

NH Rail Trail Study Committee
Minutes – March 14, 2022 DRAFT

Chair Gould called the meeting to order at 9:00 am.

Members Present: Representatives Linda Gould, Suzanne Smith and Greg Hill
Guests: Director Craig Rennie and Alexis Rudko, Bureau of Trails (DNCR), Shelley Winters, Department of Transportation, Boyd Smith, NH Rail Trail Coalition

Minutes: Rep. Smith made the motion to approve the minutes of the February 14 meeting. Chair Gould seconded. All concurred.

Chair Gould stated that the purpose of this meeting was for members of the Committee to review the charge of the Committee (HB 311), what we've learned thus far and what our next steps will be.

Members agreed that much of the work around Best Management Practices is being done by agencies. Bureau of Trails has a BMP manual which covers steep slopes, wetlands, culverts, etc. DES has BMPs for Wetlands and Department of Transportation is working on a Master Plan for Rail Trails which is moving towards the final draft.

Committee discussed whether our final report should include recommendations for BMPs for rail trail conversions or whether the proposed BMPs should be a second document. What is missing from the procedures and Best Management Practices that have been put together by the agencies? We do not want to duplicate their efforts but want to work with them. They can assist us with this work.

Dust and contaminants are two areas which have been mentioned frequently. Fugitive dust caused by traffic on rail trails—worse in heavily trafficked areas whether a group of bike riders or an OHRV or many OHRVs.

Dust can be stirred up from the crushed stone and base layer. Whether it contains toxic substances or not, breathing in dust can be harmful to your health, more often for children and babies whose respiratory systems are not fully developed or children and pets who are much lower to the ground and breathe in more of the dust.

In areas being developed for rail trails, contaminants can mingle with dust from the surface and increase the risk of breathing in the dust. Agencies informed the committee (DES/DOT) of their process for reducing risk of breathing in contaminants. (see minutes of Jan meeting).

Rep. Smith stated that the presentation by Mike McCloskey from DES focused on environmental concerns around rail trails. The MA Best Management Practices is a complex document and DES stated that they refer to it especially in (former) industrial areas where

railbeds are being converted to rail trails. If these issues are covered by rules, we need to access that information.

Members agreed that different surface options should be considered when determining what the new rail trail is going to be used for. How specific this statement should be is still being discussed ie should recommendations for various choices of trail surfaces depending on usage be specified or left up to the agencies involved.

Since the February meeting, the NH Rail Trail Coalition shared a short video on their trail maintenance process/procedures to lessen the effect of fugitive dust. The video clarified the types of surface stones used as well as how often maintenance is required and the cost—which is high. [Link to video](#)

Rep. Hill stated that the dust seems to be the heart of the report DES testified about contaminants previously and stated that they refer to the MA BMPs. By adding structure for a NH document of BMPs, it will be easier for the department and the public to access what the process is here in NH.

DES experts who testified in February will be invited to participate in the April meeting. From the committee's work thus far, it appears that the current BMPs (BOT and DOT and wetlands) do not involve environmental health issues. Input from DES should be able to clarify what is missing and what is needed and whether an entirely new document is needed for rail trails. Alternatively, this could be included in rules.

Director Rennie gave input about the processes used in trail development, non-industrial sites with background/residual contaminants, the residuals are not removed, but capped. If an industrial site is going to be redeveloped, more permitting is required and more testing. If, for example, an old train depot was converted to a visitor center, more permitting would be required and the work wouldn't (only?) be done under the trail, but also in the surrounding areas being developed.

Shelley Winters stated that DOT uses DES recommendations. Residual contaminated soil can be kept in the ROW. It may be 20 miles further down the track but still in the ROW.

Best Management Practices for development of new trails may be a short document as so much is being done by agencies now. However, environmental issues related to breathing in dust which even if crushed stone, contains silica, should be addressed. DES has recommendations for fugitive dust but only on a commercial/industrial level.

Concern on part of BOT that if the BMPs are for maintaining trails already in use as well as new trails, enforcement will be impossible. We've been told that user groups (OHRV clubs, NH Rail Trail Coalition, Snowmobile clubs) do monitor trails which they use. Some clubs are funded through the Grant in Aid Program and _____. The clubs are very effective and work with BOT to address issues depending on what the complaint is. For example use of Calcium chloride for dust and paving Gorham parking lot also for dust.

The committee report could include the partnerships between clubs/friends groups/coalitions and the agencies which lessen the need for agency inspections.

One abutter who spoke to the committee last year, was the Police chief from Sandown. He had complaints about OHRV use year round, dust and noise. BOT manages that section of the Rockingham Rail Trail and Director Rennie is working with him on compliance issues. That trail gets a lot of use and is torn up. They are resurfacing trail through there with crushed stone.

It is challenging to appease all users of multi-use rail trails. Surface conflicts. Gravel vs paved vs crushed stone.

Shelley Winters stated that the concerns (fugitive dust etc) we are focusing on are not included in the Master Plan. However various surface options are included in that plan.

Director Rennie explained the difference between statute, rules and BMPs.

If BMPs are NOT in rules or statute they are advice/suggestions, not requirements.

As an agency, they can recommend that construction of a new trail utilize the BMPs but it does not have the force of law.

Rules have the force of law.

How BMPs are effectively used. For example, if your wetlands permit requires you use BMPs, you must use them.

We should clarify whether residual and background (below danger level) mean the same thing in NH as in other states. MA and NH have same definition as was told to us by DES.

Again, agencies all agreed that funding is the biggest issue.

Developing is a small portion.

Maintaining is very expensive and problematic.

Need for funding should be in our report.

Director Rennie stated that motorized user groups pay for most of the maintenance on rail trails.

Other possible sources of funding aside from federal or state grants.

Fees to use trails/like hike smart/ iron rangers

Looking at a trail pass with F&G doing the set up.

Boyd Smith of the NH Rail Trail Coalition said that dust needs to be addressed, because it is such a central part of the discussion. He agreed that links to other agencies' BMPs should be included in this committee's final report. He volunteered to help put this together.

Director Rennie worked in the Alteration of Terrain division at DES where many of the worst complaints were about town dirt roads.

Next meeting scheduled for Monday April 11 at 9 am at DES, 29 Hazen Drive.
Mike McCloskey and colleagues from DES will be invited

Rep. Hill made a motion to adjourn. Rep. Gould seconded. All concurred.
Meeting was adjourned at 10:15 am.

Respectfully submitted,

Rep. Suzanne Smith, Clerk