

Bill as Introduced

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

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 311 - AS INTRODUCED

- Page 2 -

- 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.

HB 311 - AS AMENDED BY THE SENATE

03/25/2021 0864s

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

ANALYSIS

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

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, appointed by the president of the senate.

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

23 4 Duties. The committee shall:

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

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

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

31 (a) Residual contamination from railroad operations.

HB 311 - AS AMENDED BY THE SENATE

- Page 2 -

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

11 5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
12 among the members. The first meeting of the committee shall be called by the first-named house
13 member. The first meeting of the committee shall be held within 45 days of the effective date of this
14 section. Three members of the committee shall constitute a quorum.

15 6 Report. The committee shall submit an interim report of its findings and any
16 recommendations for proposed legislation to the speaker of the house of representatives, the
17 president of the senate, the house clerk, the senate clerk, the governor, and the state library on or
18 before November 1, 2021 and shall submit a final report on or before November 1, 2022.

19 7 Effective Date. This act shall take effect upon its passage.

HB 311 - VERSION ADOPTED BY BOTH BODIES

03/25/2021 0864s

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

ANALYSIS

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

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, appointed by the president of the senate.

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

23 4 Duties. The committee shall:

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

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

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

31 (a) Residual contamination from railroad operations.

HB 311 - VERSION ADOPTED BY BOTH BODIES
- Page 2 -

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

11 5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
12 among the members. The first meeting of the committee shall be called by the first-named house
13 member. The first meeting of the committee shall be held within 45 days of the effective date of this
14 section. Three members of the committee shall constitute a quorum.

15 6 Report. The committee shall submit an interim report of its findings and any
16 recommendations for proposed legislation to the speaker of the house of representatives, the
17 president of the senate, the house clerk, the senate clerk, the governor, and the state library on or
18 before November 1, 2021 and shall submit a final report on or before November 1, 2022.

19 7 Effective Date. This act shall take effect upon its passage.

CHAPTER 94
HB 311 - FINAL VERSION

03/25/2021 0864s

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

ANALYSIS

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

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.

CHAPTER 94
HB 311 - FINAL VERSION

03/25/2021 0864s

21-0414
04/05

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 94:1 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 94:2 Committee Established. There is established a committee to study rail trail management
14 practices.

15 94:3 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, appointed by the president of the senate.

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

23 94:4 Duties. The committee shall:

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

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

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

CHAPTER 94
HB 311 - FINAL VERSION
- Page 2 -

- 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 94:5 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 94:6 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.

 94:7 Effective Date. This act shall take effect upon its passage.

Approved: July 01, 2021
Effective Date: July 01, 2021

Amendments

Senate Transportation
March 17, 2021
2021-0864s
04/06

Amendment to HB 311

- 1 Amend section 3 of the bill by replacing subparagraph I(b) with the following:
- 2
- 3 (b) One member of the senate, appointed by the president of the senate.

Committee Minutes

SENATE CALENDAR NOTICE
Transportation

Sen Regina Birdsall, Chair
Sen David Watters, Vice Chair
Sen Denise Ricciardi, Member
Sen Ruth Ward, Member
Sen Tom Sherman, Member

Date: March 11, 2021

HEARINGS

Tuesday

03/16/2021

(Day)

(Date)

Transportation

REMOTE 000

1:00 p.m.

(Name of Committee)

(Place)

(Time)

1:00 p.m.	HB 222-FN	relative to official cover plates.
1:15 p.m.	HB 298	adding a member to the aviation users advisory board.
1:30 p.m.	HB 305	relative to motorist service signs on limited access highways.
1:45 p.m.	HB 311	establishing a committee to study rail trail best management practices.
2:00 p.m.	HB 423	establishing a commission to study the implementation of enhanced automation of traffic lights.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92298872492>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 13126266799,,92298872492# or 19292056099,,92298872492#
4. Webinar ID: 922 9887 2492
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 222-FN

Rep. Belanger

HB 298

Rep. Weyler

Rep. Jack

Sen. Bradley

HB 305

Rep. Horrigan

HB 311

Rep. Suzanne Smith

HB 423

Rep. Torosian

Rep. Gould

Rep. L. Ober

Sen. Birdsell

Rep. R. Ober

Sen. Gannon

Rep. Torosian

Sen. Daniels

Rep. Weston

Rep. Gould

Rep. Janigian

Rep. True

Rep. Spillane

Kirsten Koch 271-3266

Regina Birdsell
Chairman

Senate Transportation Committee

Kirsten Koch 271-3266

HB 311, establishing a committee to study rail trail best management practices.

Hearing Date: March 16, 2021

Time Opened: 1:45 p.m.

Time Closed: 1:54 p.m.

Members of the Committee Present: Senators Birdsell, Watters, Ricciardi, Ward and Sherman

Members of the Committee Absent : None

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

Sponsors:

Rep. Suzanne Smith

Rep. Weston

Rep. Gould

Who supports the bill: Rep. Suzanne Smith, Grafton 8; Rep. Andrew Renzullo, Hillsborough 37; Wendy Thomas; Joyce Weston; Robert Johnson, NH Farm Bureau Federation; Abby Evanknow, NH Rail Trails Coalition; Robin Vogt.

Who opposes the bill: Debbie Briscoe

Who is neutral on the bill: None.

Summary of Testimony Presented:

Rep. Suzanne Smith, Grafton 8

- Rep. Smith testified in support of the bill.
- Rep. Smith said this bill establishes a committee to study rail trail best management practices.
- Rep. Smith shared an anecdote about how a committee she was on took trip to the Presidential Rail Trail on OHRVs.
- Rep. Smith said, Rails to Trails found residual contaminants in dust which potentially includes chemicals, lead, arsenic, oil, gasoline, herbicides, and various metals including zinc and copper.
- Rep. Smith said, this bill establishes a committee to study how to reduce or limit exposure and the impact on trail users. The committee will seek input from DES, DHHS, and other experts.
- Rep. Smith said, the study committee includes three House Representatives and one Senator.

- Rep. Smith said, trail users will benefit from this bill.
- Rep. Smith said, there could be an amendment to change the requirement of the senator being from the Energy and Natural Resources Committee to the Transportation Committee, or the senators could also just add another House Representative instead of a Senator to the committee.
- Senator Watters said, I do not have a preference which committee the senator comes from. As for not having a Senator at all, is there precedent for a study committee without senators at all?
 - Rep. Smith did not have the answer but said she just offered it as an option.
- Senator Birdsell said, I think there has been committees in the past without senators on it.

Hon. Wendy Thomas, Merrimack, NH

- Ms. Thomas testified in support of the bill.
- Ms. Thomas said, this bill resulted from “we didn’t know what we didn’t know.”
- Ms. Thomas said this bill will help to those that live next to trails.
- Ms. Thomas said, we realized we have no best practices to protect against exposure to polluted soil. There are health concerns regarding abandoned trail tracks, asbestos in trains, oil spilled, and the fact that there are areas on these trails where no vegetation is growing.
- Ms. Thomas said, the rail trails used for tourism and recreation.
- Ms. Thomas said, we must protect ongoing maintenance and development of rail trails as well as prevent contamination of fugitive dust.

Speakers

Senate Remote Testify

Transportation Committee Testify List for Bill HB311 on 2021-03-16

Support: 7 Oppose: 0 Neutral: 0 Total to Testify: 2

Name	Email Address	Phone	Title	Representing	Position	Testifying	?
thomas, wendy	wethomas@gmail.com	603.424.1379	A Member of the Public	Myself	Support	Yes	?
Smith, Suzanne	zanne719@gmail.com	603.715.0086	An Elected Official	Grafton 8 - PRIME SPONSOR	Support	Yes	?
Weston, Joyce	jweston14@roadrunner.com	Not Given	An Elected Official	Myself	Support	No	?
Johnson, Robert	robj@nhfarmbureau.org	Not Given	A Lobbyist	NH Farm Bureau Federation	Support	No	?
Evankow, Abby	abbyaustin89@gmail.com	466-3037	A Member of the Public	NH Rail Trails Coalition	Support	No	?
Renzullo, Andrew	andrew.renzullo@leg.state.nh.us	603.943.8962	An Elected Official	House RR&D Committee - Chair	Support	No	?
Vogt, Robin	robin.w.vogt@gmail.com	603.969.5720	A Member of the Public	Myself	Support	No	?

Testimony



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

To: Senate Transportation Committee
From: New Hampshire Rail Trails Coalition
Date: March 15, 2021
Subject: House Bill 311

Dear Senators,

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 tasked with establishing best management practices for rail trail building and maintenance. The HB 311 committee can build on this work, bringing needed attention to the impacts of various 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

Kirsten Koch

From: Dbriscoe57 <dbriscoe57@aol.com>
Sent: Monday, March 8, 2021 1:58 PM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch
Cc: Dbriscoe57
Subject: HB311 establishing a committee to study rail trail best management practices.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Senate Transportation Committee

I am writing in regards to HB311 Bill, Titled: establishing a committee to study rail trail best management practices.

I am concerned with the intent of this Bill and it's giving mixed messages. As I understand it, this Bill's main focus is dealing with contaminated soils and dust when repurposing Rail Corridors to Recreational Rail Trails. The House hearing mentioned using the Massachusetts "Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails" as an example.

I am not seeing any reference to studying the impact of users in the Mass BMP's. I also know that currently the SB185 NH DOT Rail Trail Advisory Committee is working on updating the State Rail Trail Plan that includes, "Considering maintenance and cost of maintenance for rail trails," including "volunteer maintenance of trail surfaces and other amenities" for biking and non-motorized recreation of low-impact uses. (low impact includes animals currently allowed on rail trails).

This SB185 committee is already looking at trail maintenance, so let's not overlap. The outcome of this committee will be useful not only for State managed Rail Trails but also for Town, Private and Conservation managed Rail Trails. Rail Trails by nature practice the most sustainable trail design recommended for trails and there are many documents that address how to maintain trails, including recommended surfaces for non-motorized users.

When I read my response email from Representative Suzanne Smith (D) on what was the purpose of studying user impact in the Bill, I did not get a satisfactory answer when she wrote "concern for animals is a (small) part of what the Committee will be reviewing".

I am not seeing the need for studying "animal impact" in this Bill based on Representative Suzanne Smith response and her reasons seemed based on HB1426 2020 SESSION being voted to Interim Study last year and did not progress because of Covid. Also I have observed in the writing of this Bill that the study of "Bicycle Impact" is not included. There are a lot of mixed messages on the intent of this Bill.

For the reasons I have mentioned I ask that you remove the study of "animal impact" from this Bill.

Sincerely,
Debbie Briscoe
Brentwood NH
dbriscoe57@aol.com

March 16, 2021

To Chair Regina Birdsell and the Senate Transportation Committee

From 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 are held in agreement with the Department of Natural and Cultural Resources (DNCR)

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

60 miles of corridor are owned by DNCR

22 1/2 miles are owned by towns including 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 and snowmobiles on our rail /recreation trails. Let's keep it that way!

HB311 passed the Resources, Recreation and Development Committee unanimously and passed the House on the Consent Calendar.

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

Voting Sheets

Senate Transportation Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # HB 311

Hearing Date: 3/16/21

Executive Session Date: 3/16/21

Motion of: Committee Amendment - OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Calendar Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Sherman

Notes: Committee Amendment; One Senator; Not Committee Specific

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, March 18, 2021

THE COMMITTEE ON Transportation

to which was referred **HB 311**

AN ACT

establishing a committee to study rail trail best management practices.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0864s

Senator Tom Sherman
For the Committee

This bill establishes a committee to study and develop rail trail best management practices. This bill was brought after residual contaminants in dust on rail trails were found to include chemicals and metals such as arsenic, lead, copper, zinc, oil, gasoline, herbicides and more. The committee will study how to reduce and limit exposure of residual contaminants to users and abutters of rail trails. The transportation committee amendment opens the senate membership to any member appointed by the president of the senate, removing the restriction in the bill to a member of the senate committee on energy and natural resources.

Kirsten Koch 271-3266

FOR THE CONSENT CALENDAR

TRANSPORTATION

HB 311, establishing a committee to study rail trail best management practices.

Ought to Pass with Amendment, Vote 5-0.

Senator Tom Sherman for the committee.

This bill establishes a committee to study and develop rail trail best management practices. This bill was brought after residual contaminants in dust on rail trails were found to include chemicals and metals such as arsenic, lead, copper, zinc, oil, gasoline, herbicides and more. The committee will study how to reduce and limit exposure of residual contaminants to users and abutters of rail trails. The transportation committee amendment opens the senate membership to any member appointed by the president of the senate, removing the restriction in the bill to a member of the senate committee on energy and natural resources.

Docket of hb311		
01/09/2021	H	Introduced (in recess of) 01/06/2021 and referred to Resources, Recreation and Development HJ 2 P. 43
01/27/2021	H	Public Hearing: 02/03/2021 09:00 am Members of the public may attend using the following link To join the webinar: https://www.zoom.us/j/92220129569 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
02/16/2021	H	Committee Report: Ought to Pass (Vote 20-0; CC) HC 12 P. 12
02/24/2021	H	Ought to Pass: MA VV 02/24/2021 HJ 3 P. 17
03/04/2021	S	Introduced 03/04/2021 and Referred to Transportation; SJ 7
03/11/2021	S	Remote Hearing: 03/16/2021, 01:45 pm; Links to join the hearing can be found in the Senate Calendar; SC 15
03/18/2021	S	Committee Report: Ought to Pass with Amendment # 2021-0864s, 03/25/2021; Vote 5-0; CC; SC 16
03/25/2021	S	Committee Amendment # 2021-0864s, RC 24Y-0N, AA; 03/25/2021; SJ 9
03/25/2021	S	Ought to Pass with Amendment 2021-0864s, RC 24-0, MA; OT3rdg; 03/25/2021; SJ 9
06/10/2021	H	House Concurs with Senate Amendment 2021-0864s (Rep. Renzullo): MA VV 06/10/2021
06/22/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); SJ 20
06/22/2021	H	Enrolled (in recess of) 06/10/2021
07/06/2021	H	Signed by Governor Sununu 07/01/2021; Chapter 94; Eff: 07/01/2021

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 311

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ - amendment # 2021-08645

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Kristen Koch
Committee Aide

7/26/21
Date

Senate Clerk's Office [Signature]