Overview

For the most part, airports and rail facilities are not under the jurisdiction of municipalities. However, local officials do have the responsibility to enact appropriate zoning requirements around airports and along rail lines to ensure that any new development is compatible. Not only are quality-of-life issues at stake for the nearby neighborhoods, but also safety needs to be considered for the operation of these transportation facilities, as well as for the neighborhoods. Avoiding conflict between rail lines and airports and future development or redevelopment of adjacent properties will help prevent the need for expensive mitigation in the future. For example, should property next to a rail line or airport be developed for residential uses, the burden is then placed on a municipality, sooner or later, to either mitigate conflicts or to have the railroad or airport alter their operating methods.

The operation of rail and air facilities is vital for economic growth, and expansion of both modes has the potential to significantly reduce truck traffic on our roads. This is especially important to Vermont communities because of the expected increase in regional and international freight activity in coming years. Thus, it is important that rail sidings be preserved, along with the land adjacent to both the rail line and the sidings, since this land could be utilized for rail-related uses. The same is true for airport-related uses. Identifying and preserving properties along rail lines and airports for potential use related to these two modes of transportation and helping to minimize conflicts with adjacent land uses can help keep these modes viable for future generations.

Application

Zoning regulations that are designed to protect the functions of airports and railroad facilities should include buffer zones from noise around airports and along rail lines and rail yards. They should zone out noise-sensitive uses and encourage compatible and complementary uses. If possible, residential uses should be avoided under air approach zones, near rail at-grade crossings, and adjacent to rail tracks and sidings. Other sensitive uses include hospitals, nursing homes, day-care facilities, churches, and schools. Compatible and complementary uses around rail and air include nonretail commercial and industrial businesses, especially those that utilize these modes for their operation. Zoning regulations should be designed to support and enhance any existing rail usage. In cases where a rail line is no longer operating, the regulations should support preservation of the rail right-of-way (ROW).

Zoning regulations should also include provisions that maintain accessibility to other related modes of transportation. For example, airports should be accessible to ground transportation infrastructure and services (both freight and passenger); there should be intermodal connections to passenger rail; and zoning should acknowledge the potential for freight transfer (transload) facilities along rail lines. In addition, the zoning regulations should also promote safety around both airports and rail facilities.

One way to address special zoning provisions around rail lines and airports is through an overlay district, as authorized by 24 V.S.A. §4414(2). Overlay districts can supplement or modify the zoning requirements otherwise applicable in the underlying district to address the specific concerns that surround airports and rail lines. (For more information on overlay districts, also called critical area zoning, see topic paper, Open Space & Resource Protection Regulations.)

Airports

Height hazards, safety, and noise are the three primary land use compatibility issues that need to be addressed around airports. Statute 24 V.S.A. §4414(1)(C) states that any municipality can adopt special bylaws governing the use of land, location and size of buildings, and density of population within a distance of two miles from the boundaries of the airport under an approach zone and one mile from the airport boundaries elsewhere. Statute 5 V.S.A. Chapter 17 states that any municipality with an
Airports, and directing incompatible uses and high densities away from areas where noise and safety are concerns are ways to protect the health, safety, and welfare of communities while preserving the aviation system.

Airport zoning regulations should consider the character of the flying operations conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the allowed uses in the area. The regulations cannot require removing, lowering, or making other changes to any airport hazard not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use.

When reviewing development applications on property near airports, adequate land must be maintained for potential airport expansion, both the length of existing runway and the addition of new runways, as well as other airport facility development.

Rail

Special consideration should be taken around at-grade crossings of highway and rail lines to prevent conflicts. Grade-crossing accidents happen and can be serious. For those crossings where there are no mechanical devices, it is important that adequate sight distance is maintained and that the volume of traffic is minimized. Uses that generate constant noise or heavy traffic, such as residential and commercial developments, or traffic that includes school buses or hazardous or flammable material should not be permitted where an at-grade rail line crossing is required to access the property. For crossings that access existing development, visibility and sight distance should be improved by removing unnecessary obstructions and providing adequate nighttime lighting. Unnecessary crossings should be closed at first opportunity.

Noise and vibration need to be considered for abutting development along rail lines and adjacent to sidings. Trespassing on railroad property is a huge safety issue that needs to be addressed in the planning and development review process. When residential neighborhoods are located across the tracks from other neighborhoods or commercial areas, illegal trespassing will happen unless safe and convenient pedestrian crossings are provided.

Preservation of rail ROW is another important consideration. Statute 5 V.S.A. §3431 states that when railroad operations cease on railroad ROW owned by the state or a municipality, the title or interest must be retained for future transportation purposes or such other purposes that are not inconsistent with future transportation purposes. However, the state or municipality must allow abutting farm operations to use the land over which the ROW passes for agricultural purposes.

Get to Know Airport and Rail Officials

Local planning commissions and appropriate municipal panels should consult with airport and rail officials when developing or amending zoning regulations or when reviewing potential development around airports.