

Bill as Introduced

HB 1521 - AS INTRODUCED

2010 SESSION

10-2571
06/05

File

HOUSE BILL **1521**

AN ACT relative to funding of the New Hampshire rail transit authority.

SPONSORS: Rep. Kurk, Hills 7; Rep. Bergin, Hills 6

COMMITTEE: Public Works and Highways

ANALYSIS

This bill prohibits the New Hampshire rail transit authority from proceeding with any commitment for passenger rail service until the treasurer certifies that no state-funded subsidy will be needed.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears ~~(in brackets and struck through)~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to funding of the New Hampshire rail transit authority.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; New Hampshire Rail Transit Authority; Certification Required; Funding
2 Limitation. Amend RSA 238-A by inserting after section 2 the following new section:

3 238-A:2-a Certification Required; Funding Limitation.

4 I. The New Hampshire rail transit authority shall be barred from proceeding with any
5 commitment for passenger rail service in the state until the state treasurer certifies to such
6 authority that there shall be no need for any state-funded subsidy from any state fund for at least
7 10 years after the expiration of any federal or other subsidy which the state may receive.

8 II. No highway funds shall be used, directly or indirectly, for any passenger rail project.

9 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 1521

BILL TITLE: relative to funding of the New Hampshire rail transit authority.
DATE: January 19, 2010
LOB ROOM: 201 **Time Public Hearing Called to Order:** 10:20 a.m.
Time Adjourned: 11:30 a.m.

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Gerandean, E. Brown, Cyr, Long, Sprague, Mann, Ramsey, White, Chandler, Graham, Rausch, Gione, Ingram, McConkey, Bailey, Kolodziej and Seidel.

Bill Sponsors: Rep. Kurk, Hills 7; Rep. Bergin, Hills 6

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Bouchard - Excused from Chair of meeting because she is on the Rail Authority Board.

Rep. Kurk - Prime sponsor - introduced bill.

Rail Authority Bill has conflicts - needs State Treasurer release from financial commitments from State. Rail is all subsidized because of costs exceeding income, usually by government. In 2007 - Gov. Lynch's Task Force stated that in 1st year of operating 5 million in CMAQ money and one million from State. Now estimate increase - \$10 million- In 7th year based on study we would be subsidizing each passenger approximately \$4100 per year. Concord Monitor article/ this year - quote When State is laying off people and reducing jobs, it is not the time to be introducing passenger rail - rail may or may not be good for New Hampshire. We have not examined full cost and what happens when the subsidies run out. The money must come from other places i.e. Many millions of general fund monies. No questions from committee.

David Preece - N. H. Association Planning Commission - In opposition - See handout.

Passenger rail continues to be a priority for N. H. Citizens and three years ago we were very much in support. This should be brought back to the people and transportation options provided

Q: Rep. Seidel - Do you dispute Rep. Kurk's figures?

A: Yes, there will be information regarding this tomorrow.

HB 1521 Page Two Continued

Q: What objection do you have to Legislative support?

A: Preece would like to relinquish his time.

Q: Rep. Bouchard - Could Preece send us a report?

A: Yes.

Q: Rep. Rausch - We attended a meeting where buses were seen as a better fit for New Hampshire. If Washington experts say this, then why change to rail now?

A: He (Preece) was not at that meeting, but Down Easter rail operations could provide transportation and be integrated together.

Q: Rep. Rausch - does not dispute this, but feels Rail is not cost effective

A: Reese – thinks it could be effected.

Q: Rep. Rausch - If there are numbers to prove?

A: Would take them back.

Q: Rep. Gionet - Canadian/ American Trade Council supports rail for Eastern seaboard.

Preece - Feels this is rail corridor.

Rail Transit – Former Senator Peter Burling – Chair – Chris Clement – DOT

Thanks committee for smoothing discussion - Bill speaks to “no highway fund used” – that is in construction. DOT has monies to be used for transportation purposes other than highway. Bill bars us from State Treasury funds, but other modes of transportation – The Down Easter runs without contributions from New Hampshire or the Maine State - 50/50 CMAC and its own Corporation. Rider slip up 15% in last year alone- Rail Authority proposes rail from Concord to Lowell, MA. We are close, but have no written agreements yet – so this is distinctly on our horizon. Numbers are impressive – will create thousands of jobs in construction phase and 10's of thousands when functional. Rail in Central NH – tens of millions of dollars for jobs in construction phase and hundreds of millions for employment when up and running. Massachusetts is very interesting - Congress putting 8 billion dollars into rail and much more in the future. We need to take our share to run through Northern New England. This bill takes away this opportunity. Are we willing to give up on other modes of transportation? This bill if passed means the complete deal of passenger rail in New Hampshire Legislature needs to determine what funds will be allowed for Rail in coming years. We are surrounded by other states with rail and Rail Authority feels we must commit to providing rail transit to our people - does not want to lose any opportunity.

Q: Rep. Seidel – DOT would propose legislation subsidy?

A: Yes - it is an affiliated agency. DOT would come to Legislature for funding. We used to have a train and Legislature stopped funding.

Q: Rep. Seidel - Are you amenable to amending this bill?

A: No – Does not want any Legislation like this. We are NH people and know there is no current money available. Private business and bank raised \$121,000. + in funds in five days because they think this is a critical project with many jobs and a future for New Hampshire.

Q: Rep. Campbell This bill is a “shotgun” approach to stopping Rail - Are there grants?

A: Yes – Federal monies for inner city service – Congress backs inter-city and high speed rails 0 not commuter trains that serve shuttle from one city to another. New Hampshire would have to pay one-half for commuter – but high speed uses tax dollars for grants.

Q: Rep. Campbell – With your experience – would you agree that it is very difficult to limit future legislators?

A: Yes.

Q: Rep. Graham – Do you see long – term commitments for the State of New Hampshire? 10-20 years etc.

A: Not aware of any power that commits future legislation. This is more like the Down Easter experience. Maine uses CMAC money – no general funding and he would like us to do the same. Does not see us entering into long-term commitments – would like us to ask this question of buses, trains, planes –

Q: Rep. Rausch - Maine may be reconsidering using CMAC for other things, what would happen to Down Easter?

A: It would stop!

Q: Rep. McConkey – Could you provide info on subsidy cost to connect to Boston, - Buses are very successful?

A: Yes.

Q: Rep. Campbell – Legislators are concerned that Rail Transit Authority should not have legislative powers.

A: Comm. Clemmons - It could be amended to provide this in law. We are 27 years missing and Washington is now interested. Laws that “fence in” Rail Authority could possible jeopardize this – he will check into this today.

Mr. Scully of NHMTA - In support of bill. Line 8 in bill states limitations to funding Rail. He wants Article 6A to stay protected and sees this bill as doing this.

Q: Rep. Campbell - Restatement of existing Constitution already?

A: Yes.

Jim Jalbert – City Bus – owns C & J Lines and other lines - Supports the bill. Has been involved with Down Easter. Statements today that inner city hurt industry – not until widening of I-93 did this happen. State chose buses as transit mode. Prior to this, service was limited to a single bus to service Down Easter. C & J gets no subsidy from Portsmouth to Boston. It runs

independently from Portsmouth. No state funds – 7 buses on this route. One ½ million riders per year. Disagrees with Sen. Burling – feels Federal Highway Fund was solvent until Clinton Administration when funds were diverted to other modes of transportation. He advocates increased tolling and gas taxes to help fund. Boston Express is one year old in turning profitable. New Hampshire must decide what it wants to fund for transportation and/or how to do it. Feels Down Easter will always need subsidies. Subsidizing in this manner uses funds that could be used for other modes of transportation. There are costs for rail that do not appear now. Commuter rail employment usually ends up as housing construction which will cost the State in other ways.

Q: Rep. Campbell - Unclear on Nashua bus subsidy?

A: Yes, we are moving to Tyngsboro, Mass this spring and subsidy free.

Q: Rep. Campbell - Other subsidies?

A: Yes to purchase buses.

Q: Rep. Gionet - Other jobs?

A: Yes, but seems to be limited.

Q: Rep. Rausch - Is it possible that Down Easter numbers can be commented upon by you?

A: Study may be skewed to reflect a positive light.

Q: Rep. Rausch - So, how do we (legislature) get un-biased reports?

A: You need to look at real financials across the country.

Q: Concerned about “numbers” that are not shown on statements.

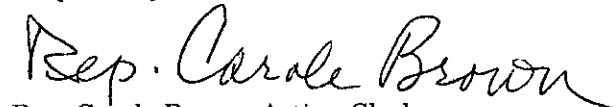
A: We are familiar with doing and reading statements Main Rail Authority is autonomous and can produce numbers it wants to.

Tim Moore - Against – see handout. Says “we need a good general transportation policy”.

Sen. Burling - Response to Rep. Campbell.

Justice Department will respond ASAP.

Respectfully submitted:



Rep. Carole Brown, Acting Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 1521

BILL TITLE: relative to funding of the New Hampshire rail transit authority.

DATE: 1-19-10

LOB ROOM: 201 Time Public Hearing Called to Order: 10:20

Time Adjourned: 11:30

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Lelandeau, C. Brown, Cyr, Long, Sprague, Mann, Ramsey, White, Chandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.

Bill Sponsors: Rep. Kurk, Hills 7; Rep. Bergin, Hills 6

TESTIMONY

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(P-1)

(1)

HB 1521
1-19-10

hearing begins: 10:20 AM

~~Rep Kurt~~

Rep. Bauchard - excused from Chair of meeting because she is on the Rail Authority Board.

Rep. Kurt - prime sponsor - introduced Bill - Rail Authority Bill has conflicts - needs State Treasurer release from financial commitments from State - Rail is all subsidized because of costs exceeding income, usually by government.

2007 - Gov Lynch's Task Force stated that in 1st year of operating 5 million in ~~CMRF~~ money + 1 million from State - Now est. increase → 10 million -

In 7th yr based on study we would be subsidizing each passenger app. 4100 per yr.

Concord Monitor article / this yr. - quote When State is laying off people + reducing jobs, it is not the time to be introducing passenger rail -

rail may or may not be good for NH - We have not examined full cost + what happens when the subsidies run out - The money must come from other places 18 - many millions of general fund monies.

No questions from committee -

David Breece - NH Assoc Planning Comm. in opposition - see handout.

Passenger rail continues to be a priority for NH citizens + 3 yrs ago we were very much in support. This should be brought back to the people and transportation options provided

? Seidel - do you dispute Rep. Burke's figures? ans - yes
 there will be information regarding this tomorrow

? What objection do you have to Legislative support
 ans - Preece would like to relinquish his time

Bouchard - could Preece send us a report? ans yes

Rausch? we attended a meeting where buses were seen as a
 better fit for N.H. If Washington experts say this, then
 why change to rail now -

ans - he (Preece) was not at that meeting but Downeaster
 rail membership has increased & bus + rail operations
 could provide transportation + be integrated together.

Rausch - does not dispute this, but feels Rail is not cost-effective

ans - Preece - thinks it could be effected.

Rausch? if there are members to prove? ans - would that take
 them back -

Gionet - Canadian/American Trade Council supports rail for
 Eastern seaboard.

Preece - feels this is not a corridor

Rail Transit - ^{former Sen} Peter Berding - chair - Chris Clement - DOT
 thanks committee for smoothing discussion -

Bill speaks to "no highway fund used" - that is in Constitution.

DOT has monies to be used for transportation purposes
 other than highway. Bill bars us from State Treasury
 funds but other modes of transportation -

The Downeaster runs without contributions from NH or
 the Maine State - 50/50 CMAA and its own coporation

Rider ship up 15% in last yr alone - Rail Authority proposes rail from Concord → to Lowell Mass. We are close but have no written agreements yet - so this is distinctly on our horizon - Numbers are impressive - will create thousands of jobs in construction phase + 10's of thousands when functional. Rail in Central NH - tens of millions of dollars for jobs in const. phase + hundreds of millions for employment when up & running. Massachusetts is very interested - Congress putting 8 billion dollars into rail + much more in the future. We need to take our share to run through Northern New England. This Bill takes away this opportunity. Are we also willing to give up on other modes of transportation - this Bill if passed means the complete deal of passenger rail in N.H. Legislature needs to determine what funds will be allowed for Rail in coming years - we are ~~not~~ surrounded by other States with rail and Rail Authority feels we must commit to providing rail transit to our people - does not want to lose any opportunity

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 ans - yes - it is an affiliated agency. DOT would come to Legislature for funding. We used to have a train + Legislature stopped funding -

Seidel - are you amenable to amending this bill -
 ans - no - does not want any legislation like this. We are NH people + know there is no current money available. Private business + Bonds raised

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121,000⁺ in funds in 5 days because they think this is a critical project with many jobs + a future for NH

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Are there Grants

ans - yes - Federal monies for inner city service - Congress backs inter-city + high speed rails - not commuter trains that serve shuttle from one city to another - NH would have to pay 1/2 for commuter - but high speed uses tax dollars for grants.

Campbell - with your experience - would you agree that it is very difficult to limit future legislators - ans. yes.

Mr. [unclear] - do you see long-term commitments for the State of 10-20 yrs etc.

ans - not aware of any power that commits future legislation - this is more like the Down Easter experience - Maine uses CMAA money - no general funding + he would like us to do the same - does not see us entering into long-term commitments - would like us to ask this question of buses, trains, planes -

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~~Comm. [unclear]~~
ans - it could be amended to provide this in law. We are 25 yrs missing + Washington is now interested.

Sculley
NHMTA

Says that "fence in" Rail Authority could possibly jeopardize this - he will check into this today in support of Bill - line 8 in bill states limitations to funding Rail. He wants Art 6A to stay protected + sees this Bill as doing this.

Campbell - ? restatement of existing Constitution already?

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ans - you need to look at real financials across the country.

Rausch - concerned about numbers that are not shown on statements
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Maine Rail Authority is autonomous + can produce numbers if wants to -

Tim Moore - against - see handout.

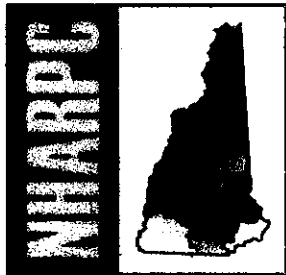
- says "we need a good general transportation policy."

Sen Bunting - response to Campbell -

Justice Dept will respond ASAP.

Testimony

HB 1521



**NEW HAMPSHIRE ASSOCIATION
OF REGIONAL PLANNING
COMMISSIONS**

20 Central Square, 2nd Floor
Keene, NH 03431
603-357-0557

North Country Council
The Cottage on the Rocks
107 Glassner Road
Bethlehem, NH 03574
Telephone: 444-6303

**Lakes Region
Planning Commission**
103 Main St. Suite 3
Meredith, NH 03253
Telephone: 279-8171

**Upper Valley Lake Sunapee
Regional Planning Commission**
30 Bank Street
Lebanon, NH 03766
Telephone: 448-1680

**Southwest Region
Planning Commission**
20 Central Square, 2nd Floor
Keene, NH 03431
Telephone: 357-0557

**Central NH Regional
Planning Commission**
28 Commercial Street
Concord, NH 03301
Telephone: 226-6020

**Southern NH
Planning Commission**
438 Dubuque Street
Manchester, NH 03102
Telephone: 669-4664

**Nashua Regional
Planning Commission**
9 Executive Park Dr., Suite 201
Merrimack, NH 03054
Telephone: 424-2240

**Rockingham
Planning Commission**
156 Water Street
Exeter, NH 03833
Telephone: 778-0885

**Strafford Regional
Planning Commission**
2 Ridge Street, Suite 4
Dover, NH 03820
Telephone: 742-2523

January 15, 2010

The Honorable Candace Bouchard, Chair
House Public Works and Highways Committee
Legislative Office Building, Room 201
Concord, NH 03301

RE: HB 1521

Dear Chairman Bouchard and Members of the Committee:

At our January 5, 2010 meeting, the New Hampshire Association of Regional Planning Commissions (NHARPC) considered the above referenced legislation and took the position to oppose this bill.

NHARPC has consistently supported legislation that will move toward the goal of re-establishing passenger rail service in New Hampshire. The re-establishment of passenger rail service is crucial for future economic development in this state. It will demonstrate to major businesses that New Hampshire localities can provide a high quality of life, access to a skilled work force, and low taxes while enabling easy access to the Boston metropolitan area. The benefit of this investment will extend throughout the state.

In 2006, the State Legislature enacted RSA 238-A, which established the New Hampshire Rail Transit Authority, a step in establishing passenger rail service in New Hampshire. RSA 238-A:4, I (a) requires that the Commissioner of the NH Department of Transportation (NH DOT) or designee shall serve as a member of the board of directors which is the governing body of the authority.

According to the RSA 21-L-2, the NH DOT was established for "planning, developing, and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, air service, mass transit, and other practicable modes of transportation, in order to support state growth and economic development and promote the general welfare of the citizens of the state." The NH DOT is also required to prepare a Rail Master Plan. It is essential that the NH DOT and the State be an active participant and supportive of the effort to restore passenger rail service to NH.

HB 1521 would prohibit the Authority from proceeding with any commitment for passenger rail service until the treasurer certifies that no state-funded subsidy will be needed - thus no funding or assistance from the State. This serves to explain our opposition to HB 1521.

Thank you for this opportunity to comment. Please contact me if you have questions about our position.

Sincerely,

Stephen Buckley, Esq.
Chairman

File

The Honorable Candice Bouchard
Chair: Public Works Committee
New Hampshire House

Dear Representative Bouchard

The undersigned are the members of the New Hampshire Rail Transit Authority. We are writing to convey our unanimous and bi-partisan opposition to passage of HB 1521 and HB 1480. We have worked for three years to bring rail service back to central New Hampshire, and we believe passage of these two bills will compromise our chances of moving forward successfully.

We are, respectfully,


Sandra B. Evans

Nancy L. J.

Arthur Stoughton

Rep. Robert W. Allen


M.P.B.

Michael P. Ayoub

Kerniers

Trinity E. Ware

Rep. Mary M. Allen
Malcolm Taylor





Senator Martin J. Clark

UMP. UNH NHDOT

File

New Hampshire House of Representatives
Public Works and Highways Committee

January 19, 2010

Re: HB1521

Dear Committee Members,

I am providing this testimony to register my strong opposition to this bill. The proposed change would essentially add 2 new paragraphs to the existing RSA 238-A that created the New Hampshire Rail Transit Authority.

The second paragraph states, "No highway funds shall be used, directly or indirectly, for any passenger rail project". This is redundant since the New Hampshire constitution already prohibits such a use.

NH Constitution – Part Second – Form of Government

[Art.] 6-a. [Use of Certain Revenues Restricted to Highways.] All revenue in excess of the necessary cost of collection and administration accruing to the state from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be appropriated and used exclusively for the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon and payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever.

November 29, 1938

The first paragraph requires the State Treasurer to certify that the Authority will not require any state funding for 10 years after the expiration of any federal or other subsidy received. This is clearly an impossible task since no one can predict what circumstances may arise over a 10-year period. Just as the Department of Transportation could not conduct its business if the State Treasurer has to certify its 10-year plan, neither can the NH Rail Transit Authority conduct its business with this constraint.

I would recommend to this committee that this bill be killed at the earliest opportunity.

Tim Moore

Disclosure: I am a Director of the NH Rail Transit Authority, however, the testimony I have provided today is my own. The Authority has not reviewed and/or approved any portion of this testimony.

New Hampshire Statutes

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TITLE XX TRANSPORTATION

CHAPTER 238-A

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY

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- Section 238-A:2 Authority Established.
- Section 238-A:3 Duties.
- Section 238-A:4 Membership.
- Section 238-A:5 Service Area of the Authority.
- Section 238-A:6 Meetings.
- Section 238-A:7 Conflict of Interest.
- Section 238-A:8 Powers.
- Section 238-A:9 Funding.
- Section 238-A:10 Bonds.
- Section 238-A:11 Expenses and Obligations.
- Section 238-A:12 Annual Report and Audit.
- Section 238-A:13 Property of the Authority.
- Section 238-A:14 Exemption From Taxes.
- Section 238-A:15 Public Utilities Commission.
- Section 238-A:16 Review of Rail Transit Authority.
- Section 238-A:17 Open Meetings and Records.
- Section 238-A:18 Liability Policy for Passenger Service.
- Section 238-A:19 Severability.

238-A:1 Definitions. – In this chapter:

- I. "Authority" means the New Hampshire rail transit authority.
- II. "Government agency" includes any department, agency, commission, public corporation, bureau, authority, instrumentality, or political subdivision of:
 - (a) The United States of America.
 - (b) The state of New Hampshire.
 - (c) Any state adjacent to New Hampshire.
- III. "Municipality" means town as defined in RSA 21:5.
- IV. "Regional planning commission" means any commission formed pursuant to RSA 36:46.
- V. "Railroad lines" means railroad rights-of-way and any tracks, track appurtenances, ties, ballast, bridges, stations, yards, facilities, and other appurtenant structures located thereon or adjacent thereto.
- VI. "Passenger rail service" means all services performed by a railroad pursuant to a contract with the authority in connection with the transportation of rail passengers including, but not limited to:
 - (a) The operation of trains, trackage, and equipment.
 - (b) The construction, reconstruction, or maintenance of railroad equipment, tracks, and appurtenant facilities.
 - (c) The provision of trackage rights over lines owned by any such railroad.
- VII. "Railroad" means any person, railroad corporation, or other legal entity in the business of providing rail transportation which contracts with the authority for the provision of passenger rail services.

Source. 2007, 360:1. 2008, 180:1, eff. Aug. 10, 2008.

238-A:2 Authority Established. – There is hereby established the New Hampshire rail transit authority for the general purpose of developing and providing commuter rail or other similar forms of passenger rail service. The authority shall be an administratively attached agency, pursuant to RSA 21-G:10, to the department of transportation.

Source. 2007, 360:1, eff. July 17, 2007. 2009, 150:2, eff. July 8, 2009.

238-A:3 Duties. – The authority and the department of transportation shall allocate their respective responsibilities for passenger rail service in a memorandum of understanding. The authority shall take all actions that are reasonably necessary to establish regularly scheduled commuter rail or other similar forms of passenger rail service between points within the state of New Hampshire and points within and adjacent to the state of New Hampshire. These actions may include, but are not limited to:

- I. The acquisition, lease, possession, use, operation, repair, renewal, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance, and disposition of:
 - (a) Railroad lines and related facilities.
 - (b) Railroad rolling stock, machinery, and equipment.
 - (c) Real and personal property of any kind.
- II. The acquisition, lease, license, possession, use, and disposition of any rights in or related to such property, including trackage, operating, maintenance, dispatching, and other contractual rights and services from railroad companies, other transportation service

providers, public utilities, private persons, and government agencies including the Massachusetts Bay Transportation Authority.

Source. 2007, 360:1, eff. July 17, 2007. 2009, 150:4, eff. July 8, 2009.

238-A:4 Membership. –

I. The governing body of the authority shall be a board of directors. The board of directors shall have the following members:

- (a) The commissioner of the department of transportation or designee.
- (b) The mayor of the city of Nashua, or designee.
- (c) A designee of the town of Merrimack town council.
- (d) A designee of the town of Bedford town council.
- (e) The mayor of the city of Manchester or designee.
- (f) A designee of the Nashua regional planning commission.
- (g) A designee of the southern New Hampshire planning commission.
- (h) Four members appointed by the governor, one of whom resides in the service area of the authority as established in RSA 238-A:5, I, 2 of whom are recognized as experts in railroad matters, and one public member.
 - (i) The chair of the house transportation committee.
 - (j) The ranking minority member of the house transportation committee.
 - (k) The chair of the senate transportation and interstate cooperation committee.
 - (l) The ranking minority member of the senate transportation and interstate cooperation committee.
- (m) The mayor of the city of Concord, or designee.
- (n) A designee of the central New Hampshire regional planning commission.
- (o) The chair of the Manchester-Boston regional airport board or designee.
- (p) The mayor of the city of Dover, or designee.
- (q) A designee of the town of Durham town council or university of New Hampshire.
- (r) A designee of the town of Exeter board of selectmen.
- (s) A designee of the Rockingham planning commission.
- (t) A designee of the Strafford regional planning commission.
- (u) The mayor of the city of Claremont, or designee.
- (v) A designee of the Upper Valley Lake Sunapee regional planning commission.
- (w) A designee of the lakes region planning commission.
- (x) The mayor of the city of Franklin or designee.
- (y) The mayor of the city of Berlin, or designee.

II. The members of the board of directors appointed by the governor shall serve for a term of 2 years and until a successor has been designated.

Source. 2007, 360:1, eff. July 17, 2007. 2009, 55:1, eff. May 22, 2009.

238-A:5 Service Area of the Authority. –

I. The service area of the authority shall include any town or city in the state of New Hampshire through which commuter rail or other similar forms of passenger rail service operates or may operate.

II. The board of directors shall determine when to expand the service area of the authority. Upon approval of a resolution to expand the service area of the authority, after a properly noticed public hearing, the board of directors shall notify eligible cities, towns, or regional planning commissions of the determination to expand the service area of the

authority. A city, town, or regional planning commission may petition the authority to support the development and establishment of commuter rail and related public transportation services within its jurisdiction. The board of directors shall have sole discretion to accept or reject any such petition. When considering an expansion of the service area of the authority the board of directors shall consider support for the proposed passenger or commuter rail project by affected towns, cities, and regional planning commissions, and the completion of an alternatives analysis or major investment study.

III. When the service area of the authority is expanded as identified in RSA 238-A:5, II new members will be added to the board of directors as follows:

(a) One designee for each town or city added to the service area that is not represented on the board of directors.

(b) One designee for each regional planning commission added to the service area that is not represented on the board of directors.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:6 Meetings. –

I. The board of directors shall, at the initial meeting of the authority, elect a chairperson and vice-chairperson of the board. The board of directors shall also designate a secretary, treasurer, or other officer as may be necessary to carry out the functions of the board.

II. The authority shall conduct an annual meeting. At such meeting the board of directors shall approve an annual report of the authority and elect a chairperson and vice-chairperson of the board.

III. The board of directors may exercise all the powers of the authority in a lawful meeting. A majority of directors then in office shall constitute a quorum. Regular meetings of the board of directors may be established by bylaws.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:7 Conflict of Interest. –

I. A director, officer, or employee of the authority shall not acquire any interest, direct or indirect, in any contract or proposed contract of the authority. A director, officer, or employee of the authority shall not participate in any decision on any contract entered into or to be entered into by the authority if that individual has any interest, direct or indirect, in any firm, partnership, corporation, or association that will be party to such a contract or financially involved in any transaction with the authority.

II. The prohibition in paragraph I shall not apply to:

(a) The execution of agreements by banking institutions for the deposit or handling of authority funds in connection with any contract.

(b) Utility services, for which rates are fixed or controlled by a government agency.

(c) Contracts with the department of transportation, a regional planning commission, or any other government agency.

III. The authority shall not:

(a) Employ a person or firm to promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or to promote or oppose, directly or indirectly, any action by the governor, governor and council, or any agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the

procurement of goods or services that are being or may be purchased by the state.

(b) Employ or remunerate in any fashion any member of the legislature.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:8 Powers. – The authority may:

I. Sue and be sued, subject to all privileges and immunities of the state of New Hampshire.

II. Have a seal and alter the seal.

III. Adopt and amend bylaws covering procedure and rules for the purposes of this chapter, develop and adopt rules in accordance with the laws of the state of New Hampshire, publish bylaws and rules as necessary or advisable, and cause records of its proceedings to be kept.

IV. Employ such assistants, attorneys, experts, inspectors, and such other employees and consultants as the board of directors considers necessary for its purposes. The authority shall not be required to hire such personnel in accordance with state personnel rules, so long as state general funds have not been appropriated to fund positions for any such personnel.

V. Utilize the services and resources of the department of transportation that are available and expedient. All charges for services provided by the department may be paid to it by the authority as mutually agreed upon.

VI. Utilize the services of the Nashua regional planning commission or other regional planning commissions that are available and expedient. All charges for services provided by such commission may be paid to it by the authority as mutually agreed upon.

VII. Acquire any property or property rights through purchase, lease, lease-purchase, gift, contract, devise, or otherwise. In making these acquisitions the authority may exercise the power of eminent domain following the same procedure set forth for similar government agencies under the laws of the state of New Hampshire, provided it is consistent with the purposes established under the New Hampshire constitution and approved by a joint resolution of the general court.

VIII. Accept gifts, grants, or loans of money or other property, and enter into contracts or other transactions with any federal or state agency, or any other public entity.

IX. Enter into and fulfill any contracts or agreements with public or private transportation operators, government agencies, or other entities for management, operation, or support of public transit services or as the board of directors otherwise deems necessary.

X. Lease the passenger rail system or part thereof, or contract for the use of the passenger rail system or any part thereof with any operator as may be required for operation of the passenger rail service.

XI. Receive and disburse funds for authority purposes. The authority shall have the power to deposit any monies of the authority, in accordance with the provisions of the general laws of the state of New Hampshire governing the deposit of public monies in such bank or banks or investment deposit pools as may be authorized to receive deposits of public funds.

XII. Issue bonds for the implementation of any project of the authority, including the acquisition of property, or paying off of any debt or obligation of the authority. The authority may issue such types of bonds as may be determined by the board of directors, including certificates on which principal and interest are payable:

(a) Exclusively from income or revenue from the operation of the authority financed with the proceeds of such bonds or together with such proceeds and grants from any instrumentality or other person or corporation in aid of such projects.

(b) Exclusively from income and revenues of certain designated projects.

(c) From general revenues of the authority. Any such bond may be additionally secured by mortgage of the passenger rail system or any part thereof constituting real or personal property of the authority.

XIII. Conduct or cause to be conducted any studies that the authority determines necessary.

XIV. Enter into agreements, contracts, and compacts with any government agency, Pan Am Railways, Massachusetts Bay Transportation Authority, and any other person or entity, public or private, as may be required to develop, establish, and provide passenger rail transportation services, including but not limited to property owners and developers of property adjacent to or incidental to the railroad lines and related facilities.

XV. In conjunction with the Massachusetts Bay Transportation Authority or any other government agency with a vested interest in such matters, fix equitable fares or charges and other rules and regulations for passenger rail services developed or established in whole or in part by the authority.

XVI. Take all lawful action necessary and incidental to effectuate the purposes set forth in this chapter.

Source. 2007, 360:1, eff. July 17, 2007. 2009, 150:5, 6, eff. July 8, 2009.

238-A:9 Funding. – The authority shall seek, apply for, accept for its use, and use funds necessary for the implementation of this chapter.

I. Such funds shall be spent first to develop and initiate, at the earliest practicable time, regularly scheduled commuter rail service between Lowell, Massachusetts and Manchester, New Hampshire.

II. The authority shall seek and use funds to extend regularly scheduled commuter rail or other similar forms of passenger rail service, to the extent practicable, to other points within the state of New Hampshire.

III. The authority shall seek and expend funds as necessary to coordinate with other government agencies providing public transportation services that support or complement regularly scheduled commuter or other form of passenger rail service identified in paragraphs I and II.

IV. The authority shall use any revenues it receives from the operation of the passenger rail service and any ancillary support facilities and services established under this chapter, including fares, fees, rents, royalties, and other revenues, to pay the operational expenses of that service. The authority shall seek and use funds necessary to pay all operational expenses of its passenger rail service that are not met by fares and other authority funds or revenues. For the purposes of this section, "operational expenses" include, but are not limited to, all ongoing capital expenses necessary to maintain the passenger rail service.

V. The authority may take all actions, consistent with this chapter, that are necessary to apply for, qualify for, accept, and disburse any money that the federal government may grant or loan to the authority to fund any actions the board of directors deems necessary under this chapter.

VI. Any government agency may allocate money and take other actions that may aid in

the implementation of this chapter. The authority may provide funds, including loans and matching grants, to government agencies in order to encourage their participation in implementing this chapter.

VII. The authority shall use its best efforts to ensure that fares for passenger rail service established under this chapter be set at reasonable levels to encourage use of this service.

VIII. The authority shall obtain all additional funds, through borrowing, revenues, or other means, necessary to satisfy operating deficits arising from expenses, including capital expenditures, necessary to ensure the continuation of passenger rail service established pursuant to this chapter.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:10 Bonds. –

I. The authority shall have the power and is hereby authorized to issue its bonds and notes in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes. Neither the directors of the authority nor any person executing bonds on behalf of the authority shall be personally liable thereon by reason of the issuance thereof.

II. Bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption, with or without premium, as such resolutions, its trust indenture, or mortgage may provide. In case any of the directors or officers of the authority whose signatures appear on any bond or coupon shall cease to be such directors or officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes. All bonds may be signed on behalf of the authority by, or with the facsimile signatures of, such persons as at the actual date of such execution shall be the proper officers authorized by resolution of the authority to execute said bonds, notwithstanding the fact that on the day said bonds are dated, or on the date of the delivery thereof, any such person shall not have been such officer.

III. Obligations of the authority other than certificates shall be payable from general funds of the authority and shall at no time be a charge against any special fund allocated to the payment of bonds except upon payment of current annual maturities and reserves thereof.

IV. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority under this chapter, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any

department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any applicable duty of exercising reasonable care in selecting securities.

V. The authority may obligate itself for the payment of bonds and other debts incurred in the furtherance of its public purposes by the state of New Hampshire, or by any county, municipality, political subdivision, or public corporation.

VI. The authority shall determine the time, form, and manner of the issuance of its bonds and the specific provisions for, and references to such time, form, and manner set forth in this chapter are illustrative of its powers and are not in limitation thereof. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:11 Expenses and Obligations. – All expenses incurred in carrying out this chapter shall be paid solely from funds provided to or obtained by the authority under this chapter. Any notes, obligations, or liabilities under this chapter shall not be deemed to be a debt of the state or a pledge of the faith and credit of the state; but those notes, obligations, and liabilities are payable exclusively from funds provided to or obtained by the authority under this chapter. The records and correspondence relating to negotiations, trade secrets received by the authority, and estimates of costs on projects to be put out to bid are confidential.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:12 Annual Report and Audit. –

I. Beginning one year after the establishment of the authority and on an annual basis thereafter, the authority shall present an annual report to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house of representatives having jurisdiction over transportation matters. The report shall include a description of the authority's activities for the preceding fiscal year, including a report of its receipts and expenditures from all sources. All administrative costs shall be identified. A copy of the report shall be made available to any interested person.

II. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year. After certification of the audit by the board of directors copies shall be provided to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house of representatives having jurisdiction over transportation matters.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:13 Property of the Authority. –

I. All property owned or leased by the authority under this chapter is exempt from levy and sale by virtue of any execution. An execution or other judicial process is not a valid lien upon its property held under this chapter. The authority may use its property only for the purposes set forth in this chapter.

II. The authority and its authorized officers, agents, and employees may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations it determines necessary under this chapter. Such entry shall not be deemed a trespass. The authority shall not be liable for the discovery during any such entry of any form of waste or environmental contamination.

III. Any county, municipality, or other political subdivision, any public agency or commission of the state, and any public service corporation or district, notwithstanding any contrary provisions of law, may lease, lend, grant, or convey to the authority, upon its request and upon such terms and conditions as the proper authorities of the political subdivision, agency, commission, public corporation, or district determine reasonable and fair, any real or personal property or rights in the property that are necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights in the property already devoted to public use.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:14 Exemption From Taxes. – Because the accomplishment by the authority of the authorized purpose of this chapter is for the benefit of the people of the state and for the improvement of their commerce and prosperity and is the performance of essential governmental functions, the authority shall not be required to pay any taxes or assessment on any property acquired or used by it for the purposes of this chapter, except that service facilities leased or rented by the authority to business entities are subject to taxation and assessments shall be made against the tenant in possession based upon the value of the leasehold interest, both real and personal. The authority shall not be required to pay any tax upon its income except as may be required by the laws of the United States.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:15 Public Utilities Commission. – The authority shall not be subject to regulation by the public utilities commission.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:16 Review of Rail Transit Authority. – The general court shall review the scope of the rail transit authority during the 2012 legislative session, giving particular attention to expanding the jurisdiction and membership of the governing body of the authority.

Source. 2007, 360:1, eff. July 17, 2007.

238-A:17 Open Meetings and Records. – The authority shall be subject to all requirements of RSA 91-A.

Source. 2007, 360:1, eff. July 17, 2007. 2009, 150:7, eff. July 8, 2009.

238-A:18 Liability Policy for Passenger Service. –

I. Agreements for the provision of passenger rail service shall provide for securing and maintaining a liability insurance policy covering the liability of the railroad for property damage, personal injury, bodily injury, and death arising out of such rail service. Such

policy shall:

(a) Have policy limits of not less than \$75,000,000 per occurrence annually and \$75,000,000 in the aggregate annually.

(b) Be subject to self-insured retention in an amount not less than \$7,500,000, to be allocated in accordance with the agreement between the railroad and the state.

II. In no event shall the railroad be liable in excess of the coverage limits of such insurance policy for any claim for damage, whether compensatory or punitive, for property damage, personal injury, and death arising out of such passenger rail service.

III. Nothing in this section shall constitute a waiver of the sovereign immunity of the state.

Source. 2008, 180:2, eff. Aug. 10, 2008. 2009, 150:8, 9, eff. July 8, 2009.

238-A:19 Severability. – If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Source. 2009, 150:10, eff. July 8, 2009.



54 Hanover Street
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Representative Candace Bouchard
Public Works and Highways Committee
71 NE Village Road
Concord, NH 03301-5818

January 28, 2010

Dear Rep. Bouchard,

The Greater Manchester Chamber of Commerce (GMCC) would like to thank the House Public Works and Highways Committee for recommending House Bill 1521 inexpedient to legislate.

If passed, HB 1521 would have adversely impacted restoring rail to NH and specifically the NH Capitol Corridor project. The NH Capitol Corridor project would provide both a safe alternative mode of transportation and a significant boost in economic development to the region, and would surely be a win-win for NH residents and NH businesses.

The GMCC believes that rail is a proven economic catalyst that will improve our state's economy, quality of life and transportation infrastructure. This will be evident in the soon to be released economic impact study, and can be seen in the unyielding public and private support that exists for restoring rail to NH. We appreciate your support to protect this important project.

Thank you again for your careful study, consideration, and opposition to HB 1521.

Sincerely,

Michael Skelton
Vice President
GMCC

SmartZone Communications Center Collaboration Suite

jocloutier@comcast.net

GMCC Supports Restoring Rail to NH; Opposes HB 1521 Tuesday, January 26, 2010 5:31:48 PM

From: MichaelS@manchester-chamber.org

To: MichaelS@manchester-chamber.org

Cc: ~HousePublicWorksandHighways@leg.state.nh.us

Attachments: image001.jpg (3.7KB)

Dear Members of the House Public Works and Highway Committee:

On behalf of the 800+ members of the Greater Manchester Chamber of Commerce (GMCC), we respectfully ask the committee oppose House Bill 1521, relative to the funding of the NH Rail Transit Authority.

This bill adversely impacts the NH Capitol Corridor project, a rail project that would provide the state of New Hampshire with both a safe alternative mode of transportation, and proven economic catalyst. HB 1521 prevents the New Hampshire Rail Transit Authority from proceeding with any commitment for passenger rail service until the treasurer certifies that no state-funded subsidy will be needed. As with any public transportation project, the NH Capitol Corridor rail system will require a subsidy to operate. The Chamber believes, based on real economic data and figures, that the net economic impact of rail will vastly outweigh any modest state subsidy needed to operate the service. Additionally, the Chamber believes the state can easily cover any subsidy by redirecting state CMAQ funds to this project. This project meets the criteria of CMAQ funding and is a natural fit for this type of funding.

The region's business community is united in supporting the NH Capitol Corridor Project as a proven economic catalyst and a reliable alternative mode of transportation. With the creation of a new transportation link to the Manchester-Boston regional airport, the expansion of freight rail opportunities in New Hampshire and the past successes of similar projects such as Amtrak's *Downeaster*, it is clear that the NH Capitol Corridor Project will be a win-win for both residents and businesses.

In addition, a newly released economic study highlights the many benefits that the NH Capitol Corridor project will have on the state. The project has demonstrated in various ways how it will improve our state's economy, create jobs, and enhance quality of life and our public transportation infrastructure.

A collaborative effort is needed among the business community, state government, local municipalities, and the citizens of the State to make commuter rail in New Hampshire a reality. Please join the Greater Manchester Chamber of Commerce in opposing HB 1521 and support of the New Hampshire Capitol Corridor Project.

Please do not hesitate to contact me with any questions or concerns on this matter. The Chamber is happy to provide any additional information regarding its long support for the restoration of rail and the NH Capitol Corridor project.

Thanks you,

Michael Skelton
Vice President Economic Development & Advocacy
Greater Manchester Chamber of Commerce
54 Hanover Street
Manchester, NH 03101
Direct: 603.792.4107
Office: 603.666.6600 x107
Fax: 603.626.0910
www.manchester-chamber.org



Build Your Brand | Expand Your Network | Shape Your Community

SmartZone Communications Center Collaboration Suite

jocloutier@comcast.net

HB 1521

Tuesday, January 26, 2010 9:22:16 AM

From: dpreece@snhpc.org

To: jocloutier@comcast.net

Good Morning,

The Southern New Hampshire Planning Commission has consistently supported legislation that will move toward the goal of re-establishing passenger rail service in New Hampshire. The reestablishment of passenger rail service is crucial for future economic development not only of our region but the entire state. It will demonstrate to major businesses that New Hampshire localities can provide a high quality of life, access to a skilled work force, and low taxes while enabling easy access to the Boston and other metropolitan areas in the Eastern Seaboard. The benefit of this investment will extend throughout the state.

In 2006, the State legislature enacted RSA 238-A, which established the New Hampshire Rail Transit Authority, a step in establishing passenger rail service in New Hampshire. RSA 238-A:4, 1 (a) requires that the commissioner of the department of transportation or designee shall serve as a member of the board of directors which is the governing body of the authority.

According to the RSA 21-L-2, the New Hampshire Department of Transportation was established for "planning, developing, and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, air service, mass transit, and other practicable modes of transportation, in order to support state growth and economic development and promote the general welfare of the citizens of the state." It is essential that NH DOT remains on the Authority as well as provide any assistance and coordination to the Rail Transit Authority.

HB 1521 would prohibit the Authority from proceeding with any commitment for passenger rail service until the treasurer certifies that no state-funded subsidy will be needed... thus no funding or assistance from the NH DOT. I would strongly urge you to oppose HB 1521.

Thank you for this opportunity to comment. Please contact me if you have questions about our position.

David

David J. Preece, AICP
Executive Director and CEO
Southern New Hampshire Planning Commission
438 Dubuque Street
Manchester, NH 03102-3546

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Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1521

BILL TITLE: relative to funding of the New Hampshire rail transit authority.

DATE: January 27, 2010

LOB ROOM: 201

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. David B. Campbell

Seconded by Rep. John R. Cloutier

Vote: 14-0 (Please attach record of roll call vote.)

Approved 14-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

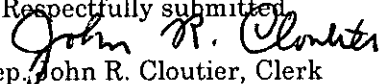
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0 (YES)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1521

BILL TITLE: relative to funding of the New Hampshire rail transit authority.

DATE: 1-27-10

LOB ROOM: 201

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. David B. Campbell

Seconded by Rep. John R. Cloutier

Vote: (Please attach record of roll call vote.)

Approved
14-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

14-0 (Yes)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

PUBLIC WORKS AND HIGHWAYS

Bill #: HB 1521 Title: Relative to funding of the N.H. rail transit authority.

PH Date: 01/19/2010 Exec Session Date: 01/27/10

Motion: Inexpedient to Legislate Amendment #: N/A

| MEMBER | YEAS | NAYS |
|---------------------------------|--------------|-------------------|
| Bouchard, Candace C W, Chairman | ✓ | |
| Campbell, David B, V Chairman | ✓ | |
| Cloutier, John R, Clerk | ✓ | |
| Lerandeau, Alfred C | ✓ | |
| Brown, Carole M | ✓ | |
| Cyr, James E | ✓ | |
| Long, Patrick T | ✓ | |
| Sprague, Dale R | ✓ | |
| Mann, Maureen R | ✓ | |
| Ramsey, Peter E | ✓ | |
| White, Andrew A | ✓ | |
| Chandler, Gene G | ✓ | |
| Graham, John A | ✓ | ABSENT |
| Rausch, James B | ✓ | ABSENT |
| Gionet, Edmond D | ✓ | |
| Ingram, Russell F | ✓ | |
| McConkey, Mark E | ✓ | ABSENT |
| Bailey, Clinton W | ✓ | ABSENT |
| Kolodziej, Walter | ✓ | ABSENT |
| Seidel, Carl W | ✓ | ABSENT |
| TOTAL VOTE: | 14 | 0 |

Committee Report

CONSENT CALENDAR

January 27, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on PUBLIC WORKS AND HIGHWAYS to
which was referred HB1521,

AN ACT relative to funding of the New Hampshire rail
transit authority. Having considered the same, report
the same with the following Resolution: **RESOLVED,**
That it is **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | PUBLIC WORKS AND HIGHWAYS |
| Bill Number: | HB1521 |
| Title: | relative to funding of the New Hampshire rail transit authority. |
| Date: | January 27, 2010 |
| Consent Calendar: | YES |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

The Public Works & Highway committee was unanimous in its recommendation to find this bill inexpedient to legislate. Section I has several mechanical and practical problems. The bill proposed to bar any expenditure by the NH Rail Authority without the State Treasurer certifying that there would be no state funded subsidy for at least 10 years. The Treasurer would be put into the impossible position of being asked to look into the future and certify a negative occurrence. Additionally, every mass transit system in the United States has required initial or other public subsidies. An example of this is the Boston Express bus service that runs between Nashua and Boston. In January 2007, the number of passengers taking mass transit between the two cities was zero. Last year, Boston Express carried 126,000 passengers. While this mass transit project required an initial public subsidy to launch service, by the end of 2010 the existing Boston Express service will be subsidy-free. Lastly, Section II precludes highway funds for rail, which is unnecessary since the NH Supreme Court ruled that Section 6-A of the NH Constitution prohibits Highway Funds for being spent on rail. Vote 14-0.

Vote 14-0.

Rep. David B Campbell
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

PUBLIC WORKS AND HIGHWAYS

HB1521, relative to funding of the New Hampshire rail transit authority. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for PUBLIC WORKS AND HIGHWAYS. The Public Works & Highway committee was unanimous in its recommendation to find this bill inexpedient to legislate. Section I has several mechanical and practical problems. The bill proposed to bar any expenditure by the NH Rail Authority without the State Treasurer certifying that there would be no state funded subsidy for at least 10 years. The Treasurer would be put into the impossible position of being asked to look into the future and certify a negative occurrence. Additionally, every mass transit system in the United States has required initial or other public subsidies. An example of this is the Boston Express bus service that runs between Nashua and Boston. In January 2007, the number of passengers taking mass transit between the two cities was zero. Last year, Boston Express carried 126,000 passengers. While this mass transit project required an initial public subsidy to launch service, by the end of 2010 the existing Boston Express service will be subsidy-free. Lastly, Section II precludes highway funds for rail, which is unnecessary since the NH Supreme Court ruled that Section 6-A of the NH Constitution prohibits Highway Funds for being spent on rail. Vote 14-0. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File

The Public Works & Highway committee was unanimous in its recommendation to find this bill inexpedient to legislate. Section I has several mechanical and practical problems. The bill proposed to bar any expenditure by the NH Rail Authority without the State Treasurer certifying that there would be no state funded subsidy for at least 10 years. The Treasurer would be put into the impossible position of being asked to look into the future and certify a negative occurrence. Additionally, every mass transit system in the United States has required initial or other public subsidies. An example of this is the Boston Express bus service that runs between Nashua and Boston. In January 2007, the number of passengers taking mass transit between the two cities was zero. Last year, Boston Express carried 126,000 passengers. While this mass transit project required an initial public subsidy to launch service, by the end of 2010 the existing Boston Express service will be subsidy-free. Lastly, Section II precludes highway funds for rail, which is unnecessary since the NH Supreme Court ruled that Section 6-A of the NH Constitution prohibits Highway Funds for being spent on rail. Vote 14-0.

David B. Campbell
For the Committee
14-0 CC



1/22/2010

COMMITTEE REPORT

COMMITTEE: Public Works and Highways

BILL NUMBER: HB 1521

TITLE: Relative to funding of the N.H. rail transit authority.

DATE: 1-27-10 CONSENT CALENDAR YES NO

OUGHT TO PASS

OUGHT TO PASS WITH AMENDMENT

INEXPEDIENT TO LEGISLATE

RE-REFER

REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT
(Include Committee Vote)**

Vote. 14-0

Rep. David B. Campbell
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT