Central Vermont Regional Planning Commission

TRANSPORTATION ADVISORY COMMITTEE

Tuesday October 27th, 2026, 6:30 p.m.

In-Person: 29 Main St, Suite 4, Montpelier VT, 05062

Join Zoom Meeting via Computer, Tablet or Smartphone:

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Agenda

6:30 1) Meeting Commencement / Verify Recording
   a) Roll Call
   b) Adjustments to the Agenda
   c) Public Comment
   d) Staff Announcements

6:45 2) Approval of July 2026 TAC Meeting Minutes and September Meeting Notes (*Enclosed; Action*)

6:50 3) Maximizing Town Highway Aid-Mileage Matters presentation
With Johnathan Croft-VTrans Mapping Manager

7:10 4) Regional Bridge List (*discussion*) CVRPC Bridge list.xlsx

7:25 5) TAC Member Round Table
   a) Local concerns including project updates and other issues

7:35 6) Adjourn

Next Meeting: November 24, 2026

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Central Vermont Regional Planning Commission

Transportation Advisory Committee (TAC)

Minutes

Tuesday, July 28, 2026

Attendees:					
	Barre City			Northfield	Thomas Davis
	Barre Town				Jeff Schulz, Alt
X	Berlin	Robert Wernecke	X	Orange	Lee Cattaneo
	Cabot	John Cookson	X	Plainfield	Bob Atchinson (Chair)
	Calais	David Ellenbogen	X	Roxbury	Gerry D'Amico
X		Jordan Keyes, Alt		Waitsfield	Don LaHaye
X	Duxbury	Alan Quackenbush	X		Alice Peal, Alt
				Warren	Jim Crafts
X	E. Montpelier	Adam Stanforth			Jennifer Faillace
		Jen Devine, Alt		Washington	Peter Carbee
	Fayston		X	Waterbury	Mike Hedges (Vice Chair)
	Marshfield	Todd Eaton			Doug Greason, Alt
X	Middlesex	Ronald Krauth	X	Williamstown	Richard Turner
	Montpelier			Woodbury	Michael Gray
X	Moretown	John Lynch			
				Worcester	Bill Arrand
Staff: Reuben MacMartin, Elizabeth Opaleden, Addison Hardt Guests: Monica White (GMT), Marcella Dent (VTrans)					

Bob A. brought the meeting to order at 6:37 PM.

Roll Call

- Roll was called and a quorum was present. Adjustments to the Agenda

- None

Public Comments

- None

Staff Announcements

- Staff informed TAC that VTrans was requesting towns submit roads for which they would like to see RITIS data coverage.

Approval of March 2026 Minutes

- Gerry D moved that March Minutes be approved without modification, Rich T 2nd the motion.
    - Group voted; Motion passed.

Discussion: Planning Tech Presentation of Road Erosion and Culvert Inventory Findings

- Summer techs presented on the nature of the work they've been conducting and their experiences and findings thus far. They explained the state standards for culverts and criterion and formulas used in the rating systems for the inventories they've been conducting.
    - Tac members asked about the degree of coordination and if results of inventories were transmitted to towns, both of which were answered in the affirmative.

Action: Approval of FFY 27 TPI Work Plan and Budget

- Staff explained that the work plan under consideration was a slightly modified version of the previously presented draft with a focus on creating a new comprehensive regional transportation as the discretionary work proposed for the following year.
    - Robert W asked about the timeline for a new regional transportation plan. Staff explained that the plan was to undertake a two year process with data, existing conditions, and preliminary public input being undertaken in the first year.
    - Mike H requested that Wild Chervil be added to a table of invasives under the Local Roads Coordination task. Staff noted that the list in question was standard VTrans language meant to be illustrative rather than comprehensive, but that there would be no problem with adding Wild Chervil as a specific regional concern.
    - Robert W moved that the Federal Fiscal Year 2027 TPI Work Plan and Budget be approved, Mike H 2nd the motion on condition of addition of Wild Chervil.
        - Group voted; Motion passed.

Discussion: TAC Role and Responsibilities

- Staff recapped material on the purpose and powers of TACs presented by Marcella D and Matthew A of VTrans at previous meetings. This was supplemented by a memo containing excerpts from statue and a legislative report on transportation and Act 181, with the ultimate question before the TAC being "what does the TAC want to be doing within its remit and measures would the TAC want to use to create a consistent process for identifying and evaluating transportation projects or problems". Robert W put it succinctly, noting that the TAC and RPC are ultimately planning advisory bodies and lack

regulatory powers aside from those limited powers related to Acts 250 and 248, however much some people may wish otherwise.

- Alan Q requested that TAC Rules of Procedure and relevant Commission Bylaws be provided to TAC members. Staff agreed to send these out and reviewed the five TAC responsibilities per the TAC Rules of Procedure noting that in the absence of a VPSP2 project priority process the question before the TAC was "what can TAC do within its remit, absent VPSP2, to continue to advance regional transportation goals".
- Jordan K raised the concern that planning work was being done without implementation money lined up and to what end? Marcella explained that keeping priorities up to date and documenting project concepts via planning was important for allocating what funds are available and coordinating with VTrans when they do work on their roads, as well as getting future funds that may become available and for applying for competitive funding sources (i.e. grants).
- Mike H raised the possibility of using VTrans prioritization processes for updating project priority lists even in the absence of VPSP2 accepting new projects. Alice P agreed that updating rankings and referral of observed problems to VTrans using a consistent set of metrics would be a good use of TAC effort.

TAC Member Round Table

- Ron K asked about the status of the proposed demonstration project at Camp Meade.
  - Staff informed that Middlesex had suspended their pursuit of such project for the foreseeable future.
- Bob A invited TAC members to attend a Plainfield meeting on September 9th about the options available for the Town to address Brook Road which was destroyed in the 2024 July flood.
- Rich T thanked Mike H for helping coordinate the field trip to the Waterbury Demonstration Project and the summer planning techs for their work on the Road Erosion and Culvert inventories.
- Mike H encouraged people to check out the Waterbury Center demonstration project while it's still up and requested that TAC revisit the question of improving participation and attendance.
- Jordan K asked about the status of a traffic calming demonstration proposal for East Calais.
  - Staff explained that Calais was next in the queue after Middlesex and that efforts were already underway to schedule a meeting with VTrans, the Town, and the RPC.

- Monica W reported that the transition from GMT to TVT for transit in the region had been completed and smoothly at that.
- Alan Q noted that the question of participation has been a vexing one for years.
    - Bob A agreed and placed it on September's agenda.

Adjourn

- At 7:59 PM Lee C moved to adjourn Alice P 2nd the motion.
    - Group voted; Motion passed.

Action Items

- Staff to investigate state project evaluation and ranking processes and their potential for adoption or adaptation to TAC use
- Staff to confirm that hard copies of Culvert Inventory and REI are delivered to Orange town garage

Respectfully submitted by:
Reuben MacMartin, Senior Transportation Planner

Central Vermont Regional Planning Commission

Transportation Advisory Committee (TAC)

Notes

Tuesday, September 22, 2026

Attendees:					
	Barre City			Northfield	Thomas Davis
	Barre Town				Jeff Schulz, Alt
	Berlin	Robert Wernecke	X	Orange	Lee Cattaneo
	Cabot	John Cookson	X	Plainfield	Bob Atchinson (Chair)
x	Calais	David Ellenbogen	X	Roxbury	Gerry D'Amico
		Jordan Keyes, Alt	X	Waitsfield	Don LaHaye
X	Duxbury	Alan Quackenbush			Alice Peal, Alt
				Warren	Jim Crafts
X	E. Montpelier	Adam Stanforth			Jennifer Faillace
		Jen Devine, Alt		Washington	Peter Carbee
	Fayston		X	Waterbury	Mike Hedges (Vice Chair)
	Marshfield	Todd Eaton			Doug Greason, Alt
X	Middlesex	Ronald Krauth		Williamstown	Richard Turner
	Montpelier			Woodbury	Michael Gray
	Moretown	John Lynch			
				Worcester	Bill Arrand
	Staff: Keith Cubbon Guests: Marcella Dent (VTrans)				

Bob A. brought the meeting to order at 6:33 PM.

Roll Call

- Roll was called and a quorum was not present.

Adjustments to the Agenda

- None

Public Comments

Steve Whitaker raised concerns regarding the availability of meeting agendas and packets on the committee website, noting that the website appeared to contain only the July packet. He

questioned whether the August and September meetings had been properly warned and whether the Committee had a quorum.

Whitaker also discussed a July 28 memorandum concerning the Transportation Advisory Committee's authority to review projects. He stated that, while the memorandum appropriately addressed project-level review and permit jurisdiction, he believed it did not address the Regional Planning Commission's broader statutory responsibilities regarding transportation capacity studies.

Whitaker cited Vermont statutes concerning regional capacity studies and argued that transportation should be considered within those studies. He specifically raised concerns about the Country Club Road project, including its Act 250 jurisdiction, grant conditions, VTrans involvement, traffic impacts, and multimodal access. He questioned which entity should require and define the scope of a traffic study.

Whitaker stated that he would leave a copy of his memorandum with Keith for distribution to the Committee.

The Chair asked Whitaker to conclude his remarks after the allotted public-comment period.

Staff Announcements

Keith provided several updates:

- **Better Roads Grants:** Applications are now open and are due at the end of October. The program primarily supports culvert and erosion-related projects associated with the Municipal Roads General Permit.
- **Fall Road Foremen Meeting:** The meeting is planned for the East Montpelier Town Garage for October 7th at 9:30 am. The facility recently incorporated geothermal heating and other energy-efficiency improvements that staff would like to highlight as examples for other municipalities.
- **Marshfield Mini-Grant:** Ruben was in Marshfield completing the closeout of one of the mini-grant conducted with Marshfield and Williamstown, including a presentation from the engineers.
- **Year-End Reporting:** Staff are completing calendar-year reporting and related financial work.
- **Municipal Salt Purchasing:** Staff are working with road foremen, particularly Sid Griggs in Cabot, to explore a cooperative municipal salt-purchasing arrangement for the following winter. The goal is to combine municipal purchases and coordinate transportation to reduce costs.

Approval of July 2026 Minutes

- As a quorum wasn't present, no action was taken.

Vermont Bond Bank Disaster-Reserve Analysis

Keith presented an analysis prepared by the Vermont Bond Bank involving **110 municipalities** that have used the Bond Bank for financing.

The analysis examined:

- Percentage of roads considered vulnerable.
- Percentage of roads considered both critical and vulnerable.
- Annual average road and bridge losses from **2009–2024**.
- Worst-year losses.
- Potential disaster-reserve targets.

The analysis used the Transportation Resiliency Planning Tool and FEMA Category C data for roads and bridges. It did not include building or personal-property damage and doesn't include all loses from 2024 as some were still being finalized.

Keith reported that the ten most-exposed communities accounted for approximately 30% of total losses. The analysis also identified potential disaster-reserve targets based on **15% of the average of the three highest-loss years**, with suggested annual contributions to build those reserves.

A major concern discussed was a recommendation from the FEMA Review Council to reduce FEMA Public Assistance reimbursement from 75% to 50%. Keith explained that such a change could substantially increase municipalities' share of disaster costs.

He noted that municipalities are already financially constrained and that maintaining adequate reserves could be difficult. Staff intend to discuss the issue with Select Boards as well.

Jerry D'Amico asked for clarification of the terms "vulnerable" and "critical and vulnerable."

Keith explained:

- **Vulnerable:** Roads identified as likely to experience damage, such as roads located in floodplains, erosion-prone areas, or areas with a history of damage.
- **Critical and vulnerable:** Vulnerable roads for which there is limited or no practical alternate route if the road becomes unavailable.

Keith offered to include a link to the Transportation Resiliency Planning Tool with the meeting notes.

Regional Bridge Priority List

Keith presented an updated regional bridge list intended to develop a **regional-specific priority list** for use by the TAC and RPC.

The list incorporates information including:

- Bridge condition.
- Vulnerability and criticality scores from the Transportation Resiliency Planning Tool.
- Average Annual Daily Traffic (AADT), where available.
- Construction/design status.
- Other bridge-related information from state sources.

Keith explained the color coding currently used:

- **Green:** Good score; green highlighting across a row indicates a bridge is under construction.
- **Yellow:** Middle-range score; yellow highlighting indicates a bridge is in design.
- **Red:** Lower scores, including scores below 4.

Several bridges are currently being replaced through FEMA or Federal Highway Emergency Relief programs. Keith noted that some bridge-status information needs to be updated, including projects that have moved into construction.

The Committee discussed developing a regional priority list that could:

1. Incorporation into the regional plan.
2. Serve as a reference when grant opportunities arise.
3. Help municipalities support grant applications by demonstrating regional priorities.
4. Provide a basis for a future TAC review and prioritization process.

Keith asked Committee members to identify bridges in their communities that they believe should receive the highest priority. The intent is to compile a shorter list and subsequently conduct a deeper analysis of the economics, structure, mobility impacts, and other relevant factors before developing a regional top-five or top-ten priority list.

Keith noted that the Vermont Priority System for Projects (VPSB2) could eventually be used again, although it is not expected to resume in the immediate future.

Helpful additions were requested by members including

The Committee requested clearer explanations of the information contained in the bridge table.

Lee Cattaneo asked for a legend explaining the colors.

David Ellenbogen requested that acronyms be defined and that the scales and meanings of the various ratings and columns be explained. He specifically asked for clarification of items such as superstructure ratings, culvert ratings, and bypass/detour length.

Keith agreed to create an **updated worksheet** containing definitions and explanations.

Mike Hedges explained that bridge deck, superstructure, and substructure ratings generally range from 0 to 9, with lower scores indicating more serious conditions. He noted that superstructure and substructure deficiencies can be more consequential than deck deficiencies.

Keith also agreed to review and update AADT information where possible.

Potential Expansion of Regional Priority Lists

Mike Hedges suggested developing similar priority lists for other transportation programs, including bicycle and pedestrian infrastructure and enhancement projects.

Keith agreed that this could be useful after the bridge list is completed. He also suggested that an updated paving priority list could be valuable.

Marcella Dent of VTrans said she would check whether there are plans to update the state's paving list and report back.

TAC Member Round Table

- **Waterbury**-Mike Hedges advised members to avoid the Waterbury Interstate ramps that evening because the southbound ramps were closed for paving.
- **Plainfield-**Chair Bob Atchinson reported on a September 9 information meeting concerning alternatives for the Brook Road/East Hill Road area.

  Approximately four proposals were discussed, ranging from repairing Brook Road through its connection with East Hill Road and continuing toward Route 302 to alternative routes.

  An environmental report was expected on September 30 and would provide additional information for the community.

  Atchinson noted that the Plainfield Select Board is considering the alternatives and seeking public input. A future vote may be associated with financing the selected approach.

Adjourn

A motion to adjourn was made by **Don La Haye** and seconded by **Lee Cattaneo**.

The Chair noted that, because there was no quorum, the Committee could not formally vote, but the members agreed to conclude the meeting.

Meeting adjourned.

Respectfully submitted by:
Keith Cubbon

SW_Comment.pdf
Legal and factual review

Reviewed: October 22, 2026 | **Original comment:** September 22, 2026

Disposition: the July memorandum's narrow conclusion about TAC authority is substantially accurate; the original comment's broader allegation of RPC nonperformance is not established. The TAC may review and provide input, but it cannot preempt agency decisions, create permit authority, or confer standing. The comment correctly identifies duties assigned to the Regional Planning Commission, but a memorandum addressing TAC authority was not required to catalogue or prove performance of every RPC obligation. The record instead identifies ongoing staff analysis, an observed-demand roadway assessment, and conservative screening of the Country Club Road growth scenario. Further work should be tied to a specified unresolved question, not inferred from the absence of a separately titled study or new TAC motion.

Principal findings

• The cited Title 19 provision is § 10l (lowercase letter l). It imposes TPI obligations on the RPC, including maintaining a TAC that reviews and provides input on major transportation planning and policy decisions. It does not transfer the RPC's institutional duties or standing to the TAC.

• The TAC is a standing committee within CVRPC, subject to Commission bylaws and Board authority. Its Rules of Procedure assign substantive planning, oversight, liaison, and advisory functions; the Board may confirm or reverse its advice and must approve new or amended plans and policies.

• Section 4345a(5)(C) makes capacity studies mandatory during regional-plan preparation. Section 4348a(a)(4) makes anticipated-congestion content conditional "where pertinent," but that phrase does not override subsection (a)(7)'s capacity-based investment-strategy requirement or subsection (b)'s coordination requirement.

• The quotation of § 4345a(11) omits the legislative committees of jurisdiction. Proposed State capital expenditures also extend beyond VTrans. Program review may address individual projects.

• The 2008 stand-alone transportation plan date does not prove nonperformance. Read together, the 2026 draft plan's AADT and 2023 probe-speed data constitute an existing regional assessment of roadway demand and operating performance. It identifies no widespread congestion-related capacity concern and calls out the localized seasonal concern at I-89 Exit 10.

• The regional facts point away from a practical need for an additional stand-alone roadway study: population rose from 63,276 in 2000 to 65,034 in 2010 and 65,402 in 2020, and the current project list contains no corridor-scale lane expansion or new highway. These are evidentiary considerations, not statutory conditions precedent to the capacity-study duty.

• The February 24 Country Club Road memo is an existing, deliberately conservative, sketch-level screening of planned growth. That level of analysis was intentional: the proposal did not yet specify its housing mix, final unit count, site design, access, or trip distribution sufficiently to justify a consultant-led engineering study. The memo therefore tested a conservative 300-unit scenario with explicit assumptions.

• Network equilibrium is a fundamental difference between roads and pipes or wires. A pipe or electrical component has a comparatively fixed rated throughput at a defined facility. A road is one link in a network: added delay changes the relative cost of available routes, causing upstream travelers to redistribute among parallel paths, departure times, or other travel choices until the network rebalances. Capacity must therefore be assessed through link, node, time, speed, queue, and route-choice performance rather than a single regional ceiling.

• Routine staff work implements RPC responsibilities through data collection, analysis, plan preparation, technical assistance, and program review. Section 4345(10) authorizes staff and consultant assistance, while institutional responsibility remains with the Commission.

How to use this review

~~Red strikeout~~ marks proposed deletions; blue underline marks proposed additions. Black text is retained. [R1]-[R13] connect the corrections to the evidence notes. [S1]-[S36] identify linked sources. The complete original scan is preserved at the end. The redline is a reflowed transcription, with typography normalized for readability.

Scope: the review tests the comment as dated September 22, 2026, using statutes, cases, plans, agency comments, committee records, and technical sources retrieved through October 22, 2026. Later records are identified as such.

Proposed redline

COMMENT
Re: July 28, 2026 Memo, "TAC Review of Projects" (Agenda Item 5)
To: CVRPC Transportation Advisory Committee
Date: September 22, 2026

The July 28, 2026 memo's conclusion - that the TAC "can decide to review and submit an opinion on anything its members collectively choose to," but "cannot preempt agency reviews or grant itself standing" - ~~is a fair reading of the two sources it cites: 19 V.S.A. § 101(b)(7) and the Act 181 discussion of Section 1111 permits. Both concern project-level review and permit jurisdiction, and on that narrow question the memo's conclusion is sound.~~ is substantially sound as a statement of TAC authority: the TAC may review and provide input, but cannot preempt agency decisions, create permit authority, or confer standing. The cited provision is 19 V.S.A. § 10l(b)(7), not § 101(b)(7); it requires the RPC to maintain a TAC for review and input on major State and federal transportation planning and policy decisions. The other source is the December 2025 Act 181 Transportation Support Study, not Act 181's statutory text. [R1] ~~It does not follow, however, that this is the full extent of the RPC's role in transportation-capacity matters, and the memo does not address the RPC's separate, non-discretionary duties under 24 V.S.A. § 4345a.~~ The comment correctly identifies separate duties assigned to the RPC under 24 V.S.A. § 4345a, but it does not follow that a memorandum addressing TAC authority had to catalogue or prove performance of all RPC obligations. [R2]

Capacity studies are not limited to water and sewer

Section 4345a(5)(C) requires the RPC, when preparing its regional plan, to "conduct capacity studies." ~~"Capacity study" is defined at § 4303(5) as an inventory of "natural and human-made resources... that identifies the capacities and limits of those resources to absorb land development."~~ Under § 4303(5), that inventory must address available natural and human-made resources, use detailed data collection, and identify their ability and limits to absorb land development. [R3] That definition is resource-general - it is not confined to water and sewer infrastructure. ~~The parallel provision governing municipal planning commissions, § 4325(4), names transportation explicitly alongside land development as a subject of capacity studies. There is no textual basis for reading the RPC's own capacity-study duty more narrowly than the municipal one; highway and road-network capacity falls within "human-made resources" on the same footing as water and sewer capacity.~~ The municipal provision, § 4325(4), permits capacity studies and recommendations on transportation and other subjects; it does not prescribe the RPC's duties. More directly, § 4348a(a)(4) requires a transportation element and, "where pertinent," anticipated points of congestion; § 4348a(a)(7) independently requires an investment strategy based on a capacity study of the plan's elements; and subsection (b) requires coordination among those elements and land use. The statutes leave judgment over method and scale, but do not condition the capacity-study duty on demonstrated congestion or another factual trigger. They also do not expressly prescribe a separately titled report, recurring modeling cycle, or particular network model. [R4]

RPC institutional duties do not enlarge TAC authority

~~More significant is § 4345a(11), which the memo does not mention.~~ The comment also invokes § 4345a(11), which assigns an institutional duty to the RPC. Its omission from a memorandum about TAC authority does not establish nonperformance. It requires the RPC to "review proposed State capital expenditures... and the Transportation Program prepared pursuant to 19 V.S.A. chapter 1 for compatibility and consistency with regional plans and submit comments to the Secretaries of Transportation and Administration and the legislative committees of jurisdiction." ~~This is a mandatory function tied specifically to consistency between VTrans's own capital and transportation program and the regional plan.~~ The capital-expenditure component refers to 32 V.S.A. chapter 5 and is not limited to VTrans. [R5] It operates on a different track than Act 250 or Section 1111 permit standing: ~~it is not project-specific,~~ it concerns program and expenditure review, which may include particular projects; it does not depend on a development trigger, and ~~it is not something the TAC or RPC must affirmatively assert for itself - it already exists in statute.~~ the RPC's duty exists by statute, although its performance requires affirmative review and submission of comments. It does not itself grant the TAC independent party status or permit authority. [R6]

~~The memo's framing, which treats TAC involvement in transportation matters as wholly discretionary, therefore understates the RPC's institutional position.~~ The comment conflates responsibilities assigned to the Regional Planning Commission with the authority of its Transportation Advisory Committee. RPCs are established under 24 V.S.A. § 4341, and § 4345a assigns duties to the Commission as an institution. Title 19 § 10l likewise frames project prioritization, maintenance of a multimodal transportation plan, and maintenance of a TAC as RPC obligations. The TAC's review-and-input role does not transfer the Commission's

institutional responsibilities or statutory standing to the committee. [R12] The TAC operates within the Commission's governance structure. CVRPC's Rules of Procedure make it a standing committee subject to Commission bylaws, assign it transportation-planning, oversight, liaison, and advisory functions, and permit the Board to confirm or reverse its advice. New or amended plans, policies, positions, and resolutions require Board approval. A discussion of TAC authority therefore does not deny or diminish separate RPC obligations, and the July memorandum expressly quotes the TAC's statutory review-and-input role. [R12]

Staff work can implement RPC obligations without a new TAC motion

RPC obligations are regularly implemented through staff's ongoing work, including data collection, analysis, plan preparation, technical assistance, and program review. Section 4345(10) authorizes the Commission to retain staff and consultant assistance in carrying out its duties and powers. Staff exercise professional judgment within assigned responsibilities, applicable requirements, approved work programs, and the Regional Plan's goals and policies. Institutional responsibility remains with the Commission, including any required Board or committee action; routine technical work does not become nonexistent merely because it is not presented as a separately titled study or initiated by a new TAC motion. [R13]

~~A live gap worth naming~~ An existing capacity assessment; no demonstrated need for a separate report

The capacity-study duty under § 4345a(5)(C) attaches to the preparation of a regional plan. Per the FFY27 TPI Work Program memo in ~~this same packet~~ the July 28, 2026 packet (PDF page 5), CVRPC's most recent stand-alone regional transportation plan dates to 2008. That date does not describe the age of the underlying transportation evidence. The 2026 draft comprehensive plan uses HPMS AADT data and 2023 RITIS probe-speed data. Interpreted together in the transportation element, those data constitute a regional assessment of roadway demand and operating performance under observed demand. The assessment identifies very limited regional congestion and the localized seasonal concern at I-89 Exit 10. [R8] ~~If there is no current transportation capacity study to point to, the duty under § 4345a exists in principle but may not be exercised in practice. That is a gap in execution, not a gap in authority – and it is a more precise diagnosis than the memo's "the TAC can decide to review… but cannot preempt agency reviews," which conflates two different questions.~~ The existing assessment provides an analytical basis for regional capacity planning. Future development has also been considered at the level presently supportable. The February 24, 2026 Country Club Road memo combines observed traffic volumes and probe-speed performance with a deliberately conservative 300-unit housing scenario. Development proposals are not yet sufficiently specified for project-level operational modeling without substantial assumptions, and CVRPC does not maintain a regional travel-demand model for alternative growth scenarios. Those circumstances support proportionate screening and explicit assumptions, not an inference that no analysis has occurred. Any proposed additional study should identify the particular operational question, development assumption, or limitation requiring examination. Two further questions should remain distinct: [R9] whether the TAC can create standing in an individual permit proceeding (it cannot), and whether the RPC and TAC have ongoing statutory transportation-planning roles (they do). An RPC may already have statutory party status in an Act 250 proceeding under 10 V.S.A. § 6085(c)(1)(C); that status is not created by a TAC vote. [R6]

Conclusion and recommendation

~~Before the TAC adopts the memo's framing as its understanding of its own role, staff should clarify whether § 4345a(11) consistency review has been exercised with respect to VTrans's Transportation Program. A current capacity study - inclusive of highway and road-network capacity, not just water and sewer - should exist or be planned as part of the new comprehensive regional transportation plan referenced in the FFY27 work plan memo. Absent that clarification, the Committee risks understating its own statutory footing on transportation-capacity questions.~~ The comment identifies statutory obligations but does not establish the alleged failure to perform them. Nor does it establish that those obligations require an additional stand-alone roadway study or expand the TAC’s authority. The record identifies substantive work already performed: the regional roadway assessment using traffic volumes and probe-speed data, and the preliminary Country Club Road assessment using observed conditions and conservative development assumptions. The latter expressly considers potential development at the level of detail then available. These materials must be addressed before asserting an analytical omission. Any request for further work should identify the specific unresolved question, explain why existing analysis does not answer it, and specify the additional information needed. A preference for more analysis is not, by itself, evidence of statutory nonperformance. [R9] [R11] [R13]

Evidence notes and correction sources

R1 | Correct citation and characterize the sources accurately

The scan's citation is visually ambiguous; the underlying memo identifies § 10l, with a lowercase l. Its subsection (b)(7) reaches major planning and policy decisions. The memo's other source is a consultant report prepared for VTrans, not enacted law. Its quotations are traceable to the report. The comment's statement that both sources concern only project review and permit jurisdiction is incorrect. [S1; S7; S12, PDF pp. 43-44; S15, printed pp. 25-26, 32.]

R2 | A TAC-authority memo need not prove every RPC duty

Section 4345a uses "shall," unlike the optional powers in neighboring § 4345. Those RPC duties are mandatory, but their existence does not enlarge the TAC's authority or require a memorandum about TAC authority to catalogue and prove performance of each institutional obligation. The text also leaves implementation judgment concerning research design, prioritization, and the substance of comments. City of St. Albans recognizes the mandatory/optional distinction in a different context. [S2; S16; S21; S35-S36.]

R3 | Repair the definition's omissions

The original definition omits "available" and the detailed-data requirement without fully signaling the omissions. The proposed paraphrase retains those qualifications. The statute also addresses sharing GIS-relevant data, which is not material to the disputed claim. [S3, § 4303(5).]

R4 | Separate the mandatory duty from discretion over method

Section 4325 begins with "may," but § 4345a(5)(C) makes capacity studies mandatory during regional-plan preparation. The phrase "where pertinent" in § 4348a(a)(4) qualifies specified transportation-element content, including anticipated congestion; it does not displace subsection (a)(7)'s capacity-based investment strategy or subsection (b)'s coordination requirement. The statutes do not prescribe a stand-alone roadway report or particular network model. They support discretion over form, scale, and method, not a trigger-based exemption from the duty. [S2; S4; S5; S21.]

R5 | Complete the quotation and correct its reach

Act 181 § 46 added legislative committees to the recipients. Omitting them makes the quotation incomplete for 2026. The State capital-expenditure component is separate from the Transportation Program and should not be collapsed into VTrans's budget. [S2(11); S10, § 46, printed p. 62.]

R6 | Distinguish four legal concepts

Planning duties do not themselves confer permit-issuing powers. Section 10g describes a program containing individual projects, so "not project-specific" is too absolute. Section 6085 independently supplies qualifying RPCs with Act 250 party status; the TAC is not separately named there. Participation and appeal procedures remain relevant. Section 1111 assigns permitting functions to the Agency or municipality, not the TAC. [S1; S6; S7; S8; S17; S20.]

R7 | The characterization of the July memo is overstated

The memo reproduces the TPI/TAC language before giving its brief conclusion about the scope and limits of TAC review. It does not purport to audit every RPC duty. Its omission of § 4345a is not evidence that the Commission or staff overlooked those obligations. A scoped memorandum cannot be treated as proof of institutional nonperformance. [S12, PDF pp. 43-44; S35-S36.]

R8 | The stand-alone plan date is not the evidence date

The 2008 date is accurate but does not show that current transportation analysis is absent. Interpreted together, the 2026 draft transportation element's HPMS 2019 AADT and RITIS 2023 weekday speed-performance data constitute an existing regional assessment of demand and operating performance. The assessment identifies very limited delay and calls out the seasonal Exit 10 exception. VTrans suggested connecting current conditions more fully to planned growth and possible future congestion; it did not request a new stand-alone capacity model or report. [S12, PDF p. 5; S22, pp. 148-153; S23, pp. 9-11.]

R9 | Planned growth has been considered at the presently supportable level

The plan reports only about 3.4% population growth from 2000 to 2020, while the project record emphasizes preservation, safety, rehabilitation, and localized improvements. The February 24, 2026 Country Club Road memo nonetheless tested a specific growth scenario. It assumed all 300 potential units were single-family detached housing, rounded the cited 0.99 PM-peak trip rate upward to one trip per unit, and placed all 300 trips on the highest observed directional peak. That increased the screening volume from 738 to 1,038 vehicles per hour. This was intentionally a conservative, sketch-level assessment. The proposal's housing mix, exact unit count, site design, access pattern, and trip distribution were not fixed sufficiently to justify a consultant-led engineering study, and CVRPC does not maintain a regional travel-demand model. At that stage, transparent screening assumptions were the proportionate analytical method. [S22-S30; S33.]

R10 | Network equilibrium is the defining analytical distinction

A road network has no single plant-style capacity ceiling. Performance depends on the specific link or node, traffic mix, direction, time, signal operation, access pattern, incidents, weather, and route choice. When added volume increases delay on one facility, the relative cost of routes changes. Upstream travelers can shift to parallel paths, change departure time, or alter another travel choice, redistributing both volume and delay until the network rebalances. A fixed-capacity pipe, treatment plant, feeder, or substation cannot respond through path choice in this way. This makes network equilibrium central to roadway-capacity analysis: facility volumes must be interpreted together with speeds, queues, bottlenecks, available paths, and observed operating conditions. The regional AADT and probe-speed assessment supplies that operating evidence. [S2; S5; S22, pp. 125-131, 148-153, 180-197; S31-S32.]

R11 | Preserve the Country Club Road memo's preliminary scope

The memo's comparison of 1,038 vehicles per hour with a theoretical 1,700-vehicle directional roadway capacity yields approximately 0.61 and reasonably indicates the scale of potential demand under its conservative assumptions. It is not a definitive roundabout-capacity or intersection-LOS calculation. Roundabout entry capacity depends on conflicting circulating flow and geometry, and intersection LOS depends principally on control delay. Movement-specific flows, delay, queues, and final access details would be needed for a definitive operational analysis. That qualification defines the screening's scope; it does not treat the absence of detailed modeling as a defect. [S33-S34.]

R12 | Separate the Commission from its standing committee

Section 4341 establishes RPCs as political subdivisions for carrying out State-law functions. Sections 4345a and 10l place the cited institutional and TPI duties on the RPC. Section 10l(b)(7) requires the RPC to maintain a TAC; it does not independently vest the committee with all RPC powers, duties, or standing. CVRPC's Rules of Procedure make the TAC a standing committee subject to Commission bylaws, advisory to the Board, and responsible for assigned planning and oversight functions. Its recommendations must remain compatible with Board-adopted positions, and the Board may confirm or reverse them. [S1-S2; S35-S36.]

R13 | Staff implementation is the ordinary statutory mechanism

Section 4345(10) expressly authorizes the RPC to retain staff and consultants to carry out its duties and powers. RPC responsibilities are therefore implemented through recurring professional work, including data collection, analysis, plan preparation, technical assistance, program review, and coordination with VTrans. The existing roadway assessment and Country Club Road screening are examples of that work. A new TAC motion or separately titled study is not required to make the underlying analysis real. [S21-S23; S33; S35-S36.]

Regional conditions and the capacity question

Twenty years of very low population growth

The current draft regional plan gives a 2000 population of 63,276, a 2010 population of 65,034, and a 2020 population of 65,402. That is growth of about 3.4% over twenty years and 0.57% from 2010 to 2020. The plan itself characterizes the latter period as slow growth and notes that only 368 residents were added. Population does not perfectly measure traffic demand, but this is the opposite of the sustained regional growth pattern ordinarily associated with a need for corridor-wide capacity expansion. [S22, pp. 255-256; S30.]

Observed roadway performance is the relevant capacity evidence

The draft transportation element states that the regional system “largely functions as intended,” that the region generally experiences low congestion, and that Central Vermont has “very limited travel delay.” It supports those judgments with HPMS AADT and 2023 RITIS average-weekday speed data. Interpreted together, those observed-demand measures constitute a regional assessment of roadway demand and operating performance. The assessment supports a finding of no widespread congestion-related capacity concern and identifies the localized seasonal concern at I-89 Exit 10 in Waterbury. That finding is deliberately limited: it does not purport to resolve every safety issue or every condition outside the facilities and periods represented by the data. [S22, pp. 148-153.]

The project record is preservation- and safety-led

The draft plan’s current priority list contains 25 items. They are signing, a shared-use path, pedestrian facilities, intersection redesign or safety work, a variable-message sign, and bridge rehabilitation or replacement. None is described as a new highway or a corridor-level addition of general-purpose lanes. VTrans fact sheets for major regional corridors likewise describe resurfacing or rehabilitation on I-89, US 2, US 302, VT 14, and VT 62. One Barre Town intersection project adds turn lanes and a signal, but that is a localized operational and safety treatment, not evidence of region-wide capacity deficiency. [S22, pp. 170-172; S24-S29.]

VTrans review did not identify a missing capacity study

VTrans’s August 6, 2026 review states that the transportation element addresses the statutory transportation goal, recognizes that the plan proposes no new highways, and acknowledges its current-congestion discussion and speed-performance map. VTrans suggested additional narrative context on future growth areas, seasonal congestion, high-crash locations, truck turning, and multimodal concerns. It did not identify a missing capacity study or request a new stand-alone model or report. CVRPC and VTrans coordinate transportation planning through the TPI program; a failure to perform the RPC’s transportation review-and-input role would arise within that continuing agency relationship. [S1; S23, pp. 9-11.]

Country Club Road is an existing conservative growth screening

The February 24, 2026 memorandum examined the potential 300-unit Country Club Road development using 2025 traffic counts and RITIS probe-speed observations. Despite a contemplated mix of housing types, it assumed all units were single-family detached; rounded the cited 0.99 PM-peak trip rate to one trip per unit; and added all 300 trips to the highest observed directional peak. The resulting screening volume increased from 738 to 1,038 vehicles per hour, approximately 0.61 of the memo’s theoretical 1,700-vehicle directional roadway capacity. This was intentionally a conservative, back-of-the-envelope assessment. The proposal did not yet specify its housing mix, final unit count, site design, access pattern, or trip distribution sufficiently to justify a consultant-led engineering study. The screening therefore provided the proportionate initial indication of impact scale using the information available. [S33.]

The screening is not a definitive roundabout LOS finding

The Country Club Road calculation should be credited for what it was designed to do without overstating it. A comparison with theoretical two-lane roadway capacity is not a movement-specific calculation of entry capacity at the US 2/302 roundabout and does not establish intersection LOS. FHWA explains that roundabout entry capacity depends on conflicting circulating flow and geometric elements, while LOS is determined from control delay. A definitive operations analysis would therefore require turning or entry and circulating flows, geometry, delay, queues, and sufficiently resolved access assumptions. The absence of those inputs is not a present defect in a preliminary screening; it defines the point at which more detailed work would become useful. [S33-S34.]

Road networks and centralized utility systems require different measures

A treatment plant or substation has a defined facility rating and a calculable reserve or headroom. The plan can therefore compare 9.85 MGD of combined wastewater design flow with 4.6488 MGD of 2022 average flow, while cautioning that unused hydraulic capacity is not necessarily available capacity. It can also report 267.5 MW of regional electric-distribution headroom and identify town- or feeder-specific constraints. A roadway network instead succeeds or fails at particular links, intersections, interchanges, and times. Relevant measures include volume-to-capacity ratio, operating speed, queue length, delay, crash exposure, turning movement, and reliability. The existence of detailed plant or substation tables does not imply that a comparable single regional roadway-capacity total exists or would be meaningful. [S22, pp. 125-131, 180-197.]

Parallel paths and network equilibrium

Roadway demand is distributed across a connected network, not delivered through a single pipe or wire. When volume increases delay or generalized travel cost on one road, the relative attractiveness of other paths changes. Upstream travelers may divert to a parallel route, change departure time, combine or defer a trip, or select another mode. Those choices redistribute demand and produce a new balance of volumes and travel times across the network. This rebalancing is the defining reason roadway capacity cannot be reduced to a single regional throughput number: demand on one facility is partly a product of conditions on the rest of the network. Equilibrium describes the network mechanism; observed AADT, probe speeds, queues, and bottlenecks show how well the resulting network is operating. In Central Vermont, those observed measures identify very limited regional delay and a localized seasonal issue at Exit 10. [S2; S5; S22, pp. 148-153; S31-S32.]

Case-law sweep and subsequent legislation

City of St. Albans v. Northwest Regional Planning Commission

167 Vt. 466, 708 A.2d 194 (1998), No. 97-268 (March 13, 1998). The Vermont Supreme Court upheld the commission's appointment structure against an equal-protection challenge. Its analysis expressly distinguishes required § 4345a duties, including plan preparation and State capital-expenditure review, from optional § 4345 powers. This supports the mandatory/optional distinction. It does not decide the adequacy of a transportation-capacity study or a remedy for failing to comment. [S16.]

In re B&M Realty, LLC

2016 VT 114, ¶¶ 26-36, 38-46 (October 21, 2016). The Vermont Supreme Court rejected a challenge to the statutory delegation to RPCs and reversed a permit ruling that had treated material regional-plan restrictions as inapplicable or unenforceable. Clear mandatory provisions, read in context, can constrain development under Act 250. This supports the legal significance of a regional plan, not an independent TAC veto. [S18.]

Subsequent statutory change: The opinion's ¶ 29 discusses the former "due consideration" standard. Act 181 § 46 changed § 4345a(17) to "substantial deference." That deference applies, where relevant in State regulatory proceedings, to the regional plan's definition of "substantial regional impact"; it is not general deference to every RPC interpretation, recommendation, or TAC opinion. Current § 4348(o), rather than the former § 4348(h) cited in the opinion, addresses municipal/regional plan conflicts. [S2; S9; S10.]

Killington Village Master Plan Act 250 Application

No. 147-10-13 Vtec, slip op. pp. 18-22, 28-29 (Vt. Super. Ct., Envtl. Div., August 6, 2014). In an interlocutory ruling, the court retained TRORC's statutory party status but found SWCRPC's showing insufficient for party status and allowed it to participate as a friend of the court. The distinction demonstrates that regional interests do not automatically create party status in every proceeding, while statutory status cannot be ignored. This trial-level ruling is illustrative, not a controlling Supreme Court decision. [S17.]

Demarest v. Town of Underhill

2021 VT 14, ¶¶ 26-33 (February 26, 2021). The Court described § 1111's permitting framework, including plan compatibility, but resolved the relevant dispute on the Town's separate authority over a legal trail. It expressly declined to decide certain § 1111 questions. It therefore cannot support a broad claim that all environmental or planning objections are permissible grounds for highway-access denial, or that the TAC has permit authority. [S19.]

2024 and 2026 enactments

Act 181 §§ 46 and 49 retained the core capacity-study provisions and amended regional planning requirements. Act 152 of 2026 §§ 12-13 further amended §§ 4348 and 4348a, effective July 1, 2026 under § 23. Its § 13 concerns the future-land-use element, not repeal of the transportation or capacity-based investment provisions. The current codification still contains the duties relied upon here. Act 181's 2025 support study should not be treated as a complete statement of 2026 law. [S2; S5; S9-S11; S15.]

Linked source register

Statutory sections below are from the Legislature's online compilation, which states that it includes the 2026 session and is an unofficial copy of the Vermont Statutes Annotated. Pinpoints identify the text used. Court holdings were checked against opinion text, not only search summaries. Links were retrieved through October 22, 2026.

S1 19 V.S.A. § 10l(a), (b)(5)-(7) - TPI, regional plan and TAC role
S2 24 V.S.A. § 4345a(5)(C), (10)-(13), (17) - RPC duties
S3 24 V.S.A. § 4303(5) - capacity-study definition
S4 24 V.S.A. § 4325 introductory clause and (4) - municipal powers
S5 24 V.S.A. § 4348a(a)(4), (7), (b) - transportation and investment elements
S6 19 V.S.A. § 10g(a), (f) - proposed and adopted Transportation Program
S7 19 V.S.A. § 1111(a), (b), (e) - highway right-of-way permits
S8 10 V.S.A. § 6085(c)(1)(C), (c)(5) - party status and nonparty participation
S9 24 V.S.A. § 4348(h)-(i), (m), (o)-(p) - plan review, effect and conflict
S10 2024 Act 181, §§ 46, 49, 114 - enacted amendments and effective dates
S11 2026 Act 152, §§ 12, 13, 23 - subsequent regional-planning amendments
S12 CVRPC July 28, 2026 TAC packet - work memo PDF p. 5; review memo pp. 43-44
S13 CVRPC September 22, 2026 packet - July draft minutes, PDF pp. 2-4
S14 CVRPC Previous Regional Plans - July 9, 2024 readoption record
S14a CVRPC 2026 Regional Plan Update - current process and scheduled dates
S15 Act 181 Transportation Support Study (December 2025), printed pp. 25-26, 32
S16 City of St. Albans, 167 Vt. 466 (1998) - court opinion
S17 Killington Village, No. 147-10-13 Vtec (August 6, 2014), pp. 18-22, 28-29
S18 In re B&M Realty, LLC, 2016 VT 114, ¶¶ 26-46 - court opinion
S19 Demarest v. Town of Underhill, 2021 VT 14, ¶¶ 26-33 - court opinion
S20 10 V.S.A. § 8504(a), (d), (k) - appeal rights and procedural limits
S21 24 V.S.A. § 4345 - optional RPC powers and staff assistance
S22 CVRPC 2026 Draft Regional Plan - transportation, utilities and population evidence
S23 VTrans comments on CVRPC 2026 Regional Plan, August 6, 2026, pp. 9-11
S24 VTrans Montpelier-Waterbury I-89 North factsheet - resurfacing scope
S25 VTrans Montpelier US 2 factsheet - milling and paving scope
S26 VTrans Montpelier US 302 factsheet - milling and paving scope
S27 VTrans East Montpelier-Marshfield US 2 factsheet - resurfacing and rehabilitation
S28 VTrans Barre-East Montpelier VT 14 factsheet - milling and resurfacing
S29 VTrans Barre Town VT 14 factsheet - signal, turn lanes and minor realignment
S30 CVRPC Forest Stewardship Report - 2000-2010 population growth, Census-based
S31 FHWA Traffic Analysis Toolbox XIV - route choice and dynamic user equilibrium
S32 FHWA Traffic Analysis Toolbox IV - parallel routes and diversion by relative congestion
S33 CVRPC February 24, 2026 TAC packet - Country Club Road screening, PDF pp. 6-12
S34 FHWA Roundabouts: An Informational Guide - entry capacity and control delay
S35 24 V.S.A. § 4341 - creation and institutional status of regional planning commissions
S36 CVRPC TAC Rules of Procedure - standing committee, functions and Board authority

Supporting URLs are embedded in each source title. PDF page references count the file's first page as page 1; "printed" references follow the document's own pagination. The original supplied comment is reproduced on the final two pages.

COMMENT

Re: July 28, 2026 Memo, "TAC Review of Projects" (Agenda Item 5)
To: CVRPC Transportation Advisory Committee
Date: September 22, 2026

The July 28, 2026 memo's conclusion — that the TAC "can decide to review and submit an opinion on anything its members collectively choose to," but "cannot preempt agency reviews or grant itself standing" — is a fair reading of the two sources it cites: 19 V.S.A. § 10l(b)(7) and the Act 181 discussion of Section 1111 permits. Both concern project-level review and permit jurisdiction, and on that narrow question the memo's conclusion is sound. It does not follow, however, that this is the full extent of the RPC's role in transportation-capacity matters, and the memo does not address the RPC's separate, non-discretionary duties under 24 V.S.A. § 4345a.

Capacity studies are not limited to water and sewer

Section 4345a(5)(C) requires the RPC, when preparing its regional plan, to "conduct capacity studies." "Capacity study" is defined at § 4303(5) as an inventory of "natural and human-made resources... that identifies the capacities and limits of those resources to absorb land development." That definition is resource-general — it is not confined to water and sewer infrastructure. The parallel provision governing municipal planning commissions, § 4325(4), names transportation explicitly alongside land development as a subject of capacity studies. There is no textual basis for reading the RPC's own capacity-study duty more narrowly than the municipal one; highway and road-network capacity falls within "human-made resources" on the same footing as water and sewer capacity.

The RPC has a standing duty to comment on the state Transportation Program

More significant is § 4345a(11), which the memo does not mention. It requires the RPC to "review proposed State capital expenditures... and the Transportation Program prepared pursuant to 19 V.S.A. chapter 1 for compatibility and consistency with regional plans and submit comments to the Secretaries of Transportation and Administration." This is a mandatory function tied specifically to consistency between VTrans's own capital and transportation program and the regional plan. It operates on a different track than Act 250 or Section 1111 permit standing: it is not project-specific, it does not depend on a development trigger, and

it is not something the TAC or RPC must affirmatively assert for itself — it already exists in statute. The memo's framing, which treats TAC involvement in transportation matters as wholly discretionary, therefore understates the RPC's institutional position. The RPC is not merely an interested commenter; it is a statutorily designated reviewer of the state's transportation program for consistency with regional planning, and transportation capacity is squarely within that lane.

A live gap worth naming

The capacity-study duty under § 4345a(5)(C) attaches to the preparation of a regional plan. Per the FFY27 TPI Work Program memo in this same packet, CVRPC's most recent stand-alone regional transportation plan dates to 2008. If there is no current transportation capacity study to point to, the duty under § 4345a exists in principle but may not be exercised in practice. That is a gap in execution, not a gap in authority — and it is a more precise diagnosis than the memo's "the TAC can decide to review... but cannot preempt agency reviews," which conflates two different questions: whether the TAC can create standing in an individual permit proceeding (it cannot), and whether the RPC has an ongoing statutory role in transportation-capacity planning and consistency review (it does).

Recommendation

Before the TAC adopts the memo's framing as its understanding of its own role, staff should clarify whether § 4345a(11) consistency review has been exercised with respect to VTrans's Transportation Program, and whether a current capacity study — inclusive of highway and road-network capacity, not just water and sewer — exists or is planned as part of the new comprehensive regional transportation plan referenced in the FFY27 work plan memo. Absent that clarification, the Committee risks understating its own statutory footing on transportation-capacity questions.