It provides both freight and passenger services along its system route. VTR currently has freight interchanges with Canadian Pacific Railway (via CLP) at Whitehall, New York, offering seven day per week service to New England Central Railroad at Burlington and Green Mountain Railroad at Rutland.

Commodities handled include calcium carbonate (limestone), petroleum products, feed grains, food products, plastics, lumber and building products, highway de-icing salt, cement, aggregates, talc products, LP gas and fertilizers.

VTR currently operates 127 miles of track within Vermont. It hosts Amtrak passenger service at Rutland and specialty excursion trains throughout the year. www.vermontrailway.com

Washington County Railroad (WACR): It is a state-owned, privately operated railroad in the Montpelier/Barre area. It currently has freight connections with NECR at Montpelier Junction and with Vermont Railway (through a haulage arrangement with NECR). Its primary commodities are now lumber and silicon carbide since the Bombardier plant in Barre Town was closed in 2002. It also operates the Connecticut River Subdivision from White River Jct., to the southern limit of the Newport yard where it connects with the Montreal, Maine and Atlantic and in White River with the NECR and the Concord Claremont Railroad. www.vermontrailway.com

State Involvement: Historically Vermont's railroad industry has experienced cycles of boom and bust. Since the Depression, the amount of service and the number of track mileage has decreased as highway transportation has benefitted from the tremendous investment of public funds for the development of the interstate and federal aid state highway systems. This contraction of service has resulted in marginal profitability for all of Vermont's railroads.

In 1964, recognizing the importance of railroad transportation to Vermont communities faced with abandonment of service, Vermont's General Assembly began a series of acquisitions of railroad lines and rights of way. The State has leased back all or portions of these lines to operating companies. Today three railroad corporations lease state-owned rail lines: Vermont Railway (Burlington to No. Bennington and Hoosick Junction, NY), Green Mountain Railroad (Bellows Falls to Rutland), Washington County Railroad (Montpelier Jct. to Barre Town and Newport to White River Jct.).

Vermont has a significant capital investment in its railroad infrastructure from state, federal and private sources. For example, in its 40 year partnership with the State of Vermont, Vermont Railway has reinvested more than \$20 million of its own funds into capital improvement on the State's property and paid approximately \$6 million in lease rent, as compared to the State's original purchase cost of \$1.8 million.

Railroads' Contribution to the Vermont Economy

Vermont's railroads play a vital role in the Vermont economy. While individually and collectively they have been marginally profitable in recent years, nevertheless they have a measurable direct and indirect impact on the economy of Vermont. The Railroad Association of Vermont has commissioned a two phase economic impact study entitled, *The Economic Impact of Vermont Rail Industry on the Vermont Economy*, by Northern Economic Consulting, Inc., of Westford (Richard Heaps and Arthur Woolf, principals). The report is intended for delivery to the Senate and House Transportation Committees and Agency of Transportation by February 2005.

Vermont's rail industry employs approximately 185 Vermonters; pays a variety of taxes to the State; leased rail property earned \$504,067 in FY 2004; provides a critical transportation service without which certain business activities would not take place in Vermont; transports natural

resource products and commodities to and from Vermont at lower rates as compared to other modes of transportation allowing many Vermont businesses to remain competitive regionally and nationally; lowers consumer prices in Vermont for in-bound commodities because of lower transport rates; transports petroleum and gas heating products on a just-in-time basis that could not be delivered by highway transport without large, above ground storage facilities state-wide; offers interstate passenger rail access to Amtrak providing an alternate means of transportation for visitors seeking that transportation experience and for those without automobiles thus enhancing the attractiveness of Vermont as a destination choice and potentially increases tourism visits generating additional economic activity; offers intrastate passenger rail excursion and tourist trains for visitors and Vermonters alike; significantly reduces highway infrastructure cost from diversion of heavy truck traffic from state and national highway systems; and reduces/avoids the economic cost of a degraded environment since it is a less polluting and more fuel efficient transportation choice by reducing highway congestion that mitigates air pollution, noise and negative aesthetic impacts that threaten the rural character of the Vermont landscape and way of life, qualities that make Vermont an attractive and enjoyable place to live, work, visit and start a business.

The Future of Vermont Railroads

Vermont Rail Advisory Council: By Executive Order, the Governor appoints a 15 member rail public policy coordinating council that includes representatives of privately-owned railroads, operators on state-owned railroads, freight shippers, environmental and economic development organizations, regional chambers of commerce, regional planning commissions, members of the House and Senate Transportation Committees, and travel and recreation organizations.

The Council serves as an advisory group to the Agency of Transportation and to any consultants working for the Agency on statewide rail issues. Working with railroads it examines what steps state government can take to enhance rail freight service, both as such service relates to economic development and to relieving the burden of heavy truck traffic on Vermont highways; examines existing rail passenger services in Vermont, including possible extension, consolidation, enhancement, or rerouting of such services; works with affected municipalities, railroads and the travel industry, the Council examines the availability of attractive passenger station facilities, including availability of parking, public transportation and taxi services; and serves as a forum for those interested in rail-related issues, including policy makers, municipalities, regional planning organizations, rail operators, rail shippers, rail passengers, and others.

<http://www.vermont.gov/tools/whatsnew2/index.php?topic=ExecutiveOrders&id=239&v=Article>

State Rail Plans: In 1975, the Legislature first adopted a modern *State Rail Plan*. VTTrans is in the process of finalizing an updated rail plan to be completed by February 2005 to supersede the most recent version published in 1986. In the past several decades more than 50 specialized rail studies and reports have served to evaluate the rail industry's operations and infrastructure, and to facilitate planning and programs to enhance freight and passenger rail. (See Attachment 2).

The overarching statement of the 1975 Plan remains relevant.

“It is the goal of the State of Vermont to promote a balanced and integrated transportation system, through the maintenance of adequate rail service to serve the needs of Vermont's people and industries and through the improvement of that service wherever it is in the State's power to do so.”

Vermont Rail Capital Investment Policy Plan (2001): The VRCIPP authorized by 2000 Vt. Act No. 156, §5, includes development of revised goals and policies relating to rail operations, state programs and their funding, and capital needs. Matters addressed include: a basis for projecting capital, operating and facility needs in the future; development of criteria for funding rail facilities, projects and studies; rail investment priorities for the state; signal maintenance and railroad crossing programs; strategies for intermodal coordination; options for future development of double-stack rail freight; recommendations relating to the specific roles and respective levels of administration, planning and assistance to be exercised by the state, the railroads, the Rail Advisory Council, the Vermont Transportation Authority, the regional planning commissions and the Chittenden County Metropolitan Organization. The planning process also developed and published a detailed preliminary engineering investigation of reconstructing the Bellows Falls Tunnel for the purpose of providing double-stack clearance on NECR's Connecticut River Line. (*See infra page 8*)

Vermont's Long Range Transportation Plan (2002): The LRTP was updated and republished in January 2002. It highlights the changing transportation environment. It recognizes that various "modes" of transportation must be linked together to move goods and people through an "integrated" network. Intermodal connections and the development of non-automobile and truck modes of travel can provide new means to meet the future mobility needs of Vermonters, our business and tourist visitors, and Vermont-based and regional businesses.

According to the *LRTP*, the principal issues facing Vermont railroads include maintaining suitable levels of service, developing efficient movement of freight between railroads, making appropriate investments in railroad infrastructure and marketing, and developing intermodal connections.

Some highlights from *LRTP* include: railroads are a significant part of the transportation system.

Without Vermont's railroads, added trucks would burden the highways², and highway maintenance costs would escalate. Vermont seeks, where practicable, to increase rail activity and further reduce the burden on the state's highways; for example, Vermont Railway, which parallels the U.S. Route 7 corridor, presently operates at 30% capacity. A large part of the Vermont rail system is in a condition below current preferred operating conditions because revenues have been inadequate for annual maintenance needs. New passenger services require smoother track surfaces and added rail sidings, grade crossings, and access management and control. While the last two multi-year federal transportation appropriation acts introduced new, broad-based flexibility in determining eligibility for federal funds, rail remains handicapped by very limited opportunities to access federal funds to make improvements the need for which is dictated by the movement of freight goods, as compared with other modes. The 108th Congress considered a superseding omnibus transportation reauthorization act, referred to as "SAFETEA" (its predecessors were known as "ISTEA" and "TEA-21"). Unfortunately it was not passed due to differences between Congress and the Bush Administration over the size of the appropriations going forward, among other issues. The Congressional Session now convened will start the process anew.

² Vermont's Rail System annually transports more than **50,000 car loads** of freight, some **5.0 million** tons of products which, if transported by truck, would require **125,000 tractor trailer loadings (one way)** on Vermont highways.

Rail highway grade crossing improvements are an example where federal funds may be used in concert with rail freight operations, but this program is more accurately classified as a highway safety program. Construction, reconstruction and maintenance costs related to highway grade crossings and their signalization should be funded from the highway portion of the VTrans budget.

In general terms, federal funds are not able to be used for intermodal service options such as Container on Flatcar (COFC), Trailer on Flatcar (TOFC), or bulk transfer facilities. Those projects require public-private partnerships if they are to be built, and should be pursued. One successful program emerged in 1997, when the United States Department of Transportation authorized Vermont to create and fund a State Infrastructure Bank Program administered by the Vermont Economic Development Authority. Another is the High-Speed Rail Corridor designation. (*See infra page 14*) These are important steps forward, and Vermont is taking advantage of them.

U.S. Senators Jim Jeffords and Patrick Leahy have been instrumental in securing so-called “ear mark funding” for Vermont rail projects and have been stalwart Congressional leaders supporting Amtrak and common sense intermodal transportation planning, rail program development and federal funding nation-wide. Their Vermont staff have valuable expertise in transportation matters as well.

Report of the Joint Legislative Study Committee on the Future of Passenger Rail Service in Vermont (Dec. 1995): This report highlights the relative cost of highway construction and upgrading with railroads, and the level of commitment of state funds to railroads. **The cost to upgrade 20+ miles of rail line between Rutland and Whitehall, New York to Amtrak passenger rail standards for the Amtrak Ethan Allen Express was less than \$6 million. Contrast that with the cost of widening Main Street in Burlington, completed in 2001, for \$11.9 million.** Also, rail lines do not require major costly rehabilitation on as frequent a basis as highways.

Transportation Infrastructure Funding Working Group Study: In 2004 the General Assembly created a special interim study committee to consider and make recommendation on transportation infrastructure financing since project development and construction needs exceed the amount of available state and federal revenue sources funds dedicated to the Transportation

Association Legislative Initiatives

Infrastructure Improvements: 286,000 Gross Car Weight and Plate H Clearance Standards: The “Plate H” equipment dimension standard for Double Stack Containers and Tri-level Automobile Carriers, and 286,000 gross car weight bridge and rail tolerance are not available on a significant portion of Vermont’s rail lines. Because of the increase in rail car height and weight over the past two decades, Vermont has become noncompliant for the “modernized” national rail network. Vermont’s railroads cannot survive on local traffic, nor can many of its businesses, such as OMYA, compete if highway transportation is their only freight option. Higher cost truck transportation makes “imported” goods, commodities, raw materials and finished goods more expensive to Vermont consumers, businesses and government as was explained supra, page 5. With track and bridge upgrades and improved height and width clearances, Vermont will receive significant additional rail traffic. With additional revenue, Vermont’s railroads will be able to upgrade their infrastructure state-wide. In turn they will attract additional business, providing not only continuing but improved service to Vermont-based industry, thereby securing the railroads own economic future, while reducing highway maintenance costs and providing environmentally friendly, intermodal transportation.

Bellows Falls Tunnel Clearance Project: The Bellows Falls Railroad Tunnel is located in the center of the Village of Bellows Falls on the New England Central main line. Constructed in 1851, the tunnel is 279 feet in length and is constructed of un-mortared, laid-up dimension stone

³ Sec. 25. TRANSPORTATION INFRASTRUCTURE STUDY

(a) The Vermont Transportation Infrastructure Funding Working Group is established to prepare a report to the general assembly that examines:

(1) all alternatives to future funding opportunities, including, but not limited to, debt instruments such as general obligation bonds and Grant Anticipation Revenue Vehicles (GARVEE bonds); and

(2) all alternative measures for closing the existing gap between the present and future costs of the state’s commitments to transportation projects and programs and the present and future level of resources projected to be available to meet such commitments to ensure that the state’s commitments and resources remain in balance on a consistent and fiscally conservative basis.

(b) The working group shall be composed of the following ten members or their designees: the secretary of administration, to serve as chair; the state treasurer; the secretary of transportation; two members of the Senate appointed by the committee on committees and two members of the House appointed by the speaker; the governor’s appointee to the capital debt affordability advisory committee; and two members from the private sector appointed by the governor, one with a background in transportation and the other in finance. The committee is authorized to hold up to five meetings, at which point it is terminated. Legislative members of the committee shall be entitled to per diem compensation and expense reimbursement as provided in 2 V.S.A. § 406(a).

(c) Administrative support shall be provided by the agency of transportation, the legislative council, and the joint fiscal office with advice from the state’s financial advisor.

(d) The working group shall report its findings and conclusions to the governor, the speaker of the house and the president pro tempore of the senate, and the members of the House and Senate committees on transportation no later than January 15, 2005.

in a horseshoe shaped arch and sides. The alignment of the tunnel passes under two buildings in the downtown area. Although the track was lowered seven inches in 1977, the resulting profile still has been considered inconsistent with contemporary clearance standards for double stack container cars and tri-level automobile carriers, that could pass through Vermont as overhead traffic the length of NECR into Canada, and from NECR to Green Mountain Railroad to points west and north over competing Class I railroads.

A double stack clearance survey and report was completed for the tunnel (Costello, Lomansey & deNapoli, Inc. and Gordon, Bua & Read, Inc., January 1999). Incident to the Vermont Rail Capital Investment Policy Plan process, VTrans commissioned a further study of the tunnel (Parsons, Brinkerhoff Quade & Douglas, Inc., with Summit Engineering, Inc. and Fitzgerald & Halliday, Inc., October 2001).

In late 2004 in conjunction with the Providence and Worcester Railroad, a tri-level automobile carrier was brought to Bellows Fall to test the previous engineering assumptions that the tunnel was inaccessible to that type of rail car without enlargement. That rail car cleared the tunnel by a small margin, giving hope to a different approach instead of substantial reconstruction project previously estimated to cost nearly \$6 million.

With the growth in international trade and the advent of NAFTA, significant cargoes now move through Canadian Ports, such as Halifax, Montreal and Vancouver and by 2006 Prince Rupert. Due to the lack of double stack capable rail routes between New England and these points, containers move to and from the Canadian Pacific and Canadian National Railway in Montreal, and the Port of Montreal, via I-91 and I-89 into southern New England. For example, nearly 30,000 containers per year move via the highway from Providence and Worcester Railroad's intermodal terminal and surrounding areas to Montreal. Truckers moving lumber and steel into New England via Vermont often handle the northbound containers on a back haul basis, further adding to truck congestion and highway degradation. Without a back haul, the inbound lumber and steel would most likely convert to a rail taking additional trucks off the road reducing congestion and roadway deterioration.

In 2005 the significant investment of public and private funds in developing a major import/export automobile facility will be completed at Davisville, RI. The number of vehicles imported through that gateway may dramatically increase in the near future, automobiles that would be distributed locally and regionally by truck unless connecting railroads have necessary clearances.

Providence and Worcester Railroad has invested \$5.6 million in clearing its route to a connection at Worcester, MA. with a cleared route through Vermont, a significant opportunity is presented for automobiles destined for Canadian and surrounding American markets. Without a cleared route, those vehicles will more than likely move through Vermont by highway instead of our railroads, business Vermont's railroads can ill-afford to lose.

For its part the Providence and Worcester Railroad is prepared to upgrade both its track structure and clearances to the Vermont railroads at an estimated expense of \$1.4 million. It can complete those upgrades by the 4th quarter of this year; however, doing so is contingent upon clearing NECR and the GMRC "Green Mountain Gateway" routes through Vermont. P and W is in the process of securing materials and lining up work to accomplish its part. Obviously, time is of the essence for Vermont to do likewise. Immediate financing assistance for Phase 1 of the project is needed 900,000.

Western Vermont Highway Rail Corridor: Infrastructure Improvements to 286,000 Weight Standard, Relocation of Rutland Railyard, Construction of East Middlebury Spur, Creation of a Vermont Rail Authority. Working in close collaboration with Vermont Railway and the Rutland Redevelopment Authority, VTrans has developed a strategy for integrating rail and highway improvement projects on the western side of the state. Given the designation "National Highway System (NHS)/Railway Corridor," the concept entails improving rail lines in conjunction with an NHS route to serve a region that does not have an Interstate Highway. In Vermont's case, this will be U.S. Route 7 from Bennington to Burlington, and the combined VTR/NECR lines from Bennington to the Canadian border.

At their annual conference in October, 2002, the American Association of State Highway and Transportation Officials recognized the NHS/Railway Corridor strategy as one of eight projects nationwide demonstrating exemplary application of smart growth principles to transportation projects.

Under the umbrella of the Western Corridor strategy, a specific rail project has been designated, as the "Western Vermont Freight Transportation Gateway." It includes five separate elements combined into a single project: the Rutland Railyard Relocation, the Middlebury Spur, intermodal and security improvements in St. Albans, the Albany-Bennington-Rutland-Burlington-Essex Passenger Rail Project (ABRBE) track upgrades to support passenger and freight service between Bennington and Essex Junction, and a *Vermont Rail Authority*.

The term "freight transportation gateway" is drawn from a program proposed in the federal transportation reauthorization bill. The Gateway is being considered as a pilot project for the new program. Senator Jeffords' staff has been working to incorporate the Gateway into the new transportation reauthorization bill so that it will qualify for significant federal funding.

Part of this planning is consideration of revision of the charter of Vermont Transportation Authority and renaming it the "Vermont Rail Authority" to serve as the owner and management entity for the Western Vermont Freight Transportation Gateway rail improvements and other related rail projects.

The rationale for managing the Western Corridor rail improvements through an independent public/private authority is that it will provide unified management for the efficient development of the four major project elements; enable rapid implementation of the Gateway strategy by bringing public and private sector stakeholders to the table in a forum that will nurture creative negotiations and community involvement; allow the state's rail assets to be used to leverage project financing, including tax-free bonding; allow bonding mechanisms that will minimize the effect on the state's bond rating; ensure that revenues from rail operations are reinvested in maintaining the rail assets; enable economic development strategies to be closely coordinated with rail improvements; reduce the burden on VTrans' project planning and design staffs; be well-positioned to negotiate public/private collaboration to provide passenger service; and to own and lease the equipment to facilitate the development and operation of Corridor infrastructure.

The powers envisioned for this new Authority are the ability to buy and sell assets, the power of eminent domain, bonding authority, authority to seek and receive grants and government funding, and flexibility to integrate transportation and economic development.

Implementation of this strategy would include revising the existing Vermont Transportation Authority's statutory charter to rename it the Vermont Rail Authority, define its role as owner and manager of the Western Gateway, establish a new Board of Commissioners, transfer ownership of the rail assets to the new Authority and relinquish to VTA revenues currently generated from the rail lease.

East Middlebury/OMYA Spur: Over the last several years the Agencies of Natural Resources, Transportation, and Commerce and Community Development, the Conservation Law Foundation (CLF), Vermont Railway and OMYA have been working in partnership under the terms of a Memorandum of Understanding (MOU) to identify a transportation alternative that would reduce truck traffic along U.S. Route 7 between Pittsford and Middlebury.

The MOU partners support building a rail spur to connect the VTR main line to an intermodal bulk commodity transfer facility to be located near U.S. Route 7, south of Middlebury. The rail spur and intermodal facility will allow major shippers along U.S. Route 7 to convert truck traffic to rail and, in doing so, address all of the various interests of the MOU partners.

Vermont Railway, through the establishment of a new rail company, will build approximately three miles of new track to connect the intermodal facility with its main line. The project is consistent with Middlebury zoning and the town plan for the area.

Vermont Railway has negotiated a transportation arrangement with OMYA by which OMYA will be an initial user of the spur. In the first year of full operation, the number of OMYA related heavy truck trips that are available to be converted to rail is 70,000.

Interest from additional users also has been secured. Three businesses within close proximity to the proposed intermodal facility (Foster Brothers Farm, Carrara Concrete, and Specialty Filaments) all have indicated an interest in using the intermodal facility. Its use by those businesses could result in an additional 10,000 truck trips annually being eliminated from roads in and around Middlebury.

Representatives of Agency of Commerce and VTR have agreed to work together to identify additional users of the intermodal facility and view this as a way to promote economic development along the Western Corridor.

Upgrading the entire U.S. Route 7 rail corridor has received endorsements from Vermont Public Interest Research Group, Vermont Natural Resources Council, Sierra Club, and CLF as described in the preceding section.

In January of this year the federal NEPA (National Environmental Policy Act) process began with a public hearing in Middlebury, referred to as a "scoping" meeting. It was an opportunity to present to the public alternative methods for design of the proposed project, in this instance more than a dozen alternatives for moving marble from the quarry in East Middlebury to OMYA's processing facility in Florence. The outcome of the scoping process is to identify which alternatives would cause the least environmental impact. In turn, this will lead to the publication of an environmental impact statement and ultimately a decision on a final project plan design.

Other Railroad Matters of Concern and Interest

Railroad Trespass Law Modernization: Biennially, the Association requests reintroduction of legislation for long-overdue modernization of railroad trespass law, not only to avoid injury to trespassers, but to assure the safe operation of trains by avoiding emergency stopping procedures at track speeds which risk injury to railroad personnel, damage to track structures, damage to freight and track-side property, and environmental damage caused by potential derailment of locomotives and freight cargo. Trespasser deaths in 2001 and 2002, and another person losing both legs in an incident in the Rutland rail yard in 2002, simply reinforces the need for action. In addition, due to September 11 terrorist attacks, federal authorities are imposing a significant higher level of security on railroads. Vermont needs an effective trespassing law to protect rail infrastructure and prevent avoidable trespasser injuries and deaths on railroad property.

Act 250 and its Regulation of Infrastructure Development: Vermont needs to develop intermodal rail transfer facilities and preserve land adjacent to rail lines for future commercial development by businesses requiring rail service and passenger rail. The current land use regulatory process through Act 250 impedes the timely development of the limited land available for rail transportation purposes, development consistent with state and local transportation needs expressed in public transportation policy plans.

Vermont needs to modernize its rail infrastructure. Vermont's railroads now operate at 30% of capacity. With improved operating capabilities, railroads are able to attract or retain more freight and passenger business.

Historically rail lines have been built following the narrow river valley contours of Vermont's hilly and mountainous terrain, routes without significant grades that pass through Vermont's major towns and cities. Railroads are hampered by the very limited availability of land suitable for development of intermodal transportation facilities and siting of businesses that can use rail transportation by connecting directly to the main line by spurs or sidings. Where undeveloped land may be suitable because of size, location and topography, there likely will be adjacent agricultural, recreational and residential uses. As land use patterns have changed, objections are being raised to industrial and commercial activities associated with railroad operations. Unlike most other commercial development, if a permit is denied or conditions imposed that make it impractical or commercially unfeasible, the railroad may have few, if any, alternate site options.

This tension between land use regulation and railroad development can be framed by the following three questions: to what degree, if any, should railroads be subject to Act 250 jurisdiction; what are the particular business needs of railroads to which Act 250 process does not respond; and how does the Interstate Commerce Commission Termination Act of 1995 affect Vermont jurisdiction over railroad development projects?

Efforts to amend Act 250 have had limited success in addressing the most immediate adverse effects of the broad sweep of a land use regulatory scheme that negates Vermont's concomitant need to enhance its rail system. Some further jurisdictional modification of Act 250 is justified because the development of railroad infrastructure does not cause undue environmental effects; rather, it secures for Vermonters significant environmental benefits that are the basis for other similar exemptions that fulfill the public policy imperative of Act 250 for environmental protection. Act 250 can be modernized to meet contemporary rail transportation needs while remaining true to its underlying purpose.

In this light, during the past several years Vermont's railroads have considered a number of alternate solutions with legislators and environmental advocacy groups that have long supported enhancing the development of railroad infrastructure to achieve environmental benefits from rail transportation.

These have included: (1) exempting rail transportation projects from Act 250 review, (2) creating some form of expedited Act 250 review or entering into an expedited, alternate method of environmental review through a binding memorandum of understanding, (3) amending the definition of "development" in Act 250 to specifically exclude the construction of intermodal transportation facilities on railroad property and, (4) by amending Act 250 to clarify a 1994 amendment of the definition of "development" to exempt construction in an existing rail yard that disturbs no more than ten acres (regardless of whether the establishment of the rail yard predates Act 250 or an Act 250 permit has been issued for development in that rail facility sometime in the past) as long as the project facilitates, or is, rail transportation.

Concerns about inconsistencies between Act 250 and federal railroad law pre-empting specific types of state and local pre-construction permitting and regulation of railroad facilities and operations have been in the process of being sorted out in a case before the U.S. District Court-District of Vermont, the U.S. Circuit Court of Appeals (2nd Cir.) and proceedings before the federal Surface Transportation Board which regulates railroads operate in interstate commerce.

United States District Court - District of Vermont, Green Mountain Railroad Corporation v. State of Vermont, et al. Docket No. 1:01-CV-181 (Decision unpublished - 12/15/03). Appealed by the State of Vermont to the United States Court of Appeals - Second Circuit, Green Mountain Railroad Corporation v. State of Vermont, et al. Docket No. 04-0366 (Argued 12/7/04) (Not decided as yet) The Surface Transportation Board filed an amicus brief in support of the position of Green Mountain Railroad.

Preserving Land for Future Rail Facilities and Rail Customers: Vermont railroads would like to find a way to preserve undeveloped land for future rail purposes without immediately bearing the expense of speculative purchase of the land. Due to the state's topography, suitable developable land along Vermont's existing rail lines is in very short supply in broad areas of the state, whether for a yard, side track or for siding a rail customer's business.

Vermont's state tax structure includes a land gains tax. The purpose of this tax is to slow down speculative subdivision of land. (If a property is sold at a profit within six years of its purchase, there is a graduated tax for each year the property has been owned.) Vermont also has a 1.25% property transfer tax on the sale of non-residential property. Vermont also has a special tax program called "Current Use" through which land reserved and managed for agricultural and forestry purposes benefits from a lower municipal tax rate, with the state reimbursing the town or city. That program imposes a 20% tax on the fair market value of the land involved if it is withdrawn from the program within 10 years of enrollment, and 10% thereafter.

Vermont's railroads believe the General Assembly should consider whether it would be in the public interest to exempt the sale of land from the land gains tax, property transfer tax and capital gains taxes when the owner sells it for rail development purposes. The idea is to create a financial incentive for a landowner to sell undeveloped land for rail use.

Another idea the General Assembly could consider is the ramifications of creating a separate categorical property tax exemption through a new tax abatement program, similar to the existing Agricultural and Managed Forest Land Use Value Program, a.k.a. "Current Use Program (32 V.S.A. Ch. 124), that would exempt property being preserved as undeveloped land for future rail purposes. If the land enrolled in the program were eventually sold for rail purposes, no tax penalty would be applied. Similarly, perhaps the penalties could be waived when enrolled land is sold for rail use. Inquiries have been made of national rail associations to determine what incentives other states may have for preserving or selling land for future rail use.

A final consideration is the implication of creating something called "railroad development rights" as a means to preserve property by providing a tax incentive to a property owner who conveys to a "railroad land trust" and, in doing so, limits future development and use of that land to a railroad purpose.

Albany-Bennington-Rutland-Burlington-Essex (ABRBE): Vermont Railway extends along the western part of Vermont from Hoosick Jct., New York to Burlington's waterfront where it connects with New England Central Railroad. The NECR then bears east passing through a tunnel under North Avenue, continuing to Winooski and connecting with the NECR main line at Essex Jct. In 1998 Senator Patrick Leahy secured, the first of two so-called "ear marked" federal appropriations to the Federal Transit Administration "New Starts" (Section 5309) Program. In the recently passed federal Omnibus Appropriations Act of 2004, Congress released the remaining \$9 plus million of unspent funds to make them available for the entire ABRBE route under the jurisdiction of the Federal Railroad Administration. VTrans proposes in its FY'06 budget to spend 1 million for infrastructure repairs, deferring additional improvement to out years.

Intercity Passenger Rail:

Pursuant to a state contract for services, Amtrak runs two lines in Vermont, the *Vermont* and the Ethan Allen Express. Under the agreement, Vermont agrees to help fund the operating deficit of the train service as well as provide marketing support for the service. Under a recent federal fiscal policy, state services such as Vermont's are under pressure to meet the full cost of their deficits. The existing agreement for both services runs through June 30. VTrans proposes in its FY'06 budget service subsidies of \$3 million.

***Vermont*:** This train service runs north from Washington D.C., Baltimore, Philadelphia, New York, New Haven, Hartford, Springfield MA and intermediate points through most of Vermont. It runs north along the Connecticut River through Brattleboro, Bellows Falls, Windsor, and White River Junction before running northwest to Randolph, Montpelier, Waterbury, Essex Junction and St. Albans. From St. Albans, there is a connecting bus service to Montreal. The train offers reserved coach seating, business class seating, and counter food and beverage service in the café car. It runs once a day, both northbound and southbound, on a day schedule, as opposed to the overnight train that had run in the past. The continued inability to extend the *Vermont* to Montreal has severely constrained ridership.

Marketing efforts have focused on the build up of day travelers on origination and destination points within Vermont, through on-board events and marketing of those events. Also special emphasis has been given to building ridership between New York City and Philadelphia to points along the *Vermont*, especially the Connecticut River stops.

Ethan Allen Express: This train runs north from New York City through Albany and intermediate points. It then goes through Schenectady, Saratoga, and Fort Edwards before proceeding to Fair Haven and Rutland. During the ski season, connecting bus service is offered to Killington/ Pico and Okemo. The train offers reserved coach seating, business class seating, and counter food and beverage service in the café car. Marketing efforts have been concentrated on this line to initiate vacation packages through Amtrak Vacations, to develop a special ski train schedule for this winter, and to sell the greater New York City market on using the train through direct mail, public relations efforts, consumer shows, and other marketing efforts.

High-Speed Rail Corridor Designation: In late 2000, a Boston to Montreal rail route was designated as one of the nation's three new High Speed Rail Corridors by the Federal Railroad Administration. The designation was in response to a joint application by the states of Vermont, New Hampshire, and Massachusetts which identified the desire to study the feasibility of development of a rail transportation alternative for service between Boston and Montreal.

A feasibility and planning study is being undertaken jointly by the three state transportation agencies. A steering committee to provide oversight and direction for the study also includes the participation of the Quebec Ministry of Transportation and the City of Montreal.

The study is divided into two phases. Phase One, now completed, information (1) identifying institutional and policy issues; (2) development of primary preliminary service ridership projections; and (3) creating an inventory of basic corridor infrastructure elements, and thereafter to determine whether any fatal flaws exist for implementation of a high speed rail service, and from ridership forecasts evaluate if sufficient demand exists to warrant study of associated operational engineering and cost/revenue factors. The Phase One final report, released in 2003, indicated that there was justification for continuing the study. The Phase II Scope of Work has been approved by the Federal Railroad Administration and Federal funding for Phase II of the BMHSR Study has been secured. Additional information can be found at <http://www.bostonmontrealhsr.org/>

Conclusions: Because environmental quality is a core value in Vermont public policy, both passenger and freight rail transportation should be enhanced since rail is a less polluting and more fuel efficient transportation choice. Highway congestion also poses significant environmental quality problems. Rail transportation reduces congestion, thereby mitigating air pollution, noise and negative aesthetic impacts that threaten the rural character of the Vermont landscape and way of life, qualities that makes Vermont an attractive and enjoyable place to live, work and visit.

Vermont also needs to maintain national competitiveness of its indigenous industries and to receive commodities like heating products on a timely basis to respond to winter weather conditions.

Vermont's railroad rights of way are an extremely valuable resource worthy of preservation. Not only do they serve a vital transportation function, but they also served as a communications corridor in an earlier day for telegraph and utility lines and, more recently, for fiber optic cable telecommunication systems. In the future there may be other needs. Even when railroads could not survive adverse economic forces, their rights of way have remained to serve recreation and travel functions such as walking, horseback riding, cross country skiing, snowmobiling and bicycling.

The Report of the Joint Legislative Study Committee on the Future of Passenger Rail Service in Vermont (Dec. 1995) pointed out that over the prior 40 years, Vermont spent only about 1% of its transportation budget on rail improvements. In the past decade, Vermont Governors and Secretaries of Transportation, in conjunction with legislative leaders, have recognized that the future of Vermont requires a coordinated intermodal transportation system to provide freight transportation to Vermont businesses and rail passenger services within and into Vermont for state residents and visitors. For FY 2006, Governor Douglas' proposed Agency of Transportation budget includes \$10.7 million for intermodal transportation planning, state-assisted funding for railroad infrastructure and equipment, improvements to state-owned Rail Property, highway railroad grade crossing safety improvements, operating subsidies for Amtrak and rail program administration. These expenditures are investments to assure that Vermonters today, and in the future, will have transportation choices that are efficient, cost effective and consistent with our environmental values, while serving the state's economy and commercial needs and providing personal transportation.

VERMONT RAILROADS

Rail Line Identification		Mileage
Beebe Spur Rail Trail	State Owned	4.05
Boston & Maine		6.28
Canadian National		3.00
Clarendon & Pittsford		17.88
Connecticut Subdivision (WACR)	State Owned	102.00
Delaware & Hudson RR Trail	State Owned	19.74
Green Mountain Railroad		50.02
@ Lamoille Valley Railroad	State Owned	97.68
Missisquoi Valley Rail Trail	State Owned	26.80
Montreal, Maine & Atlantic RR		23.34
New England Central RR	190.96	
St. Lawrence & Atlantic Railroad		30.65
* Twin State Railroad		22.15
Vermont Railway	State Owned	139.75
Washington County Railroad	State Owned	13.10
Total Mileage		747.40
Total Mileage Owned by State of Vermont		453.32
@ Abandoned/Railbanked		
* Inactive		

RAILROAD ASSOCIATION OF VERMONT MEMBERS

Railroads and the Towns They Operate In

Green Mountain Railroad

Corporation:

Cavendish
Chester
Clarendon
Ludlow
Mt. Holly
Rockingham
Rutland (Town & City)
Shrewsbury
Wallingford

New England

Central Railroad:

Alburg
Bethel
Bolton
Braintree
Brattleboro
Burlington
Colchester
Dummerston
Duxbury
Essex
Georgia
Granville
Hartford
Hartland
Highgate
Middlesex
Milton
Montpelier
Moretown
Northfield
Putney
Randolph
Richmond
Riverton

New England

Central Railroad

(con't):

Rockingham
Roxbury
Royalton
Sharon
So. Burlington
St. Albans (Town & City)
Swanton
Vernon
Waterbury
West Hartford
Westminster
Williston
Windsor
Winooski

Vermont Railway:

Arlington
Bennington (Town & City)
Brandon
Burlington
Charlotte
Clarendon
Danby
Dorset
Ferrisburg
Leicester
Manchester
Middlebury
Mt. Tabor
New Haven
Pittsford
Proctor
Rutland (Town & City)
Salisbury
Shaftsbury
Shelburne

Vermont Railway

(con't):

So. Burlington
Sunderland

Vergennes
Wallingford
Weybridge

Clarendon & Pittsford Railroad:

Castleton
Fair Haven
Ira
Pittsford
Rutland (Town & City)
West Rutland

Washington County Railroad Company:

Barre (Town & City)
Berlin
Montpelier

Washington County Railroad Company, Connecticut River Subdivision:

Barnet
Barton
Bradford
Burke
Coventry
Fairlee
Irasburg
Hartford
Lyndon
Newbury
Newport (City & Town)

Washington County Railroad Company, Connecticut River Subdivision

(con't):

Norwich
Ryegate

St. Johnsbury
Sutton
Thetford
Waterford

**Canadian National
Railroad:**
Alburg

**St. Lawrence &
Atlantic Railroad:**

Bloomfield
Brighton
Brunswick
Ferdinand
Morgan
Norton
Warner's Gore

**Boston & Maine
Railroad:**
Pownal

**Maine, Montreal &
Atlantic Railroad:**

Newport
Richford
Troy

**Twin State Railroad
Company:**

Concord
Lunenburg
St. Johnsbury

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January 2007

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