

CHAPTER 335
HB 2022 - FINAL VERSION

17Mar2022... 0745h
04/28/2022 1816s
04/28/2022 1878s
04/28/2022 1872s
26May2022... 2048CofC
26May2022... 2131EBA

2022 SESSION

22-2379
12/04

HOUSE BILL **2022**

AN ACT relative to the 10 year transportation plan, relative to the New Hampshire transportation council, and relative to repealing the scenic and cultural byways council.

SPONSORS: Rep. Graham, Hills. 7

COMMITTEE: Public Works and Highways

AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation plan for 2023-2032.
- II. Eliminates the scenic and cultural byways council.
- III. Amends the membership and meeting structure of the New Hampshire transportation council.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the 10 year transportation plan, relative to the New Hampshire transportation council, and relative to repealing the scenic and cultural byways council.

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

1 335:1 State 10-Year Transportation Improvement Plan. The legislature hereby adopts the plan
2 known as the "State of New Hampshire Ten Year Transportation Improvement Plan 2023-2032" submitted
3 by the governor to the legislature pursuant to RSA 228:99 and RSA 240 and encourages expeditious
4 implementation of the projects shown therein.

5 335:2 Project Restored. The project named Hudson, project number 42108 in the 2021-2030 10-year
6 transportation improvement plan, to construct a roadway between Route 3A and Route 111 as the
7 southern portion of the circumferential highway, shall be included and amended in the 2023-2032 10-year
8 transportation improvement plan to require the department of transportation evaluate the feasibility of
9 constructing said roadway with engineering totaling \$250,375 in fiscal year 2024 and \$750,000 in fiscal
10 year 2025, contingent on the availability of federal funding.

11 335:3 Route 153 Report. The commissioner of the department of transportation shall submit an
12 annual report to the long range capital planning and utilization committee relative to Route 153 from the
13 Wakefield town line to the Eaton/Conway town line. Said report shall be submitted to the department of
14 transportation by January 1 of each year and shall include the following:

15 (a) Traffic counts by town with average speed data.
16 (b) Road conditions to include shoulders.
17 (c) Accident data by location.
18 (d) Correspondences to the department from the towns and citizens with safety concerns in
19 this corridor.

20 335:4 The commissioner of the department of transportation may modify funding sources and
21 accelerate schedules of municipally owned bridge projects in the 2022-2032 10-year transportation
22 improvement plan by leveraging additional funding opportunities made available to New Hampshire.
23 Funding sources include the state aid bridge (SAB) program, municipally owned bridge rehabilitation and
24 replacement (MOBRR) program, and municipal owned bridge-bipartisan infrastructure law (MOBIL)
25 program. Recommended changes are based on the eligibility of projects for federal aid funds. To be
26 eligible for MOBIL funding a bridge must be 20 feet or greater in length and off the federal aid system.
27 The affected projects are:

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1	Project	Funding	Proposed TYP Year
2	ALSTEAD 40649	SAB to MOBIL	2026
3	ALSTEAD 40661	SAB to MOBIL	2024
4	AMHERST 40654	SAB	2023
5	AMHERST 40657	SAB to MOBIL	2024
6	ANDOVER 41407	SAB to MOBIL	2024
7	ANTRIM 14942	SAB	2023
8	AUBURN 29316	SAB to MOBIL	2023
9	BARRINGTON 26722	SAB	2023
10	BARRINGTON 41410	SAB	2025
11	BEDFORD 21684	SAB	2023
12	BEDFORD 24217	SAB to MOBIL	2023
13	BOW 24223	SAB	2024
14	BOW 24224	SAB	2025
15	BROOKLINE 41408	SAB	2025
16	CANAAN 26704	SAB	2023
17	CANAAN 41399	SAB to MOBIL	2023
18	CANAAN 41406	SAB to MOBIL	2024
19	COLEBROOK 40651	SAB	2023
20	COLEBROOK 40652	SAB	2023
21	COLEBROOK 40655	SAB to MOBIL	2023
22	CONCORD 41212	MOBRR	2023
23	DORCHESTER 42091	SAB	2023
24	DORCHESTER 42092	SAB	2025
25	ENFIELD 13592	SAB to MOBIL	2025
26	FRANCESTOWN 42709	SAB to MOBIL	2026
27	FREMONT 23793	SAB	2023
28	GOFFSTOWN 41597	SAB	2025
29	HARRISVILLE 16114	SAB to MOBIL	2026
30	JACKSON 40808	SAB	2023
31	JAFFREY 41401	SAB	2023
32	KEENE 40653	SAB	2023
33	KEENE-SWANZEY 40666	MOBRR	2025
34	LACONIA 26706	SAB to MOBIL	2023
35	LACONIA 43845	MOBRR	2026
36	LANCASTER 22192	SAB	2025
37	LEBANON 13558A	MOBRR	2023
38	LEBANON 24221	SAB to MOBIL	2023
39	LEBANON 24222	MOBRR	2023

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1	MADBURY 41462	SAB	2026
2	MANCHESTER 15837	SAB to MOBRR	2025
3	MANCHESTER 24206	MOBRR	2024
4	MANCHESTER 24212	MOBRR	2024
5	MERRIMACK 29174	MOBRR	2026
6	MILTON, NH-LEBANON, ME 40658	MOBRR	2023
7	NEW BOSTON 14771	SAB to MOBIL	2026
8	NEW BOSTON 15505	SAB to MOBIL	2024
9	NEWPORT 20006	SAB	2023
10	ORFORD 41151	SAB to MOBIL	2023
11	PELHAM 29450	SAB to MOBIL	2023
12	PITTSFIELD 14972	SAB	2025
13	RICHMOND 29055	SAB to MOBIL	2023
14	RICHMOND 29056	SAB	2023
15	RUMNEY 27162	SAB	2023
16	SANDOWN 41412	SAB	2027
17	SUGAR HILL 24218	SAB to MOBIL	2023
18	SWANZEY 41403	SAB to MOBIL	2024
19	WEARE 14338	SAB	2026
20	WEBSTER 40810	SAB to MOBIL	2023
21	WENTWORTH 40648	SAB	2023
22	WILTON 15767	SAB	2023
23	WILTON 15768	SAB to MOBIL	2025

24 335:5 Turnpike Authority; Authority Granted. RSA 237:2 is repealed and reenacted to read as
25 follows:

26 237:2 Authority Granted. The commissioner of the department of transportation, with the approval of
27 the governor and council, is authorized to make such other and further improvements to the New
28 Hampshire turnpike system as may be required by RSA 240.

29 335:6 Turnpike Authority; Limitations. Amend RSA 237:5, II(h) to read as follows:

30 (h) Establish a ~~[temporary]~~ turnpike engineering section ~~[for the period of design and~~
31 ~~construction of any portion of the system, assign permanent employees of the department of~~
32 ~~transportation to duties and positions in said section]~~ and employ such engineers and assistants as may
33 be necessary ~~[on a temporary basis for said period of]~~ *for* design and construction. The costs of said
34 turnpike engineering section shall be a charge against the funds made available under this chapter or
35 otherwise for the system.

36 335:7 Turnpike System; Funds Provided. RSA 237:7 is repealed and reenacted to read as follows:

37 237:7 Funds Provided.

38 I. The amounts necessary to fund turnpike system projects approved in the state 10-year
39 transportation improvement plan as authorized by RSA 240 are hereby appropriated.

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1 II. After substantial completion of the project or projects authorized by paragraph I of this section
2 the governor and council may transfer appropriations for such project or projects to other projects under
3 this chapter. The appropriations made by this chapter shall be continuing appropriations and shall not
4 lapse.

5 III. The governor and council are authorized under RSA 237-A to provide, solely by resolutions or
6 by trust or security agreements, without further appropriation, for application or expenditures of moneys
7 deposited or held in funds established in connection with the issuance of revenue bonds under RSA 237-
8 A, including without limitation the application of moneys to operate, maintain, and make improvements to
9 the turnpike system, to pay costs of issuance of bonds including costs of traffic studies and engineering
10 reports prepared for issuance of bonds, and to establish and maintain reserves.

11 335:8 Scenic and Cultural Byways System; Purpose. Amend RSA 238:19, III to read as follows:

12 III. It shall be a process of state and local identification of scenic and cultural byways that shall
13 build a statewide system. However, nothing in this subdivision shall restrict a municipality from
14 designating scenic byways within its jurisdiction, require that such designated scenic byways be
15 nominated for inclusion in the New Hampshire scenic and cultural byways system, or require that the
16 [~~scenic and cultural byways council~~] **department of transportation** accept such locally designated scenic
17 byway into the system.

18 335:9 Scenic and Cultural Byway System; Designation. Amend the introductory paragraph of RSA
19 238:22, I to read as follows:

20 I. The [~~council~~] **department of transportation, in consultation with the department of natural and**
21 **cultural resources**, shall designate and de-designate scenic and cultural byways of the New Hampshire
22 scenic and cultural byways system based on criteria which include, but shall not be limited to, the
23 following:

24 335:10 Scenic and Cultural Byways System; Designation. Amend RSA 238:22, III to read as follows:

25 III. Under no circumstances shall a local scenic and cultural byway be designated without a
26 public hearing [~~conducted by the municipalities in the area~~] **in each municipality that the proposed local**
27 **scenic and cultural byway would be located in.**

28 335:11 Scenic and Cultural Byways System. RSA 238:23 is repealed and reenacted to read as
29 follows:

30 238:23 Funds. The commissioner of the department of transportation is authorized to apply for funds
31 including grants, accept funds, and disburse funds for the scenic and cultural byways program. Any
32 moneys accepted shall be continually appropriated for the purpose of this subdivision.

33 335:12 Scenic and Cultural Byway System; Advertising. Amend RSA 238:24, I-II to read as follows:

34 I. The [~~council~~] **department of transportation, in consultation with the department of natural and**
35 **cultural resources**, shall remove any scenic and cultural byway designation, highway sections that:

36 (a) Have no scenic or cultural value; and

37 (b) Have been designated or would be designated solely to preserve system continuity.

38 II. Nothing in this section shall preclude the [~~council~~] **department of transportation** from removing
39 from any scenic and cultural byway designation, highway sections that are adjacent to property that is

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1 used for intensive commercial or industrial purposes. In this section, "intensive" means an area
2 containing more than 5 zoned commercial or industrial activities located within one continuous mile.

3 335:13 New Hampshire Transportation Council; Membership. Amend RSA 238-A:4, I to read as
4 follows:

5 I. The council shall have the following members:

6 (a) The commissioner of the department of transportation, or designee.

7 (b) The commissioner of the department of business and economic affairs, or designee.

8 (c) The commissioner of the department of safety, or designee.

9 (d) A member of the senate transportation committee, appointed by the president of the
10 senate.

11 (e) A member of the house transportation committee, appointed by the speaker of the house
12 of representatives.

13 (f) An individual knowledgeable in transportation technology, appointed by the governor and
14 approved by the executive council.

15 (g) ~~[A member of the New Hampshire College and University Council, appointed by the~~
16 ~~president of that organization.]~~ ***The commissioner of the department of environmental services, or***
17 ***designee.***

18 (h) Three representatives of the transportation service industry, each representing a discrete
19 mode of transportation, appointed by the governor and approved by the executive council.

20 (i) Two representatives from regional planning commissions, one of whom shall represent an
21 urban area and one of whom shall represent a rural area, appointed by the New Hampshire Association of
22 Regional Planning Commissions.

23 (j) The ~~[director of the office of strategic initiatives]~~ ***commissioner of the department of energy,***
24 ***or designee.***

25 (k) The commissioner of the department of insurance, or designee.

26 335:14 New Hampshire Transportation Council; Meetings. Amend RSA 238-A:5, III to read as
27 follows:

28 III. A majority of council members then appointed, ***participating in-person or remotely,*** shall
29 constitute a quorum. Regular meetings of the council may be established in bylaws.

30 335:15 Repeal. The following are repealed:

31 I. RSA 237:5, I, relative to the authority of the commissioner of the department of transportation.

32 II. RSA 237:5, II(o), relative to limitations on the authority of the commissioner of the department
33 of transportation.

34 III. RSA 238:20, relative to the establishment of the scenic and cultural byways council.

35 IV. RSA 238:21, relative to the duties of the scenic and cultural byways council.

335:16 Effective Date. This act shall take effect upon its passage.

Approved: July 25, 2022
Effective Date: July 25, 2022