

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
2 TRANSPORTATION ADVISORY COMMITTEE  
3 MINUTES  
4

5 DATE: Tuesday, November 2, 2021  
6 TIME: 9:00 a.m.  
7 PLACE: Hybrid Meeting: In-person at CCRPC Offices, 110 West Canal St. Winooski, VT, and  
8 virtually via Zoom  
9

10 **Members Present**

11 Justin Rabidoux, South Burlington  
12 Dennis Lutz, Essex  
13 Robin Pierce, Essex Junction  
14 Amy Bell, VTrans  
15 Ashley Atkins, VTrans  
16 Chris Jolly, FHWA  
17 Jonathon Weber, Local Motion  
18 Bob Henneberger, Seniors  
19 Deirdre Holmes, Charlotte  
20 Sam Andersen, GBIC  
21 Wayne Howe, Jericho  
22 Chris Damiani, GMT  
23 Kirsten Jensen, Milton  
24 Barbara Elliott, Huntington  
25 Andrea Morgante, Hinesburg  
26 Sandy Thibault, CATMA  
27 Kurt Johnson, Underhill  
28 Nicole Losch, Burlington  
29

Lisa Schaeffler, Williston  
Jon Rauscher, Winooski  
Joss Besse, Bolton

30 **Staff**

Charlie Baker, Executive Director  
Eleni Churchill, Transportation Program Manager  
Bryan Davis, Senior Transportation Planner  
Christine Forde, Senior Transportation Planner  
Jason Charest, Senior Transportation Planning Engineer  
Marshall Distel, Senior Transportation Planner  
Chris Dubin, Senior Transportation Planner  
Sai Sarepalli, Senior Transportation Planning Engineer  
Sam Berry, Intern

31 **Guests**

Christopher Clow, VTrans  
Joe Segale, VTrans

32 1. Justin Rabidoux called the meeting to order at 9:01 AM.

33 2. **Consent Agenda**

34 No consent agenda this month.

35 3. **Approval of October 5, 2021 Minutes**

36 Justin Rabidoux asked for any changes, which there were none. SAM ANDERSEN MADE A MOTION  
37 TO APPROVE THE MINUTES OF OCTOBER 5, 2021, SECONDED BY BOB HENNEBERGER. THE  
38 MOTION PASSED UNANIMOUSLY.  
39

40 4. **Public Comments**

41 None.  
42

43 5. **VTrans Presentation of Act 145**

44 Joe Segale and Chris Clow, VTrans staff, provided background and an overview of Act 145  
45 Transportation Impact Fees, which became effective on July 1, 2014. The intent is to reduce the “last one  
46 in pays” situation, to reduce costs, and facilitate permitting. There are two ways that impact fees can be  
47 authorized: through VTrans established Transportation Impact Districts, and through Act 250 District  
48 Commission established fees. The presentation is posted to the CCRPC TAC webpage and includes more  
49 information such as the formula used to calculate fees, potential adjustments, other requirements, and  
50 statistics since its inception: [https://www.ccrpcvt.org/about-us/committees/transportation-advisory-](https://www.ccrpcvt.org/about-us/committees/transportation-advisory-committee/)  
51 [committee/](https://www.ccrpcvt.org/about-us/committees/transportation-advisory-committee/). The fee isn't a flat rate and can be adjusted. Chris provided the Catamount Industrial Park in  
52 Milton as a project example, for which there were an estimated number of trips to be generated.  
53 Developers were exempt from the fee until the trip number is met, then the fee amount would kick in.  
54 Chris also offered that pass-by trips aren't included in impacts fee and offered a gas station as a project

1 example; trips to the station would already be on the transportation system rather than being new trips  
2 solely to visit the gas station. There are also fee deductions for projects located in designated centers and  
3 neighborhoods. Chris provided another project example: a hospital paid \$10,000 for intersection  
4 improvements at an intersection slated to become a roundabout in the future. The \$10,000 would be  
5 deducted from the hospital's anticipated \$40,000 fee as part of building the roundabout. In another  
6 example, if a project were to come and go without any fees, then the project would close without 145  
7 being assessed. In another example, a first developer pays the fee in a project area and is reimbursed by  
8 future developers. This happened in South Burlington when FedEx paid for a new signal, and is being  
9 reimbursed by other developers within 3 miles of the project. There is more guidance and information on  
10 the [Act 145 Transportation Impact Fee Guidance](#), and interactive online [Act 145 Transportation Impact](#)  
11 [Fee Map](#).

12  
13 Discussion:

14 Jonathon asked whether lifetime maintenance costs are accounted for in the fee and process, and Chris  
15 said not that he's aware of this. For example, traffic signal head maintenance wouldn't be accounted for.  
16 Joe noted that for the impact fee you're not allowed to charge for maintenance costs, only projects that  
17 add capacity. Jonathon asked that if a new lane is added, then is VTrans or municipality responsible for  
18 future maintenance. Joe said yes that's normal for regular projects, non-Act 145 as well. Jonathon asked if  
19 there is math to show that building a project is worthwhile relative to property tax values, etc.? Joe said  
20 probably but it may not be useful and it's not the practice to do that. Justin said that each municipality has  
21 to certify that they have ability to maintain a project, or that they don't. Andrea asked that when you're  
22 evaluating developer traffic studies, what kind of verification do you have that their numbers are realistic,  
23 and are there any instances of checking traffic study projections with data collected later to see what the  
24 reality is to determine the accuracy of traffic studies? Chris said this is verified in a couple of ways:  
25 Engineers use the ITE Trip Generation Manual to estimate trips, and Chris uses collected traffic data to  
26 check against those numbers. Also, the appendix of consultant traffic studies includes files by a traffic  
27 model called Synchro, and he looks at those to make sure there aren't errors. For Andrea's second  
28 question – yes, there are instances of the Act 250 District Commission asking some developers to do  
29 traffic counts at certain time intervals after construction. So far he's seen data that either matches what  
30 was in the estimates, or traffic volumes that are less than the projections. Andrea asked projects in  
31 designated zones, and Chris said that by building in those areas you create different types of non-auto  
32 trips. Joe said the policy is designed to encourage developing in those areas, so the developer gets a  
33 discount. Andrea asked what if an area doesn't have infrastructure, like sidewalks? Joe said the  
34 infrastructure would already be there, or the fees would go toward that infrastructure. Andrea asked that  
35 there has to be some scrutiny when those centers are created and what the true cost is, but that's probably  
36 not part of this discussion. Dennis noted the Circ Highway in Essex, it's labeled red on the VTrans map  
37 with an impact fee, that project was fully built out using federal funds as part of the Circ Alternatives  
38 project, so what's happening to the funds collected to that account if that project is fully built; are fees  
39 being collected, and what happens to them? Joe said that if the new capacity is built, then the fee  
40 continues to be collected until all the capacity is used. Federal and state funds were used to build the  
41 project so fees collected went to that project. VTrans fronted the cost to build the project using state and  
42 federal funds, so over time as fees are collected they go into the transportation fund and get distributed in  
43 other ways through that process. Dennis said that bothers him, if that project has no future worth  
44 associated with it for a reasonable lifetime, why should local developers pay an impact fee to have those  
45 funds distributed elsewhere when the project is already paid for. Developers might have an argument in  
46 court using that reason. Joe responded that for the fairness question, developers have paid before, the state  
47 gets a fixed amount of federal funds, the state doesn't get reimbursed when funds are used. You keep  
48 paying until the capacity is gone, the capacity is the resource that you're selling. We may not agree on  
49 this but that's what the statute is, so that's how we operate. Dennis said he would prefer those funds are  
50 directed back to the community, not across the state. Dennis said that within the 3- or 5-mile project  
51 radius he can identify other projects that could use that money. We're not talking big dollars, but it's  
52 about the fairness of the system. Jonathon said that for pass by trips, like the gas station example, doesn't  
53 access to the gas station degrade the roadway level of service so why isn't that considered an impact?  
54 Chris said that the project isn't adding capacity to the signal or whatever, he agrees that the driveways

1 create extra turning movements, but the fee doesn't address that. Andrea asked about an increase in  
2 crashes in that example, and Chris said that's getting away from Act 145 but in review the developer will  
3 do a crash study if the project is in that kind of area. Andrea asked how Act 145 is going to evaluate  
4 service stations, whether they're gas or electric, especially as more of them become quick stops, are they  
5 held to same criteria, don't you have to account for a new gas station to be part of the Act 145 process?  
6 Joe said it's never 100% pass by trips, a new gas station will attract some new trips, so this is probably in  
7 the weeds but it's part of the traffic analysis that goes into it, there's never 100% pass by, so you could  
8 look at turns into and out of driveways, but there's always additional trips for new development, unless a  
9 less intensive use replaces a high intensive use. Restaurants also have pass by trips. Amanda said that 3  
10 miles is a relatively large distance for charging fees. Can a developer submit a traffic analysis that shows  
11 their operations will not add any additional traffic to the area that may be close to three miles away?  
12 Would you waive any fees? Chris said he hasn't come across that, traffic impact studies have volume  
13 distribution going in that direction, and Act 145 only addresses trips that will go through that intersection  
14 project, not all trips go in the same direction, so they look at the volume distribution to determine the  
15 number of trips to get assessed fee. Amanda said it looks like the guidelines come out of the Act 250  
16 process, is there a way outside of Act 250 that triggers 145, like checking 1111 permits? Chris said the  
17 simple answer is no, only Act 250 projects. The transportation improvement district (TID) process is the  
18 more complicated method, if a TID was established then we would have 145 fees against 1111 permits,  
19 but a TID hasn't been established yet. Andrea asked if there was any thought of creating new districts so  
20 that whenever there's an 1111 process it triggers 145? Joe said in thinking back on process, that change  
21 could be added, the law is seven years old and we've learned a lot, the issue Dennis raised comes up all  
22 the time, maybe that needs to be fixed, at some point it may be worthwhile to look at the whole thing  
23 objectively and decide if there are changes, and if it's necessary. This really started with Exit 16 in  
24 Colchester, the DDI project that costs more than 10 million dollars, there were projects being created and  
25 the Act 250 Commission was struggling, the Natural Resources Board was struggling with how do we  
26 allow development to go forward knowing this big project is coming. It's been helpful but the downside  
27 is you go from the last person pays a lot, to everyone pays a little, there's opportunity for conflict. In  
28 some cases people have been surprised about having to pay rather than being against the process. Sandy  
29 asked if VTrans is hearing any interest from developers about transportation demand management  
30 (TDM), which reduces impact on roadways, she hasn't heard interest yet. Joe said they haven't been  
31 asking developers if they are a member of a transportation management association (TMA) but if a  
32 project has TDM impacts then that affects the fee. Chris said he also hasn't heard specific TDM interest,  
33 it's mostly related to sidewalks, Rice Lumber looked into building a bus shelter which could help with  
34 TDM, even if the bus stop already existed. Other projects have been near bus stops but VTrans hasn't  
35 granted TDM because the bus stop was already there. Some developers say they'll contact GMT and see  
36 if they can get some bus service or something additional. Joe said VTrans should encourage developers to  
37 contact CATMA and Upper Valley TMA and join them. Criterion 5B requires looking at bike ped  
38 impacts, there are small little changes as part of developments, but they may not always be in line with  
39 what a municipality has planned. Jonathon said it's interesting in TDM to think about if an employer  
40 charges for parking, what kind of facilities are provided on-site like indoor bike parking, showers. Joe  
41 said certain strategies get TDM credit like indoor parking and showers. Sandy said they are looking to  
42 expand bikeshare so this would be helpful.

#### 43 44 **6. Municipal General Roads Permit Update**

45 Chis Dubin, CCRPC staff, and Sam Berry, CCRPC Intern, provided an update on the town status related  
46 to the Municipal General Roads Permit. Chris said the CCRPC summer intern program assists with data  
47 collection related to permits, and intern Sam Berry presented MRGP progress in Chittenden County. The  
48 presentation is posted to the CCRPC TAC webpage: [https://www.ccrpcvt.org/about-](https://www.ccrpcvt.org/about-us/committees/transportation-advisory-committee/)  
49 [us/committees/transportation-advisory-committee/](https://www.ccrpcvt.org/about-us/committees/transportation-advisory-committee/). Today the focus is on non-MS4 towns, which have a  
50 different process and goals. She shared the MRGP timeline with some key dates and the progress  
51 overview slide, noting that CCRPC can only report what we know, so please let us know if we're missing  
52 information. One summer project was finding and assessing some of the missing segments, we updated  
53 most of them but there are some remaining so will work with towns to finish. Very High Priority Segment  
54 Compliance has a later deadline of December 31, 2025. All data is tracked in ArcGIS dashboard online,

1 which can be updated in the field. This is the most current, so she encourages towns to check and make  
 2 sure they're meeting deadlines. Chris said last December was a big lift to get data into the DEC portal,  
 3 which is complete, so moving forward year to year the lift will be smaller, he will be working this  
 4 December to send updated info to DEC. MS4 communities are looking at the April 1, 2022 deadline.

5  
 6 Andrea asked that if Class 4 roads are unassessed, what are the options for addressing those sections with  
 7 erosion, are there standards, and if it's downgraded to a trail, can you change alignments within a Class 4  
 8 so it's not so steep? Chris said according to MRGP there aren't roadway standards for Class 4 but if there  
 9 are gullies of certain type, or erosion issues, there are ways to address that. Downgrading is an option and  
 10 DEC knows that municipalities may go that route. Eleni said we'll keep an eye on this, we're not aware of  
 11 instances in Chittenden County. Andrea hopes that erosion issues get addressed whether road is  
 12 downgraded or not, which will help with water quality.

13  
 14 **7. FY 2023 Unified Planning Work Program**

15 Marshall Distel, CCRPC, provided information about the FY23 UPWP process, which serves as the  
 16 CCRPC's annual workplan, with materials to be released on November 19. New this year the CCRPC is  
 17 seeking energy projects for which we can provide staff assistance, and no match is required. He also  
 18 asked for two representatives from the TAC to participate on the FY 2023 UPWP Committee, which will  
 19 convene for three meetings in January, February and March. Justin said he has served on the committee  
 20 for years but is stepping down, please contact Marshall if interested. Barbara agreed to continue on the  
 21 Committee, and Robin also volunteered.

22  
 23 **8. Status of Projects and Subcommittee Reports**

24 See bulleted list at the end of the agenda for current CCRPC projects. TAC members are encouraged to  
 25 ask staff for more information on the status of any of these on-going or recently completed projects.

26  
 27 Justin guessed that the Route 15 path is stalled due to ped and traffic signal equipment delay? Ashley said  
 28 she has the question out to the contractor but assumes that's this issue because that has stalled other  
 29 projects in the state. Christine said CCRPC can also reach out to the project manager. Jonathon said he  
 30 has been in touch with someone who reported that the delay in October was due to Green Mountain  
 31 Power and moving utility poles. Justin asked clarification from CCRPC staff about the status of traffic  
 32 data, speed monitoring, etc., is that in post-processing? Eleni said we are working on it, we have most of  
 33 the data and are doing post processing so municipalities should be receiving results soon.

34  
 35 **9. CCRPC Board Meeting Report**

36 In October the Board participated in two racial equity trainings led by consultant Creative Discourse,  
 37 voted to approve a TIP amendment, voted to approve comments on the VPSP2 projects and submit to  
 38 VTrans, voted to approve the regional board member appointments, and heard updates from the Executive  
 39 Director on the Building Homes Together campaign, voted to approve the Lamoille Tactical Basin Plan  
 40 regional plan conformance, and voted to approve an increase in municipal dues.

41  
 42 The 2% increase in municipal dues is across the board but could be a little more or less depending on  
 43 grand list. There was no dues increase the last two years. CCRPC was finding it a challenge to draw down  
 44 federal funds through the UPWP process, which municipal fees help with by serving as match. Eleni  
 45 noted the Board also approved the VPSP2 comments from the TAC.

46  
 47 **10. Chairman's/Members' Items**

- 48 • **VTrans Transportation Alternatives Grant Program** – Applications are due by e-mail by  
 49 Wednesday, November 24, 2021. <http://vtrans.vermont.gov/highway/local-projects/transport-alt>
- 50 • **EPA Recreation Economy for Rural Communities** planning assistance program helps  
 51 communities identify strategies to grow their outdoor recreation economy and revitalize their  
 52 Main Streets. This is not a grant program. Communities will not receive funds directly from EPA.  
 53 Partner communities will receive help from a planning team to consider challenges and

1 opportunities, convene a community workshop, and develop an action plan for community  
2 revitalization through the recreation economy. Applications due Monday, November 22, 2021.  
3 <https://www.epa.gov/smartgrowth/recreation-economy-rural-communities>  
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5 The next TAC meeting is scheduled for Tuesday, December 7, 2021.  
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7 The meeting adjourned at 10:26 am.  
8

9 Respectfully submitted, Bryan Davis