

# Committee Report

**CONSENT CALENDAR**

**February 16, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Resources, Recreation and Development to which was referred HB 311,**

**AN ACT establishing a committee to study rail trail best management practices. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Juliet Harvey-Bolia**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Resources, Recreation and Development</b>
Bill Number:	<b>HB 311</b>
Title:	<b>establishing a committee to study rail trail best management practices.</b>
Date:	<b>February 16, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

Former rail line roadbeds revert to the state when abandoned. While many are reclaimed by nature, others can and have been repurposed as recreational trails which are used by residents and visitors for walking, bicycling, skiing, snowshoeing, as well as for snowmobiles and 4-wheel OHRVs. In some instances adjacent industrial activities, historic loading practices, leaks during material transfers or storage, and repair activities may have contaminated the roadbed with oil or hazardous materials. In addition, residual contamination may often be found along the length of the line, incidental to the maintenance and use of the railway itself. This bill establishes a legislative committee to study and develop rail trail best management practices for repurposing former rail beds into trails. This Committee will study residual contamination from railroad operations on these abandoned roadbeds as well as other impacts common to rail trail systems. The Resources, Recreation and Development Committee unanimously supports this bill and believes it be integral to the maintenance of New Hampshire's rail trail system.

Vote 20-0.

Rep. Juliet Harvey-Bolia  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Resources, Recreation and Development

**HB 311**, establishing a committee to study rail trail best management practices. **OUGHT TO PASS.**

Rep. Juliet Harvey-Bolia for Resources, Recreation and Development. Former rail line roadbeds revert to the state when abandoned. While many are reclaimed by nature, others can and have been repurposed as recreational trails which are used by residents and visitors for walking, bicycling, skiing, snowshoeing, as well as for snowmobiles and 4-wheel OHRVs. In some instances adjacent industrial activities, historic loading practices, leaks during material transfers or storage, and repair activities may have contaminated the roadbed with oil or hazardous materials. In addition, residual contamination may often be found along the length of the line, incidental to the maintenance and use of the railway itself. This bill establishes a legislative committee to study and develop rail trail best management practices for repurposing former rail beds into trails. This Committee will study residual contamination from railroad operations on these abandoned roadbeds as well as other impacts common to rail trail systems. The Resources, Recreation and Development Committee unanimously supports this bill and believes it be integral to the maintenance of New Hampshire's rail trail system.

**Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

## Heather Goley

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**From:** Andrew Renzullo  
**Sent:** Friday, February 12, 2021 1:26 PM  
**To:** Heather Goley  
**Subject:** 311 blurb

Here is the blurb for HB311.

Andy

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### Blurb for HB311

Former rail line roadbeds revert to the state when abandoned. While many are reclaimed by nature, others can and have been repurposed as recreational trails which are used by residents and visitors for walking, bicycling, skiing, snowshoeing, as well as for snowmobiles and 4-wheel OHRVs. In some instances adjacent industrial activities, historic loading practices, leaks during material transfers or storage, and repair activities may have contaminated the roadbed with oil or hazardous materials. In addition, residual contamination may often be found along the length of the line, incidental to the maintenance and use of the railway itself. This bill establishes a legislative committee to study and develop rail trail best management practices for repurposing former rail beds into trails. This Committee will study residual contamination from railroad operations on these abandoned roadbeds as well as other impacts common to rail trail systems. The Resources, Recreation and Development Committee unanimously supports this bill and believes it be integral to the maintenance of New Hampshire's rail trail system.

**Juliet Harvey-Bolia**

# Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 311

**BILL TITLE:** establishing a committee to study rail trail best management practices.

**DATE:** February 3, 2021

**LOB ROOM:** Hybrid

**MOTIONS:** OUGHT TO PASS

Moved by Rep. Harvey-Bolia

Seconded by Rep. Healey

Vote: 20-0

CONSENT CALENDAR: YES

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: HB 311

DATE: 02/03/21

LOB ROOM: 306/308

MOTION: (Please check one box)

- OTP                       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Harvey-Bolia      Seconded by Rep. Healey      Vote: 20/0

MOTION: (Please check one box)

- OTP       OTP/A       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP       OTP/A       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

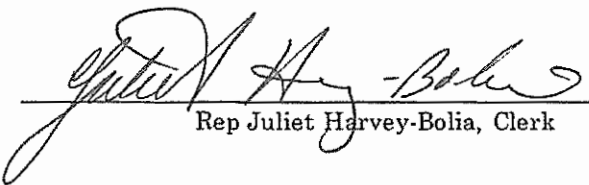
MOTION: (Please check one box)

- OTP       OTP/A       ITL                       Retain (1<sup>st</sup> year)                       Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES       NO

Minority Report? \_\_\_\_\_ Yes      \_\_\_\_\_ No      If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted:   
Rep Juliet Harvey-Bolia, Clerk





2021 SESSION

Resources, Recreation and Development

Bill #: HB 311 Motion: OTF AM #: \_\_\_\_\_ Exec Session Date: 02/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
<del>Rung, Rosemarie</del>			
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
	20	0	

# Testimony

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# Hearing Minutes

## Action Minutes February 3, 2021

**Members Present:** Reps. Renzullo, Gunski, Harvey-Bolia, Gould, Horgan, Harb, Creighton, Dodge, Healey, Mayville, Post, Smith, Spang, Grassie, Gottling, Cohen, Connors, Vail, E. Kelley and Moran

The meeting was convened as a Zoom webinar at 9:02 a.m. by Rep. Renzullo as Chair, who proceeded to read the script prepared by Committee staff regarding authorization for the Committee to meet remotely in accordance with the Governor's Emergency Order #12 and pursuant to Executive Order 2020-4.

A roll call attendance was taken. Staff: Brad Greenland.

Members present remotely at this time aside from Rep. Smith, were Reps. Dodge, Spang, Grassie, Gottling, Cohen, Connors, Vail, E. Kelley and Moran.

At 9:12, Rep Renzullo opened the hearing on HB 311, establishing a committee to study rail trail best management practices. Prime Sponsor Rep. Smith spoke endorsed the bill which intends to address problems along rail trails. Rep. Smith answered questions by Committee members.

Hon. Wendy Thomas, Merrimack spoke in support of HB 311.

Hearing Closed: 9:25 AM.

Rep. Renzullo opened the Executive session at 9:25 AM. Rep. Renzullo spoke in favor of HB 311.

Rep. Gunski spoke in favor of HB 311.

Rep. Gould spoke in favor of HB 311.

Rep. Dodge asked if the proposed committee would dissolve after establishment. Rep. Smith stated that it would dissolve in November, 2022.

Rep. Harvey-Bolia made the motion that HB 311 OTP, seconded by Rep. Healey. A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo,	X	
Rep. Gunski,	X	
Rep. Gould	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	
Rep. Grassie	X	
Rep. Gottling	X	
Rep. Cohen	X	
Rep. Connors.	X	
Rep. Vail	X	
Rep. Kelley	X	
Rep. Moran	X	

20 Yeas, zero Nays. HB 311 passed unanimously. 9:36 AM: session closed.

February 3, 2021

To the Resources, Recreation & Development Committee

Rep. Suzanne Smith, Prime Sponsor

Testimony in support of HB311 establishing a committee to study rail trail best management practices.

Active railroads used to crisscross New Hampshire bringing passengers up for weekends in the White Mountains and carrying freight prior to the interstate highway system. In the last 50 years, many rail beds have been abandoned and some have been converted to recreational "rail trails."

HB311 will establish a committee comprised of legislators who will develop best management practices for repurposing former rail beds into rail trails and develop best management practices (BMPs) for maintaining rail trails to reduce or limit exposure of possible contamination to users. The committee will seek input from state agencies (DOT, DNCR, DES) and from experts in fields of study to learn about residual contamination from railroads or other sources, fugitive dust, Impacts of users. They will also consult with experts on establishing goals of the best management practices being considered.

The Rails to Trails Conservancy website addresses contamination along rail corridors. They state, "The type and extent of contamination along rail corridors falls into two general categories: residual contamination that may be found along any stretch of corridor and contamination associated with industrial uses alongside it." They list potential contaminants that any organization should consider when planning to convert a rail corridor to a recreational trail:

- Railroad ties, usually treated with chemicals such as creosote
- Coal ash and cinder containing lead and arsenic
- Spilled or leaked liquids such as oil, gasoline, cleaning solvents, etc.
- Herbicides
- Fossil fuel combustion products (PAHs)
- Roofing shingles (asbestos)
- Air compressors
- Transformers and Capacitors
- Metals

NH has a growing network of rail trails the longest being the Northern Recreational Rail Trail (Boscawen-Lebanon) 59.3 miles and the Presidential Recreation Trail which extends from Jefferson to Gorham. There are many others in use and potential for more than 150 miles more around the state.

According to NH Department of Transportation (DOT), the Department of Rail and Transit, NH has approximately:

250 miles of rail corridor is held in agreement with the Department of Natural and Cultural Resources (DNCR)

22 miles of abandoned railroad line is under the jurisdiction of DOT

60 miles of corridor are owned by DNCR

22 1/2 miles is owned by towns and includes Rochester, Claremont, Haverhill and Goffstown.

Learning that future sites of rail trails and existing rail trails in NH may contain contaminants at the core of their beds, makes developing Best Management Practices for Rail Trails a logical start to address this possible health threat. We consider using rail trails a health building experience for cyclists, moms pushing strollers, runners, and those who use motorized vehicles such as OHRVs use our rail /recreation trails. Let's keep it that way!

I urge you to vote Ought to Pass on HB311 and begin the work to develop BMPs for our rail corridors/rail trails.

February 2, 2021  
HB 229 - Please Vote No

To the Honorable Members of the House Resources, Recreation, and Development Committee:

Allow me to introduce myself and family - My name is Jacob Ellis - Along with my partner Nicole Grenier we have two beautiful children ages 8 and soon to be 6. We own a property on the panoramic Bow Lake, in Strafford, NH. Official address: 6 Fire RD 9 Strafford NH. While we do not live on the lake full time - we are often found on Bow Lake each night after work days in the summers, Holidays and weekends.

We own a Tow boat - which we use for sunset viewing - occasional fishing and towing our children along with friends and family with their children. While owning our property and boat on this beautiful lake - we have made many friends on the lake, and it has brought our family close together as we all find beauty and laughter on the lake.

We partake in water sports - something we can share as a family. These are activities that friends and family alike have truly enjoyed during our times together. A wonderful way to get the kids back outdoors and off the screens. They learn patience, balance and perseverance. They learn to laugh at themselves for getting it just right while striving to better themselves. Also, Swimming has been a much needed cardio influence for all of us.

We all enjoy the lake views, the beautiful sunsets and nature in its natural habitat. Our children and nieces and nephews have learned about more variations of fish and birds in the few years we have been there, and finally something not about a pokemon. While we take our boat out for a slow ride on the lake, we are always amazed at the kindness from other boaters and friendly smiles and acknowledgement as we pass by each other. Especially those who live right on the lake like we do.

There are some rising concerns regarding the types of boats and the direct effect it poses to the Lake. In my years boating on Bow Lake and on countless others within New Hampshire and Maine regions. Make no mistake, this is not about what Boat causes what damage. But which operator cannot handle the responsibility of their boating license. While we have all seen misuse of power in our lives - cars - workplace or even boats - Collective Punishment is not the answer to the rising concerns. Also, please take into consideration this could negatively impact the draw of Bow Lake in the region. Should certain Boats not be allowed, this could affect the real estate market values and the small tourism of this area.

Thank you for your time and consideration in reviewing this opposition to HB 229. While the concerns should be discussed, perhaps we should all focus on the education of boating, safety for everyone on the lake and how we can all help our animal friends in the natural habitat. The

enforcement of current laws should also be reviewed and adjusted as needed to help curb the outrageous few.

Our family would very much like to continue our Lake Life, please allow everyone to share the waterways with kindness, respect and a little bit of fun along the way.

Respectfully,

Jacob Ellis Sr.  
Strafford, NH





## New Hampshire Rail Trails Coalition

An affiliate of the Bike-Walk Alliance of NH

2 Whitney Road, Suite 11

Concord, NH 03301-1844

[www.nhrtc.org](http://www.nhrtc.org)

To: House Resource, Recreation and Development Committee

From: New Hampshire Rail Trails Coalition

Date: February 1, 2021

Subject: House Bill 311

Dear Representatives,

We are asking you to vote for HB 311. We are glad to see Rail Trails getting more recognition at the state level for the important public resource they are.

HB 311 brings up multiple important issues that rail corridors face when being opened for recreational and alternative transportation uses.

Currently, NHRTC has a seat on the State Rails Trail Plan Advisory Shareholder Committee (2019 SB 185.) This committee is already tasked with establishing best management practices for rail trail building and maintenance, so it seems the HB 311 committee can bring needed attention to the various impacts of trail users.

The issues that come to our attention most are funding sources for trail building and the impacts of motorized vehicles on other trail users and abutters.

Thank you for your consideration of these requests.

NH Rail Trails Coalition Board,

Dave Topham, President pro-tem, Treasurer, Salem

Charles Martin, Vice President, New London

Abby Evankow, Secretary, Gorham

Chuck Redfern, Keene

Marianne Borowski, Glen

Rick Audy, Shelburne

Tom Christensen, Amherst

Jim Feleen, Claremont

Ellen Kolb, Merrimack

Bill as  
Introduced

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HB 311 - AS INTRODUCED

2021 SESSION

21-0414

04/05

HOUSE BILL

**311**

AN ACT

establishing a committee to study rail trail best management practices.

SPONSORS:

Rep. Suzanne Smith, Graf. 8; Rep. Weston, Graf. 8; Rep. Gould, Hills. 7

COMMITTEE:

Resources, Recreation and Development

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ANALYSIS

This bill establishes a committee to study and develop rail trail best management practices.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

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 Twenty One*

AN ACT                    establishing a committee to study rail trail best management practices.

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

1            1 Findings. The general court finds that:

2            I. Many former rail lines were abandoned years ago and appear to be nearly reclaimed by  
3 nature. Others have been repurposed as recreational trails which are used by residents and visitors  
4 for walking, bicycling, skiing, snowshoeing, as well as for snowmobiles and 4-wheel OHRVs.

5            II. In some instances adjacent industrial activities, historic loading practices, leaks during  
6 material transfers or storage, and repair activities have contaminated soil with oil or hazardous  
7 materials. In addition, residual contamination can often be found along the length of the line,  
8 incidental to the maintenance and use of the railway itself.

9            III. Redevelopment of former rail lines to recreational trails can be accomplished in a way  
10 that protects public health and the environment. It requires recognizing potential problems and  
11 implementing actions to safeguard nearby residents, workers, and trail users throughout the life of  
12 the project.

13           2 Committee Established. There is established a committee to study rail trail management  
14 practices.

15           3 Membership and Compensation.

16           I. The members of the committee shall be as follows:

17           (a) Three members of the house of representatives, at least 2 of whom shall be from the  
18 resources, recreation, and development committee, appointed by the speaker of the house of  
19 representatives.

20           (b) One member of the senate, who shall be from the energy and natural resources  
21 committee, appointed by the president of the senate.

22           II. Members of the committee shall receive mileage at the legislative rate when attending to  
23 the duties of the committee.

24           4 Duties. The committee shall:

25           I. Develop best management practices for repurposing former rail beds into rail trails and  
26 develop best management practices for maintaining rail trails to reduce or limit exposure of possible  
27 contamination to users.

28           II. Seek input from state agencies including department of environmental services,  
29 department of transportation, and the department of natural and cultural resources, bureau of  
30 trails.

31           III. Solicit advice and testimony from experts in areas of study including, but not limited to:

- 1 (a) Residual contamination from railroad operations.
- 2 (b) Contamination from other sources.
- 3 (c) Identifying areas of contamination concern.
- 4 (d) Establishing goals of best management practices.
- 5 (e) Pre-and post-construction concerns.
- 6 (f) Fugitive dust.
- 7 (g) Impact on vegetation.
- 8 (h) Impact on abutters.
- 9 (i) Motorized vehicle impact.
- 10 (j) Pedestrian impact.
- 11 (k) Animal impact.

12 5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
13 among the members. The first meeting of the committee shall be called by the first-named house  
14 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
15 section. Three members of the committee shall constitute a quorum.

16 6 Report. The committee shall submit an interim report of its findings and any  
17 recommendations for proposed legislation to the speaker of the house of representatives, the  
18 president of the senate, the house clerk, the senate clerk, the governor, and the state library on or  
19 before November 1, 2021 and shall submit a final report on or before November 1, 2022.

20 7 Effective Date. This act shall take effect upon its passage.