SB 80, Chapter Law 116:1, Laws of 2015

Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: (New Title) establishing a committee on rail trails.

FINAL REPORT

The above-named Legislative Study Committee examined the issues relative to state-owned abandoned rail corridors and their use by recreational groups.

FINDINGS

This Study Committee met eleven times over the course of the past year-and-a-half. The Committee, chaired by Senator Nancy Stiles, identified several key findings in the course of its meetings. These include the following:

1. The Committee and various stakeholders found that the New Hampshire State Trails Plan (2005, Department of Transportation) needs to be updated in order to reflect more than ten years of changes. How this should be done is further reflected in the “Recommendations” section of this report.

2. The Committee and various stakeholders found that there are many issues surrounding rail trail groups utilizing abandoned state-owned railroad corridors for trails. These issues include:
   a. Lack of financing to fund rail-to-trails projects.
   b. Lack of clarity in establishing who is responsible for the cost of maintenance, including the underlying infrastructure, trail surfaces and other amenities.
   c. Lack of clarity regarding insurance issues surrounding volunteer groups.

RECOMMENDATIONS

Based on the Committee’s findings in its meetings with various stakeholders, which are further enumerated in the attached minutes, the Committee recommends the following:

New Hampshire State Trail Plan

1. Update the “New Hampshire State Trails Plan” (2005, New Hampshire Department of Transportation) to include a more up-to-date analysis of trail use. The Committee recommends that this Plan be updated currently as well as every ten years moving forward.

2. Propose a state policy approved through legislation directing future rail trail development and their usage throughout the state.
3. Establish projects by tiers of importance (Tier 1, 2 and 3 projects) based on criteria such as geography, connectivity of rail trails, population of use, and other criteria established by those updating the State Trails Plan.

4. The Department of Transportation (DOT), the Department of Resources and Economic Development (DRED) co-operatively shall be responsible for updating this Plan and shall consider whether or not the updated recommendations need to be included in an updated version of the State Trails Plan, or if these recommendations should be included within the State’s Bicycle and Pedestrian Plan (2006).

5. The Departments team should work cooperatively with the individual Regional Planning Commissions as they deem necessary as well as to identify and detail the state’s current inventory.

An updated Plan should consider inclusion or not of the following elements:
1. Various width options for layout and pavement recommendations of the trail for design standards depending on available width of each trail.

2. Trail should consider appropriate layout width for walking, biking, and equestrian uses.

3. Trail use restrictions

4. GIS layered mapping as to who owns which trails throughout the state and their use.

5. Mapping of access for parking at trails and those that include adequate space for horse trailers.

6. Various forms of surface crossings may include:
   - beacons
   - small signal installations - button placement to the benefit of walkers/bikes AND horse riders
   - uniformity of trail connectivity for consistency
   - universal sign language - responsible party for supply, placement, and ongoing maintenance
   - markings or stenciling on the roads for crossings

Financing
1. Strongly recommend the conducting of a statewide economic-impact analysis on the value of rail trail usage, which would be included in an updated State Trails Plan.
2. Determine if it is necessary to hire a consulting firm for the completion of the Plan and readying it for public distribution. Include those costs within the state budget proposal, unless grants were available.

3. Consider the issues surrounding maintenance and cost of maintenance regarding these rail trails, including requiring the state be responsible for the underlying structural integrity of abandoned rail corridors, while allowing various trail organizations and towns to take over routine maintenance of trail surfaces and other amenities.

4. Seek legislative proposals to consider a simple financing system to fund rail trails projects.

5. Consider establishing organizations throughout the state that serve as a fundraising arm for matching state and local contributions to projects (i.e. Pathways for Keene).

Continued Trail Maintenance

1. A sample trails agreement outlining responsibilities of various groups who undertake such a plan.

2. A list of the trail organizations and ties to which areas each serves.

3. Address the ongoing issue of insurance for many volunteer groups and how this requirement can be better achieved.

4. Encourage support for trail development with existing active rail throughout the state.

5. Consider the issues of encroachment regarding abutting properties and the need to ensure the ability to fix properties considered to belong to the trail. This may include reestablishing property lines with private property owners.

Plan Distribution

1. Hold at least three public hearings, each in a different area of the state, sharing the draft State Trails Plan for comment. Make the final Plan available on the appropriate state website.

2. Consider a short pamphlet to be available at State Information Centers regarding the State Trails Plan.
Respectfully Submitted,

Nancy Stiles
Senator Nancy Stiles

Brian Chirichiello
Representative Brian Chirichiello

George E. Sykes
Representative George Sykes

KAB
10-18-2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: (New Title) establishing a committee on rail trails.

SB 80, Chapter Law 116:1, Laws of 2015

Organizational Meeting Minutes

RE: SB 80 Organizational Meeting

MEETING DATE: August 17, 2015, 1:00 pm, LOB 103

Members of the Committee Present: Senator Stiles
Representative Chirichiello
Representative Sykes

Members of the Committee Not Present: None

Others Present:
Patrick Herlihy, NH DOT
Chris Gamache, DRED (Trails)
Glenn Wallace, NHOHVA
Heather MacAllister
Bob Spiegelman
Scott Bogle, NH Seacoast Greenway
Trixie Lefebure, NH Horse Council

Meeting Discussion:

Senator Stiles has been elected Chair of the Committee. She quickly summarized all the contents of the packets distributed to each member, including a final report from the 2014 study committee on SB 248 (Committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors).

Senator Stiles announced that she is pleased that legislation may be brought forth this year to make it possible to turn old rail ties and tracks into an energy source, which would be beneficial.

Senator Stiles would like to discuss who will be overseeing the transition to a trail: DOT or DRED. The legislation itself directs the Committee to distinguish between abandoned and use railroad beds and those currently in use, to exam the recreational use immunity laws, examine the fee structure regarding rails to trails, and examine all the DOT policies in use regarding rails to trails.
Senator Stiles invited Patrick Herlihy (DOT) to speak about any information from the Department that he can provide as a starting point.

Mr. Herlihy stated that they have tried to get tie-removal fees covered through the budget, but this has not passed. DOT has to keep the active rail lines functioning as well. If the state does not own a corridor of this moment, the town is assuming risk to take on the project themselves. Mr. Herlihy brought a copy of the State Trails Plan, last updated in 2005. He would like to see this updated, but this would require outside resources with expertise to do the plan well. DOT would have to go through the process of selecting a consultant for this. DOT would also like the input of DRED as to what this new plan should look like.

Mr. Herlihy also brought copies of RSA’s regarding railroads and right-of-way preservation. These state that if rail is going to come back through the corridor, the corridor will be converted back to a functioning rail corridor.

Additionally, Mr. Herlihy brought a spreadsheet of current rail trail group activity around the state as of August, 2015. It is left up to each individual trail group as to what their trail may look like, etc. Some rail companies may sell most sections except a piece, which they keep for negotiating later. DOT provides guidance to rail trail groups by reviewing plans and making comments. If it is economically feasible to take the rails themselves back to use elsewhere, then DOT will. If it is not, then we will leave the rail pieces to the trail groups and let them use it to fund the development of their trail.

Mr. Herlihy provided a summary of DOT’s most recent rail removing projects as well. Mr. Herlihy confirmed that there are six active railroads in the state: four for use and two scenic. DOT also provided guidelines for distance and safety in setting up their rail to trail programs and differences in mixed-use trails.

The last document he provided is a sample rail-trail agreement from the city of Lebanon so that members may see what this process looks like for a community. The fee included pays for the time of DOT staff to get these agreements ready, including a contractor, which is set in administrative rules. He summarized that there is a fine line between transportation and recreational use when it comes to such trails.

Trixie Lefebure of Londonderry spoke to the committee with her thoughts. She works with the NH Horse Council. She asked if any of the present projects in place would be able to move forward with what they are doing before guidelines are established by this committee. Mr. Herlihy confirmed that all would continue doing what they are doing now until new law comes forth.

Chris Gamache of DRED stated that he would work on providing the agreement between DRED and DOT in how they deal with these. DOT is traditionally the owner of these rails but DRED manages them. There are many moving pieces in rail-to-trail projects that need to be considered, including liability to volunteers. Rep. Chirichiello asked if any other funds have been looked into for this. Mr. Gamache stated that this would place difficulties on the permanent rail-revision issue and these funds are very, very hard to obtain. Rep. Sykes asked if there was a way to have a single point of contact for the rail trail group. Senator Stiles asked for a list of challenges regarding the conversion process so the Committee can address each one individually. The Portsmouth branch and Cheshire County are restricted, meaning that DRED could not put certain uses on it. Snowmobiles would be accepted. Senator Stiles asked if a
volunteer could place restrictions such as no motorized vehicles, etc. Mr. Gamache stated that they could not do that without state approval.

Scott Bogle of the NH Seacoast Greenway came to speak with the committee. The group has been working together since 2007 and has been very pleased with the level of interest from communities and representative in acquiring the Hampton to Portsmouth branch. He brought a handout stating the economic and community benefits of the New Hampshire Seacoast Greenway, including health and fitness, efficient transportation, economic development, environmental education, and conservation. He noted that snowmobiles would not be favored, as there is not a consistent quantity of snow and the noise that would be brought by them. Additionally, members of snowmobile groups have not come forward to discuss their concerns and needs with the Seacoast Greenway.

Bob Spiegelman also spoke with committee members. He believes that rail-to-trail is a visionary concept that can bring people together to explore all options of this process. He is hoping for this to be a successful project.

At the September 1st and September 15th meetings, the committee would like the first three rail groups to come to speak about their concerns, in addition to NH Seacoast Greenway. These groups are mentioned in roman III of the final version of the bill.

**Next Meeting(s):** September 1, 2015 at 2:30 PM, September 15th at 2:30 PM, September 29th at 2:30 PM.

**Report Due:** November 1, 2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: (New Title) establishing a committee on rail trails.

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: September 1, 2015, 2:30 pm, LOB 103

Members of the Committee Present: Senator Stiles
                                      Representative Chirichiello
                                      Representative Sykes

Members of the Committee Not Present: None

Others Present:
Patrick Herlihy, NH DOT
Bob Spiegelman
Scott Bogle, NH Seacoast Greenway
Debbie Briscoe, NH Horse Council
Bob Rimol, Londonderry Trailways
Frank Gould, Mascoma River Greenway

Meeting Discussion:
Senator Stiles opened the meeting and stated the groups who would be speaking today, including the New Hampshire Seacoast Greenway, Londonderry Trailways, and the Mascoma River Greenway Coalition.

NH Seacoast Greenway
Scott Bogle, Rockingham Planning Commission
Work on developing this Greenway has been in place since 2007. This is envisioned to be a path from Maine down to Key West. The New Hampshire section of this was completed in 2009. Since the late 90's, DOT has owned the four miles of the southern most section of this corridor. Other trail groups that have been involved in working with Senator Carson in the establishment of this study committee have shared their specific concerns and process on the development of their trails. The Seacoast Greenway is in the very beginning stages of these developments. There has been frustration in some of the corridor communities regarding purchasing parts of the corridors. The group has had good relations and progress with DOT. The extent to which the DOT views itself as a partner in developing these trails is important, as opposed to viewing themselves as a
land-owner who holds communities at arms-length. The extent to which the Department recognizes bicycle and pedestrian facilities as part of the state's transportation network is also important. Acquiring the Hampton Branch Corridor has been difficult. The railroad company believes it has a much higher value than what it has been appraised at. In terms of trail management agreements, there has been much uncertainty. Back in 2012, the group went back and forth with DOT for sample agreements. The Greenway's agreement was based on another town's in which they made changes because it was based on an active railway. A new agreement was written based on that of Salem, NH. The Greenway would like to use whatever works well with DOT, but they would like a definite model to be used. It seems as though more responsibility will be placed on the communities for maintenance of the trails. There are concerns among communities as to exactly what this means. For routine maintenance, towns will likely be able to handle this. More complex tasks, such as major wash-outs, do not set clear boundaries as to who is responsible. The hope is that, in a trail management agreement, there can be a three-part division of maintenance that recognizes some trail specific structures are a town's responsibility, some are the state's responsibility, and some are shared responsibilities. Maintained crossings and pedestrian-triggered traffic lights are also a concern for corridor communities, since it appears to go against policy at DOT that they do not maintain pedestrian and bicycle issues. If these were local roads, DOT would take on maintenance for these crossings, and the Greenway does not see how this should be viewed any differently. In summary, a main concern is money and who has the resources to maintain these facilities.
Rep. Chirichello asked about funding issues for railroad companies that believe the value may be different of a corridor. Patrick Herlihy of DOT said he could not give specific numbers as negotiations are in progress, but that it is a large gap between what the railroad believes and what DOT believes is a fair value. Senator Stiles asked about horse use on the trail. Mr. Bogle stated that he understands that riders often do not want to use paved trails for horses and that groups decide if they want to leave a small dirt section on the side. He is not sure if this is uniform on the entire of the trail or on a town-by-town basis. Senator Stiles asked this since the committee received an e-mail from equestrian users to ask for a minimum three-foot area for use off to the side of the rail trail. Patrick Herlihy of DOT stated that some design needs to be put in place to allow for equestrian use.
Rep. Sykes has concerns about equestrian use and how to best solve this issue for riders.
Mr. Bogle stated that each corridor community has a representative in the group. More recently, it has been an ad-hoc group of more interested parties in each community and staff from towns.

**Londonderry Trailways**

**Bob Rimol**

Londonderry Trailways is a non-profit organization. The first point that the group would like to make is that the governor, representatives, and all members of the senate needs to understand that rail trails equal money. Everywhere people go, they see trails, individuals on bikes, walking dogs, etc. These are not just in tourist areas. New Hampshire is not very effective at building rail trails because it is divided by each and every town group. Other states do not have this problem. Secondly, these smaller trail groups all have to deal with the DOT and many would like to see the DOT change their mindset. Temporary use agreements cost a lot of money for towns and take ample time. Mr. Rimol would like to see a less process-oriented Department and more eagerness on the part of the Department to help towns. Lastly, trail groups have individuals who leave
and give up because the experience is not enjoyable or is too difficult. Mr. Rimol would like to see a culture change that makes this more streamlined and enjoyable for towns. One mile of corridor had rail on it in Londonderry. In this corridor, we had volunteers remove trees and brush. It will cost the town $35,000 to dispose of the ties, thousands of dollars to remove the rails via a third-party, and even more money for additional things. He estimates that this project will cost Londonderry about $100,000 before they can even begin to work on a trail.

Rep. Chirichiello asked whether or not towns are allowed to collect impact fees and use them for rail trails. Mr. Rimol was unsure of the answer. Representative Chirichiello would like to study this issue further.

Mascoma River Greenway Coalition

Franklin Gould, Co-chair

Mr. Gould volunteers with the Coalition, which opens up the rail corridor from downtown Lebanon to west Lebanon at the Connecticut River. The state refused to abandon a section of corridor so that the group can use it to get into west Lebanon. The state felt as though if they could maintain an active rail in this section, it would be enticing to reconnect the northern corridor from Boston up to Montreal. The state has abandoned a section that was not as much as the group would like, but would allow them to access a road way to get into west Lebanon. The North Rail Trail has been in existence for about 20 years and the state owns that rail corridor. The Claremont Concord Railroad still comes into Lebanon. The final four miles of rail to obtain are very important. This would be the first time that would allow travel from one side of the community to the other. This is something that the community is in strong support of. The city of Lebanon is grinding up the ties for them, so they do not have to pay for a third-party or disposal. There should be some kind of statute as to how long the rail corridor can remain inactive before it can approach the state and say that it is abandoned and that towns should have access. He believes that five years may be a good amount of time. It would be beneficial if the DOT was more in tune to the citizens of the state than to the rails. Refinement of the process so that it moves faster would be beneficial also. In Lebanon’s section, there will not be space for equestrian use in some spots because there is simply not enough space. It will also be a non-motorized trail. According to the contract that the state has with railroads, the railroad is supposed to be maintaining these rails. They do not do this, including maintenance of bridges or clearing out brush, etc.

Patrick Herlihy stated that the Commissioner designates a rail as active or inactive, which then has to go through the Federal Transportation Board for approval. Rep. Sykes asked if anyone had access to new studies that would show how many citizens on a daily basis are using these trails and how important they are in that regard. Mr. Rimol answered that he believes that information is being collected now by planning commissions.

Senator Stiles asked Mr. Herlihy to come to speak. Railways are supposed to be doing maintenance on the rails themselves. They have been struggling with this as of yet, so DOT tells them that they need to do this for active sections that they are using on a daily basis. He stated that the final four miles mentioned in Mr. Gould’s testimony could be worked with to design a rail with trail. The Department purchases these corridors for rail use and that is the legal intent. If the rail needs to go back into service, the DOT needs to be able to reinstate it rather quickly. DRED may be more helpful for some recreational issues mentioned at the meeting. If there is a major issue, such as a washout, the Department will look for funds to fix those issues. DOT cannot replace historical
structures within the corridor. DOT can go before the Historical Committee and ask for waivers, possibly. Traffic signals are the responsibility and maintenance of the town and they sign agreements to that effect. In response to the question of impact fees, Mr. Herlihy stated that he is unsure about the use of these.

At the next meeting, the New Hampshire Horse Council and Windham Rail Trails will speak.

At the following meeting on the 29th, the committee would like to see someone from the Attorney General's Office regarding temporary use agreements. Karen Schlitzer and Matthew Broadhead would also be beneficial. Senator Stiles would also like to have the Commissioner of Insurance contacted to send someone to speak on their behalf as well.

Next Meeting(s): September 15th at 2:30 PM, September 29th at 2:30 PM.

Report Due: November 1, 2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: (New Title) establishing a committee on rail trails.

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: September 15, 2015, 2:30 pm, LOB 103

Members of the Committee Present: Representative Chirichiello

Members of the Committee Not Present: Senator Stiles
Representative Sykes

Others Present:
Patrick Herlihy, NH DOT
Debbie Briscoe, NH Horse Council
Bob Rimol, Londonderry Trailways
Mark Samsel, Windham Rail Trail

Meeting Discussion:
Rep. Chirichiello opened the meeting and stated the groups who would be speaking today, including the Windham Rail Trail and New Hampshire Horse Council.

Windham Rail Trail
Mark Samsel
Mr. Samsel brought written testimony for the committee, including a bicycle count document for the Wyndham Trail from August 26-September 10, 2015. This was conducted by the Southern New Hampshire Planning Commission. There will likely be another count done in a few weeks including walkers on the trails.
Mr. Samsel is the President and founding member of the Windham Rail Trail Alliance. He has been closely involved with the evolution of the use of abandoned rail trails in the state since the Windham Rail Trail Alliance began in 2004. The trail has grown in use and popularity and serves Derry, Salem, and Londonderry and is the backbone for the southern section of the Granite State Rail Trail.
The Windham Rail Trail Alliance started its journey helping to pass legislation to redesignate the Windham section of the M&L Corridor to non-motorized use. The Alliance paved the trail, rehabilitated the historic Windham Depot buildings, moved a B&M...
Caboose on site, and now provides a recreation, commuting, and health-oriented opportunity for thousands locally and regionally. These trails are predominantly developed and maintained by towns and many volunteer organizations which are challenged by way of state and federal processes, funding, maintenance, and the burden of liability. In regard to corridors owned by the state, the Alliance is required to adhere to the mutual agreements set forth, best design practices, and other state regulations.

Mr. Samsel believes that the trails are currently an untapped source of economic development and tourism to the state. Even rail trail-oriented websites are not up to date. He would like the committee to consider the mutual use agreements, maintenance assistance from the state, a volunteer maintenance liability to be strengthened and further partnership and recognition with the state. Further, the process and implementation of grant management is an additional issue that the committee may wish to consider. Finally, Mr. Samsel mentioned that it may not always be money that the groups are looking for, but a better dialogue with the state as to how they can help these groups.

If it were not for the volunteer system, the trails would not be what they are today. The trail system is at a point in its existing use where further study is critically required in order to continue to grow the success of the trail network.

Rep. Chirichello asked about how many out-of-town individuals use the trails. Mr. Samsel estimated that about half to three-quarters of users are from out-of-town, especially on the weekends. He does not believe that this is negative for the state.

New Hampshire Horse Council

Debbie Briscoe

Ms. Briscoe is in strong support of this study committee. The Council would like to see equestrian use included in future rail trails by being accommodating in the form of a section along the trail. Users of the multi-use trails include hikers, bikers, and equestrians. This makes the Council and strong stake-holder in the use of rail trails. Equestrian use serves a purpose for those who cannot travel far by walking or biking. Trail riding is a top activity for equestrians and is a very important aspect of the industry. Riders prefer to stay off town roads as they have little or no shoulder. This forces users to ride in the road rather than utilize the side of the road. Any corridor management should have the intent to accommodate equine use and not just be an allowed user. Equestrians are concerned with the trails that seek to pave the entirety of their trail, since equestrians prefer unpaved surfaces. The Windham Rail Trail is the only corridor with a paved trail and a parallel unpaved path. The Council would like to see more of this by making it part of policy guidelines for improving rail trails today and creating future trails. The Council believes that a good target width for this path would be five feet. Trails eleven to fifteen feet are wide enough to be operated as a three lane path. Three lane paths limit flow interruptions, assist in passing slower movers, reduce conflicts and accommodate equine use.

Equine users seek a natural surface. All materials have advantages or disadvantages. Ms. Briscoe provided a list for picking a horse-friendly surface. Insurance cost is high, and many fear a loss of coverage if they commit to trail maintenance. The Council would like to see rail trails as a part of the statewide system that has better insurance coverage.

Bike-Walk Alliance of New Hampshire

Timothy Blagden
Rail trail corridors owned by the state are seen as transportation corridors, and Mr. Blagden sees bicycling as a form of transportation. The group would like to see the Department of Transportation recognize cycling as transportation and not just as recreation. NH DOT will use paint to mark a bike lane on the road, but will not maintain it since it is local and not regional. This is the case even on a state-maintained road. Additionally, the group would appreciate DOT being more helpful in crossing maintenance. Further, liability does stifle groups, as previously mentioned. Rep. Chirichiello asked how the state can get involved in some of these trails financially. Mr. Blagden stated that he believes that when DOT recognizes cycling as transportation, it will adopt a better approach to managing this sector. He also suggested raising the gas tax in hopes that individuals may use bikes further.

Department of Transportation

Patrick Herlihy

Mr. Herlihy reiterated that the Department would love to further help with rail trails but funding is the major issue.

At the next, the committee would like to see someone from the Attorney General’s Office regarding temporary use agreements. Contact: Karen Schlitzer and Matthew Broadhead.

Next Meeting(s): September 29th at 2:30 PM.

Report Due: November 1, 2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: (New Title) establishing a committee on rail trails.

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: September 29, 2015, 2:30 pm, LOB 103

Members of the Committee Present: Senator Stiles
Representative Sykes
Representative Chirichiello

Members of the Committee Not Present: No one

Others Present: Patrick Herlihy, NH DOT
Mark Samsel, Windham Rail Trail
Matthew Broadhead, Attorney General's Office
Bob Spiegelman
Chris Gamache, DRED

Meeting Discussion:
Senator Stiles opened the meeting and stated that the committee would first hear from Matthew Broadhead from the Attorney General's Office.

Matthew Broadhead
Attorney General's Office
Mr. Broadhead stated that there is a standard form between the state and a town that is reviewed and then there is a subsequent agreement between a contractor and the state that is reviewed. These are prepared by DOT and are then sent to the AG's office for review of form, substance and execution. The AG's office makes sure that the individual signing the form is authorized to do so and that the agreement is in compliance with their standard agreements. Modifications are made frequently. The contracts take about an hour or so to review. The AG's Office typically asks for about two weeks to review. The standard agreement is specific to rail trails. The standard agreement was developed by a team of attorneys, most recently reviewed about five years ago. The rail trail agreements are not just managed by DOT, but also DRED.
There was a case in 2006 (Kenison v. Dubois) which was troubling. To make sure that towns are protected by the recreational use immunity, they need to have some sort of authorization to grant or deny access to the trail itself, and this does not exist without an agreement with the state. In summary, an agreement between the town and the state provides such authority.

Mr. Broadhead explained that the town frequently takes on the rail trail responsibility, so the agreement would govern maintenance. It would be the state's position that the town would be afforded recreational immunity for maintenance. Mr. Broadhead has not seen a rail trail agreement with a non-profit group. He stated that although he is not aware of this arrangement, it does not mean that it would be impossible to do. If the town has immunity while they are maintaining the trail, this is absolute. Unless there is a willful disregard for the safety of those using the trail, the town will be protected. This would need to be very out of the ordinary and is a high standard to meet in litigation.

Patrick Herlihy  
Department of Transportation
Patrick Herlihy of the Department of Transportation was asked by Senator Stiles to update the committee on any agreements. He mentioned that they are still working on an agreement in Seabrook and a draft of this agreement has been distributed and will hopefully be moving along shortly. This is the only outstanding rail trail agreement that the Department has at this time. He cannot give an update on purchasing rail for the Hampton corridor.

Rep. Sykes asked about liability of individuals who are volunteering on rail trails within their own communities. This was an issue that was brought up at an earlier meeting. Mark Samsel stated that Windham Rail Trails is a non-profit group. Rep. Chirichiello asked if non-profit groups would be covered under the umbrella of the town. Mr. Samsel stated that Windham's agreement is with both the town and the state. There is a volunteer letter that must be signed to volunteer, but this does not extend to vehicles, as these vehicles are not town vehicles. There is an expense involved in creating such a policy.

Chris Gamache  
DRED
Mr. Gamache brought copies of RSA 216-F:1 and 228:60-a for the committee to review. He also brought a copy of a cooperative agreement between DOT and DRED. This is a simple agreement between the two agencies. DRED would be responsible for maintaining. If it is an infrastructure issue, it would likely be DOT's responsibility. He also submitted a copy an agreement that transferred state-owned railroad corridors for management as recreational trails to DRED, since it was highly unlikely that these trails would ever see rails again. Lastly, Mr. Gamache submitted statistics of how many miles, acres, bridges, culverts and gates that DRED maintains on rail trails. DRED heavily relies on volunteers as their workforce to maintain these trails. DRED has memorandums of agreement with volunteer organizations. One of the largest issues that DRED deals with is the insurance side of this. In organizations, there is still a requirement from the state to defend and indemnify the state of New Hampshire. Individual volunteers do not have an issue with this, but signing an agreement with an organization can cause insurance issues in this aspect.
Rep. Sykes stated that the committee needs to examine rail trail development further and recognizes that funding is an issue.

Senator Stiles asked for a concise summary of how a group begins the rail trail process. Patrick Herlihy stated that step one is asking the department for a rail trail agreement. The trails group will then work with the contractor, who will access an agreement with the state, which will then go to the AG’s Office for review. The money paid for these agreements goes to a fund that is primarily for maintenance of active railroads and emergency funds for rail trails. This balance is about $500,000 per year to maintain six active railroads. The DOT reserves the right to examine the trail.

At a future meeting (Nov. 3, 2015), the committee would like to hear from Anne Edwards from the Attorney General’s Office on insurance, specifically volunteer liability. They would also like to hear from someone at the Department of Insurance in regard to who can access insurance, for how long, what the cost is and whether or not it is covered under town umbrellas.

**Next Meeting(s):** October 14, 2015 at 2:00 pm (Committee will meet in LOB 103 and then proceed to view a rail trail off-campus with DRED)

**November 3, 2015 at 10:00 am in LOB 103.**

**Report Due:** November 1, 2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: *(New Title) establishing a committee on rail trails.*

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: October 14, 2015, 2:00 pm, LOB 103

Members of the Committee Present: Senator Stiles
Representative Sykes

Members of the Committee Not Present: Representative Chirichiello

Meeting Discussion:

The Committee opened their meeting in LOB 103 and then departed to view the Northern Rail Trail in Boscawen, NH, led by DRED.

Next Meeting(s): November 3, 2015 at 10:00 am in LOB 103.

Report Due: November 1, 2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: *(New Title)* establishing a committee on rail trails.

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: November 03, 2015, 10:00 a.m., LOB 103

Members of the Committee Present: Senator Stiles
                                        Representative Chirichiello

Members of the Committee Not Present: Representative Sykes

Other Individuals Present: Patrick Herlihy, DOT
                              Chris Gamache, DRED
                              Bob Rimol
                              Mark Samsel
                              Anne Edwards, AG’s Office

Meeting Discussion:
Senator Stiles opened the meeting and stated that the committee would hear from the Attorney General’s Office today regarding liability concerns and to answer any questions the committee may have.

Anne Edwards
Attorney General’s Office

Recreational use immunity statutes have existed in NH for a long time. They are construed very narrowly and strictly by the court because they do take away peoples’ rights to sue if they are harmed. At the same time, the courts recognize the value of these statutes and how they allow a lot of private property to be opened for public use at no charge, a benefit found important to the state by the legislature. The courts therefore will generally uphold the statutes.

Some states have slightly different warning or provisions than others. Litigation will typically happen to determine who is covered by all of these statutes, which generally protect any landowner which includes states and municipalities.

Senator Stiles mentioned that volunteers for rail trails need to be covered by some sort of liability insurance. Some towns have volunteers covered under their umbrella and some do not. What is the rationale for this? Attorney Edwards stated that
who is covered under liability is difficult when it comes to volunteer organizations. In the past, some snowmobile groups receive funding through the state to do trail grooming. In an early case, it was determined by the court that the snowmobile club was not an “occupant of the land,” different from an owner, which meant that they were not covered by the immunity statute. There are times when the state expects coverage to exist and the court states that it does not. This is one time where an insurance policy would come into play.

There is further language in the Fish & Game statute that states that no one can sue if they are on a private person’s property. An amendment has been added that if they do sue, the landowner can recover for attorney’s fees if it is an unreasonable lawsuit. This is one of the reasons that the state asks to have a trails policy in place. There is an additional provision that states that non-profit groups working in a cooperative agreement with a community are covered by the protection of the statutes (RSA 231-A:7). This brings all of the protections of the statute to non-profit trails groups.

Senator Stiles asked if there was an agreement between a town and the state to allow individuals to volunteer if they were definitely covered. Chris Gamache from DRED explained that when property is turned over to a town to manage it for the state, they typically require insurance. If individual volunteers are working directly for DRED on a trail and they have approved their work, they are covered. Typically, organizations are not covered. Therefore, the state will look to have organizations and municipalities that are covered by insurance policies. In some cases, the state downshifts its liability to a town or another group. Attorney Edwards explained that because the statutes have been construed to protect against liability, these policies do not tend to be very expensive, although she noted that any amount can be difficult for a non-profit group.

Senator Stiles asked how a group of individuals working together would be different from a non-profit group who is working on a state-owned rail corridor. Attorney Edwards stated that if there is a management agreement through a community where the trail is, the volunteers would be covered under the community’s coverage, most likely, as long as the work they are doing is being overseen by a municipal commission (like a conservation commission or department and the work by the volunteers is done in good faith and they are not creating something intentionally dangerous. This shows the importance of an oversight of these groups by a municipality.

Senator Stiles asked about what advice to give to a group who is beginning to form. Attorney Edwards stated that if they do not organize, they are more likely to be covered under the state’s statutes and policies as individuals. While this seems like a counter-intuitive answer, the challenge is that once the individuals form an organization, they have different responsibilities than individuals do.

Rep. Chirichillo asked about groups or volunteers that are using their own equipment to work on trails. Attorney Edwards explained that unfortunately, when things go wrong and accidents occur, it is difficult to pin responsibility. If a town were to organize a town day of work under a commission, they can organize a clean-up or work session and allow individuals to bring in their own equipment to use, but problems occur when individuals brings their own equipment. Towns can, however, enter into cooperative agreements with individuals under RSA 231-A:7 and the town would oversee the project and then likely the individuals would be covered by the towns’ policies.

Senator Stiles asked if the AG’s Office sees any shortcomings in the statute. Attorney Edwards reiterated the concern that changing the recreational use statutes can be problematic. She stated that she believes that there may be some legislation this session in regard to tightening up liability for volunteers on state property and protecting individuals working in state parks.
The committee had no further questions or issues to bring up at this meeting.

They will set a future meeting date for 2016.

The committee adjourned their meeting at 10:23 AM.

Next Meeting(s): TBD

Report Due: November 1, 2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: *(New Title) establishing a committee on rail trails.*

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: June 07, 2016, 1:00 PM, LOB 103

Members of the Committee Present: Senator Stiles
Representative Chirichiello

Members of the Committee Not Present: Representative Sykes

Others Present:
Patrick Herlihy, NH DOT
Mark Samsel, Windham Rail Trail
Timothy Blagden, Bike Walk Alliance of NH
Franklin Gould, Mascoma River Greenway
Trixie Lefebvre

Meeting Discussion:

Senator Stiles opened the meeting at 1:00 PM and stated that the Committee would hear from the Department of Transportation first, followed by any other organizations or individuals who wished to speak and discuss new information since the Committee's last meeting and in what direction the Committee should move.

Department of Transportation
*Patrick Herlihy*

Mr. Herlihy stated that the previously-mentioned Hampton section of rail is still under negotiation. He stated that there is not much to add in terms of updates on this project since the last meeting. He mentioned that he will be reaching out to the Commissioner to discuss what the next steps will be
regarding this project. He reminded Committee members that it is the responsibility of the Department to preserve these corridors for any future continuation of rail use.

Mr. Herlihy spoke of meeting with representative from communities along the corridor several months ago to discuss what the responsibilities would be under a rail trail agreement. He stated that this was a well-represented meeting. Under previous agreements, the state took responsibility for maintenance but this will not be the case moving forward. Therefore, discussions with towns about accepting responsibilities are key. He stated that most towns were receptive to this, with the exception of Hampton.

Mr. Herlihy also stated that money will be requested in the next capital budget in anticipation of rail corridor repairs. He spoke of several incidents throughout New Hampshire and the total dollars that it has cost for repairs. Most of this money was taken out of the special railroad fund. Their priority is to receive money to purchase rail and ties for active railroad corridors, as well.

Recent discussions have taken place with Federal Highways as to whether or not motorized use on rail trails can be funded with Federal Highway funds as well as any grandfathering provisions.

Rep. Chirichiello asked if there was any updated on a connector path from Derry to Londonderry with the expansion of I-93 and Exit 4A. Mr. Herlihy stated that he believes that a portion of that corridor is under private ownership and that there has not been consultation about such a project to his knowledge.

Rep. Chirichiello asked if Mr. Herlihy had any knowledge of how much maintenance would cost towns. Mr. Herlihy stated that he was unsure. Currently the state is not appropriately using their resources and time in sending out individuals from the state to fix issues that towns have on these trails.

Mr. Herlihy added that the Committee should be taking input from stakeholders about what a new State Rail Plan would look like and even how trails could be connected throughout the state.

Windham Rail Trail
Mark Samsel

Mr. Samsel spoke of the progress that Windham has made in completing the pavement of its trail. Senator Stiles mentioned that it may be helpful for Mr.
Samsel to bring in the contractor who worked on this trail in order to gain any helpful information for other organizations or towns.

Rep. Chirichiello asked if there were any future plans for the Windham Rail Trail. Mr. Samsel explained that they will be paving a parking area to hold about twenty spaces, as they will ultimately need more available parking. There is a possibility for private funding for this expenditure. In the future, Windham may want to look into connecting into the Windham Greenway. DOT has started the culvert under I-93, which would give them the ability to connect the two trails.

Mr. Samsel noted that in the last round of funding, they had requested about $500,000 through the planning process. Windham is considered 2nd or 3rd in priority in the region. He stressed that it seemed strange that DOT was committed to their culvert project but not to supporting the trail. Windham will be applying for funding again and looking for more consideration. He also noted that Windham is beginning to enter a phase of maintenance after nine years.

In regards to enabling legislation surrounding this topic, Mr. Samsel stated that it is obvious the revenue is needed in some way to help rail-to-trail groups. Enabling legislation allows communities to make that decision. He noted that in the past, the state considered a committee with a focus on non-motorized activity. This would be beneficial in pursuing. Additionally, he would like to see the state’s Rail Plan updated to address liability from a maintenance perspective and how volunteer groups can share the responsibility.

_Trixie Lefebvre_

Ms. Lefebvre submitted written testimony to the Committee expressing concerns with towns and community groups inadvertently believing that they can restrict the use of trails in the future. She believes that the state should address potential overreach issues before they escalate. In particular, this means looking into whether or not it is in the scope of the rules and regulations established by DRED to limit such use. Senator Stiles noted that the Attorney General’s Office would be contacted about this issue prior to the next meeting.

_Mascoma River Greenway Coalition_

_Frank Gould, Co-Chair_
Mr. Gould gave an update, stating that the community in the Lebanon area has been very supportive of the Greenway project. He noted that he has not heard any opposition or negative comments about the project.

He noted one particular issue, the development of the trail in the western portion of the rail corridor. The state has not abandoned this section yet and DOT has been asked if it would be possible for them to abandon it, as they have not used it for anything since 2012. Mr. Gould noted that the state has refused to do this because the New England Central Railroad is considering expanding their use in this area. Mr. Gould believes that neither the Railroad nor the state has inspected the area to see if it is useable for their cause or is better suited for a trail.

Mr. Gould stressed that legislation is needed to encourage DOT to examine the needs of communities rather than the railroad business. He also noted that it may be helpful to consider legislation that would require the state to set up a bike path whenever they are going to undergo significant road repair or reconstruction nearby.

Bike-Walk Alliance of New Hampshire
Timothy Blagden

Mr. Blagden asked if Mr. Herlihy's statement in regards to federal highway allowing some existing crossings was in regards to Claremont. Mr. Herlihy stated that it was not referencing Claremont.

Mr. Blagden stated he was not sure exactly how wide the trail is up in Lebanon and whether or not it would be feasible to consider a rail with a trail in that area as one possible solution. He noted that other states in the country have been able to do this.

He also noted that there should be some economic impact analysis on the most valuable and best use of the corridors if the rail lines are being unused.

Next Meeting(s): TBD in mid-September and mid-October. At future meetings, Senator Stiles stated that stakeholders should come with recommended changes to be made to the state Rail Plan and to discuss any potential legislation.

Report Due: November 1, 2016
Каб
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: *(New Title) establishing a committee on rail trails.*

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: September 27, 2016, 1:00 PM, LOB 103

Members of the Committee Present: Senator Stiles
Representative Chirichiello
Representative Sykes

Members of the Committee Not Present: None

Others Present:
Patrick Herlihy, NH DOT
Timothy Blagden, Bike Walk Alliance of NH
Trixie Lefebvre
Representative Michael Edgar
Adam Schmidt
Bob Rimol, Londonderry Trailways
Chris Gamache, DRED
Scott Bogle
Debbie Briscoe, New Hampshire Horse Council
Monica Jerkins

Meeting Discussion:

Senator Stiles opened the meeting at 1:01 PM. All members were present. She brought the committee’s attention to the New Hampshire State Trails Plan (2005, New Hampshire Department of Transportation). She asked that agencies or individuals testify as to suggestions that they would like to see updated within the plan. The committee will meet on October 18th with a draft final report to examine.
Mr. Herlihy stated that the Department has done some brainstorming in anticipation of this meeting. Some of the things that they thought the committee should discuss for an approach regarding an updated plan include: What do we want in a new state plan? Does this include a holistic approach of examining all trails? If this is the case, maybe this should be something that DRED takes on. Additionally, should the plan contain a stakeholders' guide as to why the DOT does what it does regarding design standards, their approach, etc.? At a minimum, the Department believes that there should be an updated inventory with use restrictions based on funding that was used. (For example, no motorized use, except for snowmobiles, etc.) The state’s and federal government’s perspective on these restrictions may be helpful for those who are looking to design a project. Additionally, the Department stated that they could update design plans and also look at certain circumstances where a “one-size-fits-all” plan is not applicable. Further, GIS layered mapping as to who own which trails would be beneficial, including where the access points and parking availability are. Another possibility is including a sample trails agreement outlining what the responsibilities are of groups who undertake such a plan. A list of the trail organizations and ties to which service areas would also be beneficial. Of course, how to fund these studies and trails is an important aspect of the plan. Finally, the plan should include implementation strategies as to how to get the plan out to groups who may be working on such projects.

Senator Stiles stated that these recommendations are a sizeable project and that others will make further suggestions. She asked if the report coming from this committee should be directed at DRED, DOT or others. Mr. Herlihy stated that both have to be a partner in this. Senator Stiles asked if public hearings would take place to update the report. Mr. Herlihy stated that taking the feedback from the committee and the public, putting these out as proposals through consultants, and then going through the public process through the drafting of the plan until a final plan emerges would be most beneficial. He stated that funding may be difficult depending on the scope of the plan.

Representative Sykes stated that Mr. Herlihy’s suggestions discuss things that are currently in place and not much about future ambitions. He wonders if the state has a good sense as to how much abandoned real estate for rail is left that could be developed. Mr. Herlihy stated an updated plan may be helpful in producing this information, which leads to future needs, connectivity issues and the like.
Senator Stiles asked Mr. Herlihy if he agrees that there should be some kind of suggested layout of the trail that is uniform throughout the state (i.e. horses on a certain side of the trail, etc.) Mr. Herlihy stated that the trail needs to be designed in a way that can easily accommodate the return of rail service. Senator Stiles said that it would be helpful for new trails if there was some sort of uniformity throughout the state. Mr. Herlihy stated he would be interested to hear what the trails groups would have to say about this suggestion.

**Londonderry Trailways**

*Bob Rimol*

Mr. Rimol spoke of his extensive experience in this area, not just in the state but throughout the country.

Mr. Rimol stated that the last time this plan was updated, it was written by a consulting company. He does not believe that this is necessary. If the planning commissions got together, they could update this plan and save the state a lot of time and money to do so.

Mr. Rimol submitted written testimony with major recommendations for an updated plan. They include: 1. Both state-owned and private rail corridors should be developed by the NH DOT for paved rail trails. Paved trails appeal to many more users compared to hard pack. 2. There should be an agreed upon plan to develop these paved rail trails in the state with a timeline, which can be easily incorporated into the State Trails Plan. This may include establishing the projects by tiers of importance, such as Tier 1, 2, etc. 3. A simple financing system should be voted upon and approved by legislators to fund this program. This funding would self-support a Rail Trail Project Manager, design and engineering, development, construction, maintenance and repairs. He believes that the benefits and net gain per year on the economy alone would be astounding as more and more rail trails get developed. He summarized that New Hampshire is lagging behind in this area compared to other states.

Rep. Chirichello asked how the state could rank the priorities on the trails and what components would be included. Mr. Rimol stated that he has not thought about this extensively, but a ranking system based on what the more important priorities are is important. It could be a system based geographically or other. There should be criteria based on connectivity, population, and the like.
Senator Stiles thanked Mr. Rimol for his suggestions and stated that the committee would further discuss them and try to incorporate them into the committee's final report.

Bike-Walk Alliance of New Hampshire
Timothy Blagden

Mr. Blagden distributed written testimony and stated that he sent the information electronically so that individuals can make use of the links within the testimony.

He stated that a statewide economic-impact analysis on the value of rail trails should take place. These are no longer somewhat-used additions to communities. The state should understand the impact and worthwhile investment that these trails have within the state. Two analyses have been done within the state to this date. Both show that if certain trails were to be completely built, they would have a strong and positive impact in the state economically. Representative Chirichiello asked if regional planning commissions would be charged with conducting these analyses. Mr. Blagden stated that DRED knows how to do these and a partnership with regional planning commissions and DOT would be appropriate and wise. Senator Stiles asked how recent the last analyses were done. He believes two years ago, but he can get exact dates. Senator Stiles stated that if we have any one in any state agencies do the impact study, it could be perceived as looking self-serving rather than having a consulting firm do it.

Further, he stated that the issue of maintenance costs continues to be problematic. The Department of Transportation is concerned about ongoing expenses regarding the structural integrity of the corridors. Mr. Blagden stated that he believes that DOT should remain responsible for the structural integrity of the trail, while different rail trail groups would be responsible for all the "extras."

Mr. Blagden would like to see continued support for rail with trail, meaning active rail service running in the same place as a trail. He urges continued cooperation on this issue. Representative Sykes asked how this pairing takes place and if it is currently happening. Mr. Blagden stated that where there is sufficient space to put up a fence between the active rail and the trail, this is a common practice. The Department has been helpful in looking at this issue. Insurance continues to be a problem and is an added requirement. Mr. Herlihy stated that the added insurance requirement is from the Attorney General's Office, not DOT. Rail with trail is currently taking place in the state.
Relative to surface crossings, rail trails are unique because of the terrain that they cover. It is not practical to move them about. We are making use of grated earth which could never take place today. When they come to a street crossing, there are many places where the speed limit is high and it makes it dangerous to establish a surface crossing. The state should take special note of this and maybe even require a slowed traffic pattern so that crossings can take place. These crossings could be a stoplight, stop sign, or the like, but do not include a tunnel or a bridge. Representative Chirichiello noted the importance of signage at these crossings. He also noted the importance of understanding how beacons may work at crossings. Mr. Gamache stated that New Hampshire currently has one beacon setup in Epping. It has been operating for two years and was about $85-95,000 to install. It creates some road issues for lights but overall, it has done well. DOT or DRED is responsible for fixing this device. Routine maintenance is expected to start around the fifth year.

Representative Sykes asked if the state has criteria for establishing a rail corridor as abandoned and inactive. Mr. Herlihy stated that they work with the active railroad to determine which portion of the railroad needs to remain active.

Rockingham Planning Commission
Scott Bogle

Mr. Bogle stated that in terms of their relationship working with DOT on these projects, it has been a good relationship and appreciates the work they have done.

Regarding an update of the State Trails Plan, the current plan is really more of an inventory than a plan. His hope is that if funds are invented in updating the document, that it includes performance measures, targets, and specific policy recommendations.

He also raised the idea of not updating this particular plan and putting the resources into the State’s Bicycle and Pedestrian Plan, which was last updated in 2006. He stated that many other states do not have separate trail plans and that this is incorporated in other areas. If the intention of a rail trail plan update is to include public input, it seems as though one very good planning process that addresses trails in the process of broader bicycle and pedestrian issues would be best.

Regarding maintenance, certainly the communities along the Hampton branch have issues assuming responsibility for maintenance along that corridor. Through Hampton Marsh, there are sections of the causeway that
are underwater during high tide. Towns expect that they will be responsible for trail-specific structure that they install, but have concerns about the underlying rail infrastructure. If the state retains the responsibility to use the corridor again at any time for rail, they should be responsible for the underlying infrastructure.

In terms of surface crossings, this area is also a concern. There should be consistent policy about signage throughout the state. There should also be ample advanced warning and perhaps stencil on the roadway. There are also crosswalk signs with flashing lights that are less expensive than the previously-discussed beacons and many communities have installed these, especially for lower-traffic roadways. The main concern is who has the responsibility for maintain these structures: the state of local groups? After an extended negotiation in Epping, the state finally took responsibility for the beacon installed there.

Representative Chirichiello stated that of course, much of this discussion leads to funding. It is difficult to allocate money on other things before other types of more-common infrastructure get completed.

Chuck Redfern

Mr. Redfern spoke to the committee has a private citizen, although he serves as a board member and community member of many organizations.

Mr. Redfern spoke of an organization called Pathways for Keene, a fundraising arm that comes up with a state and local match for various projects. This has been a very successful approach because it brings in support from both large and small businesses and raises public awareness and support. Since 2004, Pathways for Keene has raised about $400,000.

Keene has also instituted a $5 surplus charge for a Transportation Improvement Fund that can be used for all things transportation related. Many people have considered this amount to be a small amount of money and administratively, it has been easy to include.

He added that “rail banking” is the term used for the rails being used for other purposes until or if the actual railroad service returns to them. This term is used on the federal level.

Tourism is the 2nd largest industry in the state. Because of this, we need to recognize that rail trails are becoming significant draws for multi-users. In the north country, snowmobiling is vital. In the southern part of the state,
other activities may be more prevalent. The state is getting noticed throughout the region for recreational activities. Multi-use includes equestrians, snowmobilers, bicyclists and pedestrians. Having a statewide, paved system would be expensive for New Hampshire to both begin and maintain. In Keene's urban area, pavement is used. Stone dust is used in more rural areas. There has not been a major flood to test this, but so far it has worked well. He noted that a non-paved trail is preferred by runners and joggers. Mr. Redfern stressed that these trails serve both transportation and recreation.

Mr. Redfern stated that regional planning commissions should be required to participate in planning to be overseen by some sort of consulting firm. He does not see the resources available for an agency to be able to undertake an inventory.

DOT should have a role in maintaining these corridors, especially in more rural areas. There are communities throughout the state that are unable to maintain the surfaces of trails and rely on snowmobile clubs to help. These communities rely on the resources that the state has.

Mr. Redfern echoed the importance of signage throughout the state and uniformity regarding this signage.

Senator Stiles asked if in Keene, horses used the same trail as everyone else. He stated that they do, and sometimes this is difficult for other users. They would encourage horses to go to the right side of the trail to be less intrusive to other users. Mr. Redfern believes that a state-wide rule should be implemented requiring horses to stay on one side of the trail.

New Hampshire Horse Council
Debbie Briscoe

Ms. Briscoe submitted copies of the New Hampshire Trails Plan with her comments indicated in blue throughout the document.

She would like to see separate discussions about trails that are only pedestrian and bicycle use. More multi-use trails should have their own discussion throughout the plan.

The facility design regarding pavement v. non-paved should be kept in mind regarding horses. Part of the plan should include what the density levels are of users in urban versus rural areas. Which trails are paved or not and if they have a parallel unpaved path would also be helpful information.
Parking facilities are an additional issue that must be considered for users. Indication on a map would also be helpful. In thinking about these facilities, it should also be noted as to whether or not they can accommodate horse trailers.

Ms. Briscoe summarized the importance of including equestrian use in considering future plans for rails to trails. Equestrians are proper stakeholders and have been for quite some time.

Permitted uses should not be determined solely by the public. It should include many stakeholders coming together to determine equestrian use. Use should not be limited because an unpaved path was not provided.

Senator Stiles asked if there should be a separate space for horses rather than incorporating them throughout the trail. Ms. Briscoe stated that there is only so much space on a trail. There is a design on the back of the document that is fairly close to what equestrian users would like to see. Having multiple paths on one trail could be difficult. Senator Stiles added that this could be a guideline and not a requirement. Ms. Briscoe stated that her preference would be to have five feet of unpaved usage along the side of the trail, not including the shoulder of the trail.

DRED

Chris Gamache

Mr. Gamache echoed comments of those who testified before him. He stated that the entire plan could be updated in about a month. What the issue comes down to is how the plan should be updated and in what format and approach. He believes the cost is about $250,000 to do a state-wide plan.

Representative Sykes asked if there was any value in establishing a differentiation between trails for recreational purposes and trails that are a component for a transportation system. Mr. Gamache stated that many of these trails serve for both. He noted that one might consider what the predominant use is, but there may not be any value in segregating them.

The number one issue facing the rail corridors is encroachment. 600 miles of abutters believe that they own up to where the tracks used to be. This is not the case. When DRED looks to fix something or add something, it is important to reestablish those property lines with owners.
He added that he does not know if a statutory process regarding specific allocations for trail use by certain users will ever be successful.

The committee recommended a working meeting on October 11th at 9:00 AM.

The meeting closed at 2:47 PM.

Next Meeting(s): October 11, 2016 at 9:00 AM in LOB 103; October 18, 2016 at 1:00 PM in LOB 103.

Report Due: November 1, 2016

KAB

09/27/2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: *(New Title) establishing a committee on rail trails.*

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: October 11, 2016, 9:00 AM, LOB 103

Members of the Committee Present: Senator Stiles
Representative Chirichiello
Representative Sykes

Members of the Committee Not Present: None

Others Present:
Timothy Blagden, Bike Walk Alliance of NH
Bob Rimol, Londonderry Trailways

Meeting Discussion:

Senator Stiles opened the meeting at 9:00 AM.

The Committee began to review a list of recommendations drafted since the last meeting. These recommendations are being considered for a final report.

Since last meeting, Senator Stiles broke down the recommendations into sections that made the most logical sense.

The Committee worked through this recommendation document, line by line. These topics include an updated State Trails Plan, which elements should be included in such a plan, financing, continued trail maintenance, and plan distribution. In their recommendations, the Committee also considered written testimony submitted by DOT and DRED, as well as Mark Samsel of the Windham Rail Trail. Timothy Blagden and Bob Rimol both were present at the meeting to work with Committee members on these recommendations.
An updated list of recommendations will be produced in a draft final report fashion for the Committee's next meeting.

The meeting closed at 10:10 AM.

Next Meeting(s): October 18, 2016 at 1:00 PM in LOB 103.

Report Due: November 1, 2016

KAB

10/11/2016
Committee to Study the Use of Abandoned Railroad Beds for Recreational Purposes: *(New Title) establishing a committee on rail trails.*

SB 80, Chapter Law 116:1, Laws of 2015

Regular Meeting Minutes

RE: SB 80 Regular Meeting

MEETING DATE: October 18, 2016, 1:00 PM, LOB 103

Members of the Committee Present: 
- Senator Stiles
- Representative Chirichiello
- Representative Sykes

Members of the Committee Not Present: None

Others Present:
- Timothy Blagden, Bike Walk Alliance of NH
- Bob Rimol, Londonderry Trailways
- Trixie Lofebvre
- Debbie Briscoe
- Scott Bogle
- Shelley Winters, DOT

Meeting Discussion:

Representative Chirichiello opened the meeting at 1:00 PM.

Representative Chirichiello explained that Senator Stiles and Representative Sykes were running late to the day's meeting but that they were on their way. He asked to recess the meeting until the members arrived.

Representative Chirichiello recessed the meeting at 1:01 PM.

The meeting opened again at 1:27 PM.

Representative Chirichiello began to review a list of recommendations further worked on since the last meeting. These recommendations are being considered for a final report and are in draft final report format.
Shelley Winters stated that the Department had a few comments or questions from the Committee. The Department asked that language be eliminated from recommendation number 4, after the first sentence, so that it does not include information about the State’s Bicycle and Pedestrian Plan within the report. She stated, however, that because stakeholders will examine whether or not this should be included, it would be okay to leave it in.

Ms. Winters also asked what the Committee meant by trail use restrictions. Representative Sykes stated that would be helpful for individuals to understand that a piece of trail would be funded through a particular source and would be used for that particular use. Representative Chirichiello also mentioned restricted use of some trails in Goffstown.

Ms. Winters stated that the Department would only be able to provide trail agreement samples from their point of view. There may be trails included that are not under the jurisdiction of DOT. Therefore, DRED or some municipalities would need to be consulted.

Ms. Winters added that financing for an economic-impact analysis could be difficult to fund, but that since this is simply a recommendation, the Department would be okay with this.

Mr. Rimol asked for a few grammatical corrections to include the word “rail.” Mr. Blagden echoed this request. Ms. Winters stated that she believes that the State Trail Plan should be updated to reflect all uses. Perhaps there should be a section within the Plan to simply address rail issues. She believes that blending DOT and DRED’s involvement should be beyond abandoned railroad corridors. Senator Stiles stated that they would let the workgroup decide whether or not rename the Plan in the future. Representative Sykes believes that this should be a more holistic approach that includes more than just the word “rail.” Although, most of the specifics of the recommendations are about rail trails. Mr. Bogle stated that the Trails Plan only deals with rail trails. He worries about stakeholders and others being able to complete an updated plan if it encompasses so much more than rail. Ms. Briscoe agreed with Mr. Bogle’s comments.

The motion was made to adopt these minor changes by a vote a 3-0.

The final report will be submitted with these changes.

The meeting closed at 1:50 PM.
Next Meeting(s): N/A

Report Due: November 1, 2016

KAB

10/18/2016