

Agenda Summary

February 14, 2024

Agenda Item No. A-3

Utility Relocation Order – Nebraska Valley Bridge Replacement Project

Summary: VTrans is continuing to advance the replacement of Bridge 48 and Bridge 51 in Nebraska Valley. Attached is the required utility relocation order, informing overhead wired utilities (power, phone, etc) of their need to perform relocations in advance of construction activities. This Order applies only to Bridge 48, as there are no utility relocations required for the replacement of Bridge 51. Utility Relocations are scheduled to be completed mid-summer 2024, with potential construction activities starting fall of 2024 and being completed in the 2025 construction season.

Town Plan Impact: “Class 3 roads will be maintained and upgraded, as needed, to accommodate current and anticipated traffic volumes, while maintaining the unique character of the town’s residential neighborhoods and rural areas.”

Fiscal Impact: The required utility relocations will occur at no cost to the Town. Construction of the bridges are funded 100% by VTrans and design is funded 10% Town / 90% VTrans.

Recommendation: Move to approve, and endorse, the Utility Relocation Order.

RELOCATION/ADJUSTMENT ORDER

UTILITY COMPANIES: Stowe Electric Department, Stowe Cable, and Consolidated Communications of Vermont Company, LLC

PROJECT NAME AND NUMBER: Stowe BO 1446(39)

PIN NUMBER: 12J658

DIRECTIVE TO IMMEDIATELY MOVE UTILITY LINES WITHIN TOWN HIGHWAY RIGHTS-OF-WAY OR ELSE FACE RELOCATION OF SUCH LINES AND RECOUPMENT OF COSTS FOR RELOCATION OF SUCH LINES AND DELAY CLAIMS FROM PROJECT CONTRACTORS

TO ANY UTILITY COMPANY WITH LINES ABOVE, ON, UNDER OR OTHERWISE WITHIN THE TOWN HIGHWAY RIGHTS-OF-WAY AND PROJECT LIMITS; AND IN CONFLICT WITH THE ABOVE-REFERENCED TRANSPORTATION IMPROVEMENT PROJECT

TAKE NOTICE AS FOLLOWS:

WHEREAS, the Vermont Agency of Transportation (“VTrans”) and the Town of Stowe (“Town”) have a scheduled transportation improvement project (the “Project”) along Nebraska Valley Road, Bridge 48, in the Town of Stowe; and

WHEREAS, Examination of the project area shows that existing aerial facilities owned by Stowe Electric Department, Stowe Cable, and Consolidated Communications are in conflict with the Project plans; and

WHEREAS, VTrans has provided affected utility companies advance notice of the intended work, has sought and considered input from the affected utility companies, and has coordinated with the affected utility companies regarding their need to complete timely relocations as soon as practical; and

WHEREAS, The Town and VTrans desires to avoid delays, inconvenience or damage sustained by the selected contractor due to interference from said utilities, appurtenances, or the operation of moving them; and

WHEREAS, If the utilities are not moved in a timely manner, it will likely result in inconvenience to the traveling public, and unnecessarily increased costs for the Project and the State of Vermont; and

WHEREAS, Vermont Statutes Annotated, Title 19, Section 1111(a)(3) (as amended by Sec. 18 of Act No. 38 of 2017), provides, in relevant part:

When the Agency or a municipality issues a utility relocation or adjustment order in accordance with law in connection with highway maintenance or construction activities, and a utility fails to move or adjust its line or other facility within the time specified in the order, that utility shall be liable to the State or to the municipality for damages that the State or the municipality is required to pay a contractor for delay caused by the failure.

and

WHEREAS, Vermont Statutes Annotated, Title 30, Section 2504, provides, in relevant part:

If a line of wires is erected or maintained upon, under or across a street or highway, contrary to the direction of the Transportation Board or the selectmen, or is not changed when directed by them, they may remove such line, and recover the expense thereof from the person or corporation using the same in an action on this statute.

and

WHEREAS, the Vermont Statutes Annotated, Title 19, Section 10(14), provides that “with respect to state highways, [VTrans shall] have the same powers that selectmen have with respect to town highways”

NOW THEREFORE, THE TOWN OF STOWE HEREBY DIRECTS:

IF PROVISION AND ASSURANCE IS NOT IMMEDIATELY MADE TO THE FULL SATISFACTION OF THE VERMONT AGENCY OF TRANSPORTATION THAT SUCH UTILITIES WILL BE PROMPTLY RELOCATED AT A TIME AND IN A MANNER THAT WILL NOT DELAY OR OTHERWISE IMPEDE THE PROJECT, THEN:

AS OF 11:59 P.M. ON AUGUST 15, 2024, SUCH UTILITY LINES MAY BE REMOVED FROM THE PROJECT AREA WITHOUT REGARD TO INTERRUPTIONS IN THE OPERATIONS OF SUCH UTILITY LINES WHICH MAY THEREBY RESULT; AND

THAT THE INDICATED DATE IS THAT WHICH THE LAST UTILITY IS REQUIRED TO HAVE ITS MOVE COMPLETE; AND

THAT ALL UTILITIES SHALL COORDINATE THEIR SCHEDULES SO AS TO ACCOMMODATE THIS DATE; AND

THE COST OF REMOVING SUCH LINES WILL BE SOUGHT AND RECOUPED FROM THE OWNERS OF SUCH LINES; AND

THE COST OF ANY DELAY CLAIMS FILED BY THE PROJECT CONTRACTOR WILL BE SOUGHT AND RECOUPED FROM THE OWNERS OF SUCH LINES.

THE UTILITY COMPANIES SHALL COMPLY WITH THE FOLLOWING INTERIM RELOCATION COMPLETION DATES:

STOWE ELECTRIC DEPARTMENT (TREE CLEARING)	APRIL 14, 2024
STOWE ELECTRIC DEPARTMENT	JUNE 15, 2024
STOWE CABLE	JULY 15, 2024
CONSOLIDATED COMMUNICATIONS	AUGUST 15, 2024

RELOCATION DESCRIPTION:

Permission is granted to work within the Town Highway Right of Way for the relocation of aerial facilities to accommodate VTrans project Stowe BO 1446(39) in accordance with the attached plans. Utility relocation needs to be completed by August 15, 2024.

COPIES OF THIS ORDER WILL BE PROVIDED TO ALL UTILITY COMPANIES WITHIN THE PROJECT LIMITS. COPIES OF THIS ORDER ALSO WILL BE PROVIDED, UPON REQUEST, TO:

Anthony Z. Roisman, Chair
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

June E. Tierney, Commissioner
Jim Porter, Director of Public Advocacy
112 State Street, Drawer 20
Montpelier, VT 05620-2601

IN WITNESS WHEREOF, this relocation order is hereby executed this day _____,
for the Town of Stowe, by its Selectboard.

IN WITNESS WHEREOF:

TOWN OF STOWE:

SELECT BOARD, CHAIR

SELECT BOARD MEMBER

SELECT BOARD MEMBER

SELECT BOARD MEMBER

SELECT BOARD MEMBER

