

Rail Trail Study Committee (HB311)  
Minutes December 10, 2021  
Approved

Present: Reps Linda Gould (chair), Suzanne Smith (Clerk), Greg Hill and Senator David Watters

Guests: Shelley Winters (DOT), Craig Rennie (DNCR-BOT), Boyd Smith, Dan Torrey (Committee researcher), Adam Schmidt (NH Snowmobile Association), Ellen Kolb (NH Rail Trail Coalition), Bobby Collins (NH-Off-highway Recreational Vehicles Association)

Shelly Winters of NH Department of Transportation outlined agreements between DOT and the Department of Trails (DNCR) as well as with municipalities. She explained that in some areas such as the seacoast and southern NH where DOT has rail trail agreements with municipalities. In these instances, DNCR does not have a vested interest. Both agencies have ownership and management responsibilities in specific cases.

(Presentation by Shelly Winters NH DOT

Ms. Winters shared maps of railtrails throughout the state. Some are held by DOT (fee simple) Others are in a cooperative agreement with DNCR's Bureau of Trails and others held with a municipality. This process excludes local groups.

DOT has municipal rail trail agreements where DNCR –seacoast and southern NH-does not have vested interest. Both agencies have ownership and management.

The NH Rail Master Plan for Rail Trails does not address issues of contamination. It does include maintaining culverts. It also assures that crossings are safe, both for wildlife and people as well as keeping rail trails safe and available for public use. The new proposed Rail Trail Master Plan doesn't address environmental contaminants/issues.

DOT follows environmental rules promulgated by DES. They require new materials be clean but understands there could be environmental challenges which are not typically addressed. Any construction entity is required to follow DES rules. Materials excavated may be utilized within the right of way. DES works with the construction entity and DOT to determine if/which soils need to be transported off site. In more cases, DOT is given information on how things can be mitigated.

They work to mitigate issues with abutters such as water runoff to adjacent properties. Fencing is required with the abutter if the railroad is active.

DOT addresses safety issues and infrastructure such as compliance with ADA standards.

The Funding source determines whether motorized vehicles are allowed. Once standards in a particular area are set, it is possible to further restrict use but restrictions cannot be loosened. If a municipality objects to the use of motorized vehicles on a rail trail, DOT, on behalf of the state, would consider a change.

Members questioned whether there are new rail trails under consideration. Craig Rennie stated that the Bureau of Trails is working on extending the trail in Littleton to the Presidential Rail Trail. Another railroad being converted into a rail trail under consideration is in Columbia.

Ms. Winters discussed the possibility of the state acquiring part of the abandoned rail owned by PanAm to extend Northern Rail Trail.

There is also an active DOT project on seacoast (9 miles) and another 8 miles to MA that could be developed. Development of these trails is costly.

DOT works with municipalities on Americans With Disabilities (ADA) compliance. This includes placement of gates which allow wheelchair access and the best surface for the rail trail. (packed stone, pavement or other)

Public hearings are not required for each rail trail proposal, however municipalities may go through a public process. Senator Watters suggested there may be a need for public hearings legislatively

Ms. Winters addressed questions and comments from committee members.

Problems with abutters? Municipalities responsible for enforcement.

Noise from motorized users? Bureau of trails as well as Fish and Game and local law enforcement address this issue.

There is a Memorandum of Understanding (MOU) with DNCR for active railroads which are only used seasonally. This allows for use by cross country skiing and snowmobiles during the winter.

Since there is federal funding for rail development, could some of these funds be directed to rail trails? This is something to be researched.

Is there coordination between state Departments of Transportation? NH confers with VT and Maine regularly b/c of our rural nature. There are also agreements between these states.

Discussion about residual liability (for toxic materials) even though state has taken over a railroad bed. Purchase and sale agreements. Is there liability to the rail company outlined in purchase and sale agreements? Ms. Winters said it would depend on what testing was done at the time.

Wells on the East West route between Manchester and Portsmouth are being monitored, because of what the railroad was used for. Ms. Winters did not know if that use was disclosed to DOT at the time. She will check P&S agreement.

Minutes: Sen. Watters made a motion to approve November minutes. Rep Gould seconded. Senator Watters, Reps. Gould and Smith concurred, and the minutes were approved. Rep. Hill abstained because he was not in attendance for the entire meeting.

Future meetings:

January 24, Monday -- Department of Environmental Services Rooms 210-211

February 14, Monday – DES, Rooms 210-211

March 14, Monday - DES, Rooms 210-211

Future topics:

Review MA Best Management Practices Manual

Review and compare BMPs or related information from other states.

Review BMPs MA and other states when we get that information

Attorney General's office to review liability issues.

NH Rail Trail Coalition

Meeting was adjourned at 9:59 am.

Suzanne Smith, Clerk