

HB 311 Committee to Study Rail Trail Management Practices

January 24, 2022

Minutes

In Chair Gould's absence, Rep. Smith called the meeting to order at 9:00 AM.

Present: State Reps. Suzanne Smith and Greg Hill, Senator David Watters.

Guests: Ellen Kolb and Boyd Smith (NH Rail Trails Coalition), Craig Rennie and Alexis Rudko (NH Bureau of Trails), Tim White, Michael McCluskey and Philip Trowbridge (NH Department of Environmental Services), Louis Barker (NH Department of Transportation - Rail and Transit), Trixie Lefebure (NH Horse Council), Adam Schmidt (NH Snowmobile Association)

Minutes of the December 10 meeting were approved unanimously.

Michael McCluskey, of DES Hazardous Waste Division gave a presentation on DES role in environmental impact of converting railroad beds to rail trails used by the public. (attached) Phil Trowbridge of the Water Division and Tim White from the Air Resources Division at DES were also present and available to answer questions.

Mr. McCluskey explained that residual contamination from railroad operations includes oil drippings, coal ash and clinkers as well as railroad ties treated with creosote. These are very common occurrences. More serious contaminants such as oil spills are found in areas along abandoned rail lines which used to serve industry such as mills, tanneries or other factories. DES' first task is to identify areas of contamination concern. The type of Environmental Site Assessment (ESA) performed on the site and the surrounding area depends on the site. Did the rail line run through an uninhabited, inhabited area or an industrial area? A Phase 1 Environmental Site Assessment (ESA) is often done as part of the property transaction. They are looking for Recognized Environmental Conditions (RECs). A Phase 2 ESA is usually performed only at former industrial areas, and Mr. McCluskey gave examples including the Woods Woolen Mill in Hillsborough. That rail corridor is owned by DNCR, and for that site/rail trail proposal, a committee including the local Regional Planning Commission, the municipality and others are all working together.

Sometimes 'background' contaminants are left in place or moved within the right-of-way. Most often, a barrier made of a manufactured geotextile material is placed to prevent oil drippings or other contaminants from seeping up to the actual trail surface. In some instances, contaminated soil is buried away from the actual trail but within the right-of-way. Snow fences may be installed to keep people away from a contaminated area. Because there are so many miles of abandoned track and rail trails in less populated areas, there is no practical way to test a lot of the trails. Moving contaminants off site makes it a solid waste issue and is more problematic.

DES works with DOT and gives guidance about rail trail conversions when they are asked. Committees which are working to expand rail trails or repurpose rail lines may reach out to DES which will then do a review either Phase 1 ESA (review of data) or when location is a former manufacturing or industrial site, a Phase 2 ESA (site visit and testing of area). Contamination concerns often focus on groundwater.

Department refers to Massachusetts BMPs as they are the only state which has developed a detailed document which focuses on contaminants and rail trail conversion.

Mr. McCluskey discussed possible federal funding for reparation of brownfields. Federal funding is available for infrastructure as well as for brownfields. This funding may be a good fit for cleaning up along abandoned rail lines. In Winchester, there are abandoned mills adjacent to that rail trail, and in Franklin near the Northern Rail Trail, there is an abandoned foundry. When we begin to formulate best management practices, DES may be of assistance and could work with the committee.

In response to members' questions, DES staff stated that if a railroad is active, that entity is responsible when rail ties leach creosote. Involved parties usually set up agreements prior to sale or takeover of line. They also said that they do not regulate fugitive dust, because if it is clean material and surface is hardpack, it should stay where it is. They agreed that during a dry season, a lot of dust can get kicked up. Barriers are often used to prevent underlying contaminants from rising to the surface on busy trails.

All members were concerned about the breathing in of the dust, activity stirring up contaminants and how we can test the dust. Where should that testing be focused ie what sites? It could mean massive testing to really find out. Presenters stated presently there is no testing done after trails have been in use. Massachusetts does point studies, but they do not go back and test after the rail trails have been built.

DES staff explained that wherever there is a former railroad, contaminants will be found--more so in areas like the abandoned woolen mill in Hillsborough. In that location there is even lead paint contamination. Could a study looking at the range of contaminations be done, doing a limited risk assessment including number and type of users (walkers, bike riding, OHRVs, equestrian), and how often they use the trail?

Chair Smith thanked the Mr. McCluskey, Mr. Smith and Mr. Trowbridge for the presentation and for helping the committee understand more about the issue of repurposing abandoned rail lines.

The next meeting is scheduled for Monday February 14 at 9 am at the department of environmental services.

The meeting was adjourned at 10:25 am.

Respectfully submitted,

Suzanne Smith, Clerk