



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

To: Board of Finance
Fr: Chapin Spencer, DPW Director
Norm Baldwin P.E., City Engineer
Corey Mims P.E., Senior Public Works Engineer
CC: Lawrence Dwyer, Deputy Director, VT Division of Federal Highway Administration
Michele Boomhower, Director of PPAID, Vermont Agency of Transportation
Re: **South End Construction Coordination Plan**
Date: August 9, 2021

We are pleased to bring forward the proposed South End Construction Coordination Plan including an approach to phase the Champlain Parkway construction. This proactive proposal, grounded in the support of our Federal and State partners, lays out a pragmatic path to achieving a major renewal and modernization of the City's South End infrastructure while reducing community impacts.

BACKGROUND:

Due to the City's renewed reinvestment in our aging infrastructure, our successful effort to get legacy projects to construction, and the overall dynamism of the South End, there is an upcoming confluence of capital projects in the area that must be carefully coordinated so as to limit impacts on Burlington residents and businesses.

Significant upcoming South End capital projects within the public rights-of-way include:

- Amtrak Passenger Rail Project (underway)
- Shelburne Street Roundabout (underway)
- Champlain Parkway
- Class 1 Town Highway Repaving
- Main Street Great Streets
- Railyard Enterprise Project
- Continued Water/Wastewater/Stormwater Main Rehabilitation and Replacement

Based on City review of pending projects, community and Councilor feedback, and COVID-19 recovery efforts, it became clear that additional coordination and sequencing between projects was needed to further minimize interim impacts. As a result, City staff have worked with our project partners and our consultants to develop a sequencing approach that achieves this goal.

The chart below (and attached for easier viewing) provides an overview of our proposed approach:

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BURLINGTON SOUTH END PROJECT SEQUENCE

Project/Segment	2021	2022	2023	2024	2025	2026	2027
I-189 Ramps Class 1 Paving	CONSTRUCTION						
US 2, US 7 & US 7 Alt Class 1 Paving		CONSTRUCTION					
Railroad Upgrade Projects	CONSTRUCTION						
Shelburne Street Roundabout	CONSTRUCTION						
Champlain Parkway Home Ave to Lakeside Ave (C2) & C1 Path		CONSTRUCTION					
Champlain Parkway Lakeside Avenue	PERMITTING & DESIGN		CONSTRUCTION				
Champlain Parkway Pine Street from Lakeside Ave to Kilburn St							
Main Street - Great Streets (Battery to Union)		DESIGN		CONSTRUCTION			
Railyard Enterprise Project	NEPA, DESIGN, PERMITTING & ROW				CONSTRUCTION		
Champlain Parkway I-189 to Home Ave (C1)				PERMITTING & DESIGN	CONSTRUCTION		
Champlain Parkway Pine Street from Kilburn St to Main St						CONSTRUCTION	

The most notable adjustment is the plan to construct the Champlain Parkway in two distinct contracts (see Appendix B for a map):

- **Initial Construction Contract:** Construction of initial project elements:
 - a. The middle section between Home Avenue and Kilburn Street
 - b. The shared use path between Baird Center and Shelburne Road
- **Final Construction Contract:** Construction of the remaining project elements:
 - a. The southern section between Home Avenue and I-189
 - b. The northern section between Kilburn Street and Main Street

This South End Construction Coordination Plan – with the Champlain Parkway project built using two construction contracts in order to fit around other projects – achieves the following benefits:

- **Minimizing Construction Impacts:** Careful coordination between all the upcoming South End projects can lessen the construction impacts. This is especially important given that there are only two primary N/S roadways connecting Burlington to communities south of the Queen City – Shelburne Street and Pine Street – and that both streets will be hosting major multi-year construction projects.
- **Achieving Many Parkway Benefits Promptly:** By splitting the Parkway project into two separate contracts, the City is able to promptly initiate project construction, open the first contract section once completed, and begin receiving the benefits of:
 - **A new 25-mph grid street** between Home Avenue and Lakeside Avenue that will enhance connectivity and resiliency of the South End street network
 - **A new stormwater pond and new stormwater sand filter** that will take 11.5 acres off the combined sewer system and reduce 6,344 pounds (over 3 tons) of sediment from being discharged into Lake Champlain annually
 - **New shared use paths** providing a continuous ~2 mile off-road bike/pedestrian path from the Pine Street & Locust Street intersection to Queen City Park Road in South Burlington
 - **Improved raised intersections** at Pine St & Kilburn St, Pine St & Marble Ave, and Pine St & Howard St to slow traffic and enhance pedestrian crossings
 - **A new midblock crosswalk** Pine St & Arts Riot to further improve walkability in the heart of the South End Arts District
 - **An enhanced Pine Street** with new granite curbs, reconstructed sidewalk with ADA-compliant access ramps on the eastern side, and new top pavement layer with improved surface drainage

- **Undergrounded utilities on Lakeside Avenue** between Pine St and the new portion of the Champlain Parkway
- **Renewed water and sewer lines throughout the South End** – approximately 4,000 feet of waterlines and 3,000 feet of sewer lines will be replaced
- **Reconstructed rail crossings** with new active warning system including new gates in all quadrants, improved bicycle and pedestrian accommodation and improvements to drainage and stormwater features
- **Making the Interstate Connection When Ready:** The proposed sequencing provides a window to get the South End community infrastructure in place before opening the Champlain Parkway’s connection to I-189. The proposed Plan shows the final Champlain Parkway construction contract, with the I-189 connection, being completed in 2027 – a full six construction seasons from now. During the interim period prior to the interstate connection, our Parkway consulting engineers project no substantive change in overall South End traffic even with the first Champlain Parkway phase constructed and opened for public use. Additionally, the consulting engineers project an overall reduction of traffic in the King St and Maple St neighborhood once all these South End projects are completed (see attached memo from CHA).

The Genesis of the Plan:

This strategy was born from the Administration and City staff taking to heart the input shared by members of the public and City Councilors who asked us to think creatively about how to minimize community impacts over the coming years. To be clear, this South End Construction Coordination Plan is not a requirement of the recent Environmental Justice (EJ) review for the Champlain Parkway. The additional EJ review directed by the Federal Highway Administration in 2019 was to perform targeted outreach to any minority and low-income populations in the project study area in order to determine whether the conclusions reached in the previous Federal NEPA process remain valid. After significant public engagement and additional analysis, the resulting June 2020 Limited Scope Draft Supplemental Environmental Impact Statement (LSDSEIS) stated that “identified neighborhoods within the Study Area will share both the project’s improvements and some adverse impacts. After additional review of the proposed improvements and public involvement engagement, the Project will not cause disproportionately high and adverse effects on any minority populations in the Maple and King Street Neighborhood” (page viii). The LSDSEIS did recognize project proposed mitigation measures including phasing and scheduling to ensure safe access and reduce impacts during construction. Staff took this strategy, and based on the public input we received, expanded it to encompass a phasing and scheduling approach for all the major upcoming South End infrastructure projects.

Considerations:

Staff developed the South End Construction Coordination Plan as it meaningfully responds to public and Council interest in minimizing impact on the community by strategically advancing the construction of the upcoming projects. To provide the Council full context, we offer these additional considerations:

- **The City Council is a gatekeeper for large construction projects through contract approvals.** Contracts over \$100,000 require Council approval per City policy. By splitting the Champlain Parkway project into two construction contracts, the Council can approve a substantial portion of the project to be constructed and used by the public while avoiding substantive changes to South End traffic volumes during the interim period. The Council can then determine the appropriate time to authorize the Final Construction Contract.
- **FHWA and VTrans continue to state that the City will face repayment for project expenses incurred if the full Champlain Parkway project as designed and permitted is not completed.** Since the City took over project management from the State in 1998, approximately \$15

million has been expended with the City Council approving project agreements and amendments 26 times over the last 23 years. Should the Council approve the proposed initial construction contract, total project expenditures would increase by an estimated \$17.5 million or more (depending on timing, inflation, final scope of work).

- Staff understands the importance of keeping all these South End projects advancing and adhering to their schedules as much as possible – and we are resourcing them accordingly. In the case of the Railyard Enterprise Project, we have a Request for Qualifications (RFQ) out on the street now to select a design consultant team to give us the extra capacity to keep this project moving. That said, projects can hit unexpected issues that adjust schedules.
- Despite a string of 10 legal victories and settlements over the last eight years advancing the Parkway project for FHWA, VTrans and the City, a few project opponents continue to legally challenge the project wherever possible. In late June 2019, the Pine Street Coalition filed a lawsuit against FHWA, VTrans, and the City challenging a 2018-2019 re-evaluation of Champlain Parkway project impacts under the National Environmental Policy Act (NEPA). That legal action has been stayed by the Court over the past two years pending further ongoing environmental review under NEPA's environmental justice regulations, as discussed above. It is not yet clear what impact the latest environmental review will have on the Coalition's lawsuit, but FHWA, VTrans, and the City will continue to manage this legal risk, as we have done successfully in the past.
- With this South End Construction Coordination Plan, there is a viable path to beginning Champlain Parkway construction in 2022. Here are the upcoming expected milestones for the project:
 - September 2021 – Limited Scope Final Supplemental EIS published
 - October/November 2021 – FHWA Record of Decision published
 - February 2022 – Bid Advertisement for the Initial Construction Contract
 - May 2022 – City Council approval to award the Initial Construction Contract
 - June 2022 – Construction Notice to Proceed for the Initial Construction Contract

Due Diligence:

We have worked over the last month to evaluate the viability and potential risks of this South End Construction Coordination Plan. Key findings include:

- We met with FHWA and they have informed us that determining the number of construction contracts and phasing for the Champlain Parkway is up to the host community and their State partner (VTrans). FHWA reviewed our draft Plan and said that splitting the construction into two contracts is an acceptable approach. While they did not provide a definitive timeline, FHWA representatives made it clear that if the City does not make continued progress to complete the Champlain Parkway project as designed and permitted, they would seek repayment on incurred expenses.
- We met with VTrans and reviewed the proposed Plan. They understood our goals to be responsive to public feedback and seek to further reduce impacts from all these South End infrastructure projects.
- We met with the City Council's Transportation Energy & Utilities Committee on July 27, reviewed this general approach with them and answered questions from Committee members and the public.
- We met with permitting agencies (Act 250 and VT Department of Environmental Conservation) to understand potential risks for this Plan and specifically advancing the Champlain Parkway with two separate construction contracts. Given current and potential future litigation, we would be happy to brief Councilors on this topic in executive session.

- We have reached out to key stakeholders including the Vermont Racial Justice Alliance, the Champlain Housing Trust, Local Motion, area business owners and past litigants to get their feedback on this Plan.

After this due diligence, DPW staff continues to believe the South End Construction Coordination Plan – including advancing the Champlain Parkway construction with two separate contracts on the schedule shown above – is the optimal approach for completing these generational improvements in a way that further reduces impacts on our community.

We understand that this is a complex proposal. Please don't hesitate to reach out with any questions. Thank you for your ongoing support of DPW's efforts to reinvest in Burlington's aging infrastructure for a more resilient, equitable and vibrant future.

Appendices:

- Appendix A: FHWA Repayment Examples
- Appendix B: CHA Traffic Memorandum

APPENDIX A

Federal Highway Administration (FHWA) Repayment Examples

City Councilors have asked for examples where FHWA has required repayment of project expenses for projects that have not been built or advanced. Vermont's FHWA office provided the following: "Here are some examples of federal funds being paid back in Vermont and in New Jersey for projects that did not advance to construction. This is not a provision used every day but we do have cases where it is utilized both in Vermont and other states across the country. Most of our federal aid construction projects do get built as planned and permitted."

Vermont examples -

- 1) **Bennington Bypass South Project** - project not built, Payback amount of \$163,457.49, June 22, 2020
- 2) **New Haven Roadway Project** - project not built, Payback amount \$271,006, December 15, 2015

New Jersey examples -

- 1) **Rt 57 and County Rt 519**, Bridge Replacements and Intersection Improvements, Paid back \$1,989,981 on 12/14/2020
- 2) **Rt 71 & Wyckoff Road**, new traffic signal, bicycle compatible lanes, sidewalks, Paid back \$534,715 on 11/17/2016
- 3) **North Region Bridge Scour Design Contract #1**, Scour Design for Bridges in North Region, Paid back expenditures of \$2,690,624.95 on 12/29/2016
- 4) **Route 21 Newark Needs Analysis**, Evaluating ways of improving the safety and operation of Route 21, Authorized and expended \$1,382,200 and paid back this amount on 01/4/2017.
- 5) **Trenton-Amtrak Bridges** - Chestnut Ave - From Walnut Ave to E. Street Bridge replacements - PE Withdrawn and paid back funds of \$1,483,063.67 on 01/04/2017.
- 6) **I-295/Route 38 Improvement Project** - Project was to provide a missing movement from I-295 to Route 38, Withdrawn on 12/13/2016, amount paid back was \$7,603,038.52



August 2, 2021

Mr. Chapin Spencer
Director
City of Burlington
Department of Public Works
645 Pine Street, Suite A
Burlington, VT 05402

Re: Champlain Parkway; Southern Connector MEGC – M5000 (1); South End Construction Coordination Plan Traffic Assessment; CHA File: 8659.

Dear Mr. Spencer:

This summary has been prepared to assess the potential effects of the proposed South End Construction Coordination Plan on vehicular traffic volumes and circulation in Burlington's South End. This coordination plan considers the following transportation and utility infrastructure projects:

- Railroad Projects in advance of Amtrak passenger rail (underway)
- Shelburne Street Roundabout (underway)
- Champlain Parkway
- Class 1 Town Highway Repaving
- Main Street Great Streets
- Railyard Enterprise Project (REP)
- Continued Water/Wastewater/Stormwater Main Rehabilitation and Replacement

Two of these projects involve the construction of new streets that will enhance regional access and expand traffic connectivity. These are the Champlain Parkway and the REP projects.

The South End Construction Coordination Plan proposes to construct the Champlain Parkway project under two contracts referred to as the Initial Construction Contract and the Final Construction Contract.

The multi-contract concept for Champlain Parkway construction will schedule this work to fit the Champlain Parkway around the other projects, which will help to manage the construction impacts to area businesses and residents. The general construction limits for each of these construction contracts are illustrated in Figure 1.

The effect of the sequenced construction of the Champlain Parkway on traffic volumes and circulation patterns were evaluated in the context of the original 2009 FSEIS and recent NEPA assessments completed for the project, as well as the Scoping Study prepared for the REP project.

Initial Construction Contract Traffic Assessment

Changes in vehicle traffic volumes and flow patterns associated with the fully-built Champlain Parkway project are associated with two primary influences: [1] improved connectivity to I-189 and US Route 7, and [2] expansion of the urban street grid in association with attendant operational and safety improvements.

The Initial Construction Contract for the Champlain Parkway will consist of the following project elements

- New Champlain Parkway segment between Home Avenue and Lakeside Avenue
- Lakeside Avenue Improvements
- Pine Street from Lakeside Avenue to Kilburn Street Improvements
- Shared use path between Baird Center and Shelburne Street

These initial project elements will not provide connection to the interstate highway system nor any new connections to the regional roadway network. The new roadway segment of the Champlain Parkway will function as a local collector street in this interim period rather than the arterial function it will have once the project is complete. However, this new roadway segment will enhance local access and circulation by providing additional north/south connectivity to the street grid.

This improved connectivity is not anticipated to induce new traffic into or through the area because the improvements constructed in this stage will not change the way the South End is connected to major routes (US Route 7 or I-189). However, some traffic associated with local businesses and residents can be expected to use this new road as part of their existing trips through the area; for example, electing to use the Champlain Parkway segment instead of the parallel segment of Pine Street.

The 2009 FSEIS documented the changes in traffic patterns associated with the full construction of the Champlain Parkway and these design volumes were reaffirmed in the 2019 NEPA Reevaluation and subsequent 2020 LS DSEIS for the project. The traffic volumes shown in the 2009 FSEIS for the ETC Build Condition indicate that the traffic volumes along the Champlain Parkway segment between Home Avenue and Lakeside Avenue will be relatively low in the interim construction condition. Again, this is because the interim Champlain Parkway segment will primarily benefit local traffic that is already in the network. The peak hour vehicle traffic volumes are estimated to be in the range of 100-200 vehicles per hour. This amount of traffic diverted from other streets in the area would not substantially change existing patterns of traffic flow.

In consideration of these factors, it is concluded that the Initial Construction Contract will not substantially change existing traffic volumes and flow patterns.

Final Construction Contract Traffic Assessment

The Final Construction Contract for the Champlain Parkway project will consist of the following project elements

- Champlain Parkway segment between Home Avenue and I-189
- Pine Street from Kilburn Street to Main Street improvements

The Final Construction Contract will complete the connection of the Champlain Parkway with I-189 and the improvements on Pine Street from Kilburn Street to Main Street. The proposed construction sequencing is intended to result in this work occurring after the other capital improvements are in place.

The cumulative effects of transportation projects in the area were assessed as part of the 2019 NEPA Reevaluation. This reevaluation considered the cumulative effects of the following projects:

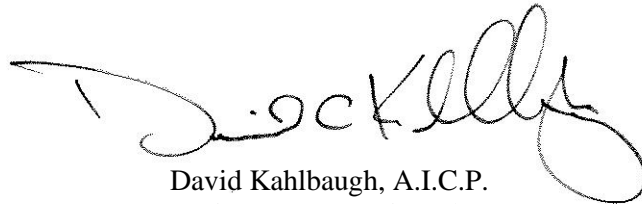
- Champlain Parkway
- Rail Enterprise Project (REP)
- Shelburne Street Roundabout

As noted in that assessment, the REP project will further expand transportation connectivity in the area between Kilburn Street and Main Street. Also, as noted in the REP Scoping Study, traffic conditions on Pine Street north of Kilburn Street will improve when considered in conjunction with the Champlain Parkway project because of the expanded circulation options and the attendant operational and safety improvements. The REP study indicates an estimated 35-59% traffic diversion from the Kilburn Street-to-Main Street segment of Pine Street to other routes as a result of the cumulative projects.

Based on this assessment, it is concluded that the proposed sequencing of the Champlain Parkway construction as part of the South End Construction Coordination Plan will not contribute to any significant interim vehicle traffic impacts.

If you have any questions or require additional information, please contact Dale Gozalkowski or me.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Kahlbaugh", with a large, stylized flourish at the end.

David Kahlbaugh, A.I.C.P.
Senior Transportation Planner



Figure 1
 Champlain Parkway Construction Sequencing Plan
 Burlington, VT

LEGEND	
—	INITIAL CONTRACT
—	FINAL CONTRACT