

Bill as Introduced

SB 105 - AS AMENDED BY THE SENATE

03/16/11 0787s

2011 SESSION

11-0979

10/01

SENATE BILL **105**

AN ACT exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

SPONSORS: Sen. Gallus, Dist 1; Sen. Stiles, Dist 24; Rep. M. Tremblay, Coos 4; Rep. Y. Thomas, Coos 4; Rep. Fields, Belk 2

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill clarifies that highway trail crossings received by the bureau of trails and approved by the department of transportation are exempt from the evaluation process required in establishing certain state trails for ATVs and trail bikes.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 105 - AS AMENDED BY THE SENATE

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

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

- 1 1 Bureau of Trails; Responsibilities; Highway Trail Crossings. Amend RSA 215-A:3, VI to read
2 as follows:
3 VI. The supervisor of the bureau shall receive all written requests from persons applying for
4 permission to establish a highway trail crossing or trail connector on any class I, class II or class III
5 highway for any OHRV trail or cross country ski trail on which an OHRV trail maintenance vehicle
6 may operate. The requests shall be submitted by the supervisor to the commissioner of the
7 department of transportation or the commissioner's representative for the department's approval or
8 disapproval. If approval is granted, the commissioner of the department of transportation may post
9 the area with appropriate signs designating the location of the trail crossing or trail connector and
10 providing signs for both sides of the highway at an appropriate distance from the crossing or trail
11 connector to warn the motoring public of said crossing or trail connector. *Highway trail crossing*
12 *requests and approvals under this paragraph shall be exempt from the provisions of*
13 *RSA 215-A:42 and RSA 215-A:43.*
14 2 Effective Date. This act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 105

BILL TITLE: (New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

DATE: April 5, 2011

LOB ROOM: 305 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas

Bill Sponsors: Sen. Gallus, Dist 1; Sen. Stiles, Dist 24; Rep. M. Tremblay, Coos 4; Rep. Y. Thomas, Coos 4; Rep. Fields, Belk 2

TESTIMONY

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

Senator Gallus (Richard Parsons, Aide) - Prime sponsor of the bill. Does not allow ATV's, etc. on highways. The bill is to improve criteria for those places where a trail crosses a highway.

Rep. Dennis Fields - Co-sponsor of the bill. Supports the bill. No remarks.

Chris Gamache, NH Department of Resources & Economic Development (DRED) - Supports the bill. Crossings mostly work out okay; problem to be resolved is in connectors. DRED wants to work with DOT, but also need to address environmental considerations: soils, animals, etc. This deals mostly with Class II roads and highways. Coarse filter/fine filter applies to state land, (highway) but the crossing point may be connecting trails on private land and the highway is the only "state land". There is a back log of about 30 crossing applications, some go back 5 - 6 years. This bill will help clear the backlog.

Respectfully submitted


Rep. D. L. Chris Christensen
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 105

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Bill Sponsors: Sen. Gallus, Dist 1; Sen. Stiles, Dist 24; Rep. M. Tremblay, Coos 4; Rep. Y. Thomas, Coos 4; Rep. Fields, Belk 2

TESTIMONY

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

4/5/11

pg 1 of 2

SB105 Exempting highway
crossings

San Gallus (Richard Parsons, aide)
prime sponsor.

Does not allow ATV's etc on highways

Rep. Fields - supports, no remarks

Chris Goman (D-CA) / Treib Bureau

Crossings work out ok; ^{supports} problem
to be resolved in connectors.

Went to work with DOT, but
also need to address environmental
concerns - soils, animals etc. This
deals mostly with Class II & III highways

SB 165

pg 2 of 2

Chris Gamache cont

Course filter / fair filter applies to state land, (highway) but the crossing point may be connecting, trails on private land but the highway is the only "state land"

There is a back log of about 30 crossing applications; some go back 5-6 years.

Testimony

1 *

Statement of Senator John Gallus
Senate Bill 105
February 24, 2011
Senate Energy and Natural Resources Committee

Thank you Mr. Chairman,

For the record, my name is John Gallus and I am the Senator for District 1 that includes all of Coos County and the northern towns in both Grafton and Carroll Counties.

I am the prime sponsor of SB 105, excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails.

The bill does not open any roads for ATV use. ATV Criteria was developed for new trails being built on existing park/forest lands in NH. Criteria was not developed with DOT rights of way needed for trail crossings or connectors in mind. RSA 215-A:3, VI and VIII direct the Bureau of Trails to receive applications and forward them to DOT for review and approval. That cannot happen because DOT feels they must use the existing criteria because they are "state lands."

Currently more than 30 applications at DOT offices which are unable to be reviewed or approved. State roads crossings are needed to connect private lands which allow public OHRV trails.

That being said, I thank you for your consideration.

THE AMENDMENT WAS INTRODUCED TO LIMIT THE EXCEPTION TO
HIGHWAY TRAIL CROSSINGS

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 105

BILL TITLE: (New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

DATE: May 3, 2011

LOB ROOM: 305

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. Ahlgren

Seconded by Rep. Parkhurst

Vote: 15-0 (Please attach record of roll call vote.)

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: 15-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 105

BILL TITLE: (New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

DATE: May 3, 2011

LOB ROOM: 305

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Ahlgren, Parkhurst

Seconded by Rep.

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

15-0

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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

15-0

OFFICE OF THE HOUSE CLERK
 RESOURCES, RECREATION and DEVELOPMENT.

Bill# SB 105 Title Exempting certain trails
from trail criteria for highway crossings
 PH Date 4/5/11 Exec Date 5/3/11
 Motion OTAP Amendment #

Member	Yea ✓	Nay
RENZULLO, Chair	✓	
KAPPLER Vice-Chair	✓	
CHRISTENSEN	✓	
RUSSELL	Absent	
AHLGREN	✓	
MERROW	✓	
BOLSTER	✓	
HOWARD HOGAN	✓	
HUTCHINSON	✓	
LOVETT	✓	
PETTENGILL OBER	✓	
SCHROADTER	✓	
SPANG	✓	
PARKHURST	✓	
MOODY	Absent	
AGUIAR	✓	
THOMAS	✓	

TOTAL 15 0

Committee Report

CONSENT CALENDAR

May 4, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred SB105,

AN ACT (New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Christopher J Ahlgren

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	SB105
Title:	(New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.
Date:	May 4, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill eliminates the redundancy in agency evaluations when ATV and trail bikes trails cross a highway. The department of transportation already evaluates crossings over their highways, so requiring the trails bureau to do the same thing under RSA 215-A is unnecessary.

Vote 15-0.

Rep. Christopher J Ahlgren
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

SB105, (New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. **OUGHT TO PASS.**

Rep. Christopher J Ahlgren for RESOURCES, RECREATION AND DEVELOPMENT. This bill eliminates the redundancy in agency evaluations when ATV and trail bikes trails cross a highway. The department of transportation already evaluates crossings over their highways, so requiring the trails bureau to do the same thing under RSA 215-A is unnecessary. **Vote 15-0.**

Original: House Clerk
Cc: Committee Bill File

SB 105

OTP

This bill eliminates the redundancy in agency evaluations when ATV and trail bikes trails cross a highway. The department of transportation already evaluates crossings over their highways, so requiring the trails bureau to do the same thing under RSA 215-A is unnecessary.

Chris Ahlgren

A handwritten signature in black ink, appearing to read "A. Reynolds". The signature is written in a cursive style and is located in the lower right quadrant of the page.

SB 105

OTP

This bill eliminates the redundancy created when highway trail crossings and connectors are subjected to the coarse and fine filter requirements set forth in RSA 215-A:42 and RSA 215-A:43. The trails leading up to the crossing already must meet the aforementioned RSAs. Therefore, requiring the trails bureau to perform the same environmental impact analysis for these crossings is inefficient and unnecessary.

Chris Ahlgren

~~Since~~ The dept of transportation already evaluates crossings over their highways, so the trail trails bureau's evaluation under RSA 215 is unnecessary.

This bill eliminates the redundancy in agency evaluations of ATV and trail bike trails cross a highway, when

The dept. of transportation already evaluates crossings over their highway, so requiring the trails bureau to do the same thing under ~~215~~ RSA 215-A, is unnecessary.

OTP 15-0

in agency evaluations of ATV and trail bike trails crossing a highway.
D.A.E.O. + DOT



SB 105 - CHRISTOPHER J. AHLGREN
OTP

THIS BILL ELIMINATES THE
REDUNDANCE CREATED WHEN HIGHWAY
TRAIL CROSSINGS AND CONNECTORS ARE
SUBJECTED TO THE COARSE AND FINE
FILTER REQUIREMENTS SET FORTH IN
RSA 215-A:42 AND RSA 215-A:43. THE
TRAILS LEADING UP TO THE CROSSING
ALREADY MUST MEET THE AFOREMENTIONED
RSAs. THEREFORE, REQUIRING THE TRAILS
BUREAU TO PERFORM THE SAME ENVIRONMENTAL
IMPACT ANALYSIS FOR THESE CROSSINGS
IS INEFFICIENT AND UNNECESSARY.