REGULAR CALENDAR

March 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Finance to which was referred HB 506-FN-A,

AN ACT relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Dan McGuire

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Finance**
Bill Number:	**HB 506-FN-A**
Title:	**relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.**
Date:	**March 16, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

I-93 exit 4-A is a major construction project (over $100 million) that will make a large area of Londonderry accessible for development, and greatly ease congested streets in Derry. A small part on the project involves the intersection of Derry's rail trail with the new connector road. In the Department of Transportation (DOT) original plan the trail was to go through a tunnel under the road, but this changed during the detailed design phase to a surface crosswalk with signal and an alternative circuitous path under a nearby bridge. This bill would allocate $750 thousand in general funds to return to the tunnel design. The rail trail both north and south of this location has simple crosswalks without signals, including across the busy Route 28. Therefore, the committee is unwilling to second guess DOT and potentially delay the project.

Vote 22-3.

Rep. Dan McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Finance

HB 506-FN-A, relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for Finance. I-93 exit 4-A is a major construction project (over $100 million) that will make a large area of Londonderry accessible for development, and greatly ease congested streets in Derry. A small part on the project involves the intersection of Derry's rail trail with the new connector road. In the Department of Transportation (DOT) original plan the trail was to go through a tunnel under the road, but this changed during the detailed design phase to a surface crosswalk with signal and an alternative circuitous path under a nearby bridge. This bill would allocate $750 thousand in general funds to return to the tunnel design. The rail trail both north and south of this location has simple crosswalks without signals, including across the busy Route 28. Therefore, the committee is unwilling to second guess DOT and potentially delay the project.

Vote 22-3.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 506-FN-A

BILL TITLE: relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.

DATE: March 15, 2023

LOB ROOM: 210-211

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. D. McGuire Seconded by Rep. Cambrils Vote: 22-3

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 506-FN-A

BILL TITLE: relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.

DATE: 3/15/23

LOB ROOM: 210-211

MOTION: (Please check one box)

☐ OTP ☑ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. MACGuire Seconded by Rep. CAMBRIS Vote: 22-3

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? ____ Yes ✓ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____
Rep Joseph Pitre, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:48:27 PM
Roll Call Committee Registers Report

2023 SESSION

Finance

Bill #: HB 506 FN-A **Motion:** ITL **AM #:** _____ **Exec Session Date:** 15 Mar 23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman		3	
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
Edwards, Jess C.	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel		1	
Wallner, Mary Jane	12		
Nordgren, Sharon L.	13		
Leishman, Peter R.	14		
Buco, Thomas L.	15		
Hatch, William A.	16		
Huot, David O.	17		
Heath, Mary	18		
Murray, Kate R.	19		
Ebel, Karen E.	20		
Telerski, Laura D.	21		
Hakken-Phillips, Mary A.	~~22~~		
Stringham, Jerry M.		2	
TOTAL VOTE:	22	3	

HOUSE COMMITTEE ON Finance

DIVISION I WORK SESSION ON HB 506-FN-A

BILL TITLE: **relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.**

DATE: **February 7, 2023**

ROOM: **212** **Time Work Session Called to Order: <<Start Time>>**

Time Adjourned: <<End Time>>

(please circle if present)

Committee Members: Leishman, D. McGuire, G. Griffin, Sweeney, Cambrils, Hatch, Huot and Ebel

Bill Sponsors:

Rep. S. Pearson	**Rep. T. Dolan**	**Rep. Prudhomme-O'Brien**
Rep. Love	**Rep. L. Gould**	**Rep. Stapleton**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Stapleton Amendment #2023-0179h
*Letter dated 2/5/23 from Jeff **Latimer**, President, Granite State Rail Trail, supporting the tunnel option.
*Letter dated 2/7/23 from Joshua **Bourdon**, Derry Town Councilor at Large.

Rep. **Popovici-Muller** supports tunnel option.

Rep. **Pearson**, prime sponsor: Tunnel in original plan - plan Feds approved. Tunnel Department of Transportation (DOT) plan. DOT personnel not in favor. No public support expressed in any hearings.

Atty. Ari **Pollack**: Pillsbury Reality Woodmont Commons Development in Londonderry. 600 acres. Exit 4A very important to development. Need to have exit finished. Needs Phase B completed. Does not support a change in design that would cause a delay. Supports ITL.

DOT:

?How does project effect wetlands?
?If crossing option only no wetlands impact.
Right of way held Right of Way.

Retain

Motion of OTP on amendment #0179h. Vote 7-0
Motion of ITL **McGuire/Cambrils**. Vote 8-0
Motion to RETAIN and put in budget. Vote 6-2

Respectfully submitted,

Rep. Karen Ebel
Acting Clerk, Division I

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:20 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: 506 FWA **Motion:** Retain OTP **AM #:** _____ **Exec Session Date:** _____

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman	Y		
McGuire, Dan Vice Chairman	A		✓
Griffin, Gerald	Y		
Sweeney, Joe	Y		
Cambrils, Jose E.	Y		
Hatch, William A.	Y		
Huot, David O.	N	✓	
Ebel, Karen E.	N	✓	
TOTAL VOTE:	6	2	

My Ver

Y

Motion to Retain and put in Budget

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:20 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: 506 **Motion:** ITL **AM #:** _____ **Exec Session Date:** _____

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman	✓		
McGuire, Dan Vice Chairman	✓		
Griffin, Gerald	✓		
Sweeney, Joe	✓		
Cambrils, Jose E.	✓		
Hatch, William A. Jessie	✓		
Huot, David O.	✓		
Ebel, Karen E.	✓		
TOTAL VOTE:			

8-0
motion to ITL

Moved by Mcguire
2nded by Cambrils

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:20 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: HB 506 **Motion:** OTP **AM #:** 2023 0179h **Exec Session Date:** 02/07/23

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman	X		
McGuire, Dan Vice Chairman	X		
Griffin, Gerald	X		
Sweeney, Joe	X		
Cambrils, Jose E.	X		
Hatch, William A.	X		
Huot, David O.		X	
Ebel, Karen E.	X		
TOTAL VOTE:	7		

Rep. Stapleton, Sull. 6
January 30, 2023
2023-0179h
07/10

Amendment to HB 506-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. Railroad and utility rights-of-way are extremely valuable land assets, that were originally created at great private and public cost, and through extensive work and effort. Even after their original intended use may have discontinued, they survive to function in optional new ways. Many have been subsequently purchased by the state for public use and enjoyment in recreational trails, as well as for the purpose of land-banking for possible return of railroad use wherever that might be feasible, and otherwise for other options as already-secured rights-of-way for lines of utility, such as electric, water, gas, fiber optics, communications, etc. As continued development surrounds these once isolated rights-of-way, their value as dedicated avenues and lanes of alternative usage, increases significantly in investment value. Preserving these important land assets in their entirety, and unbroken wherever possible, is in the best public interest of the state and it's citizens, as well as for the communities through which they pass.

II. And so, with such intent, let it be in every practicable purpose to maintain, to the greatest extent possible, direct line and grade of such routes beneath or above public highways and byways, in order to keep secure the integrity of those former rights-of-way for continued safe and unimpeded public use, in lieu of any alternative multi-mode intersections and permanent detours, except for temporary shoo-flies or runarounds during constructions.

2 Department of Transportation; Rail Trail Box Tunnel Construction Project. The department of transportation, in its Derry-Londonderry interchange link project (project #13065) between I-93 Exit 4A and Routes 28 and 102, also known as "The Exit 4A Project", shall include the construction of a box tunnel in Derry, New Hampshire to carry the right-of-way of the Derry Rail Trail on it's original route directly through and beneath the new overhead roadway. The location of the tunnel shall be constructed in such a way as to maintain a direct, unbroken trail route, without detour, for safe recreational use as well as for other, future public uses.

3 Appropriation. The sum of $750,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of transportation to be used for construction related to the rail trail box tunnel construction project under section 1 of this bill. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date.

UNAPPROVED

I. Section 3 of this act shall take effect July 1, 2023.

II. The remainder of this act shall take effect upon its passage.

UNAPPROVED

2023-0179h

AMENDED ANALYSIS

This bill directs the department of transportation to complete the rail trail box project at Exit 4A in Derry and makes an appropriation for such purpose.

UNAPPROVED

February 05, 2023

New Hampshire Legislature
Finance Committee
Via email: janet.clayman@leg.state.nh.us

Re: HB 506 - FN. Exit 4A rail trail tunnel

Honorable members, House Finance Committee:

On behalf of the Granite State Rail Trail I am submitting this letter regarding the planned connection of the Derry & Londonderry rail trails.

A completed Granite State Rail Trail (GSRT) will become an economic engine for the State of New Hampshire. The recent State Rail Trail Plan shows that the Londonderry, Derry and Wyndham sections of the trail are already generating over $4,000,000 in benefits our economy from out of state visitors. This is simply the beginning. For example the 150 mile "Great Allegheny Passage" between Pittsburgh and Cumberland, MD. draws thousands of US and International riders and contributes $121 million to local communities per a 2019 study. That's over $800,000 per mile! We have the same opportunity before us here in New Hampshire with the 150 mile Granite State Rail Trail.

The GSRT is a key piece of the growing New England Rail Trail network being established by the Rails to Trails Conservancy. The network will unite the New England region's six states by multipurpose trail. This isn't just a pipe dream, currently the system is already approaching a 50% build out.

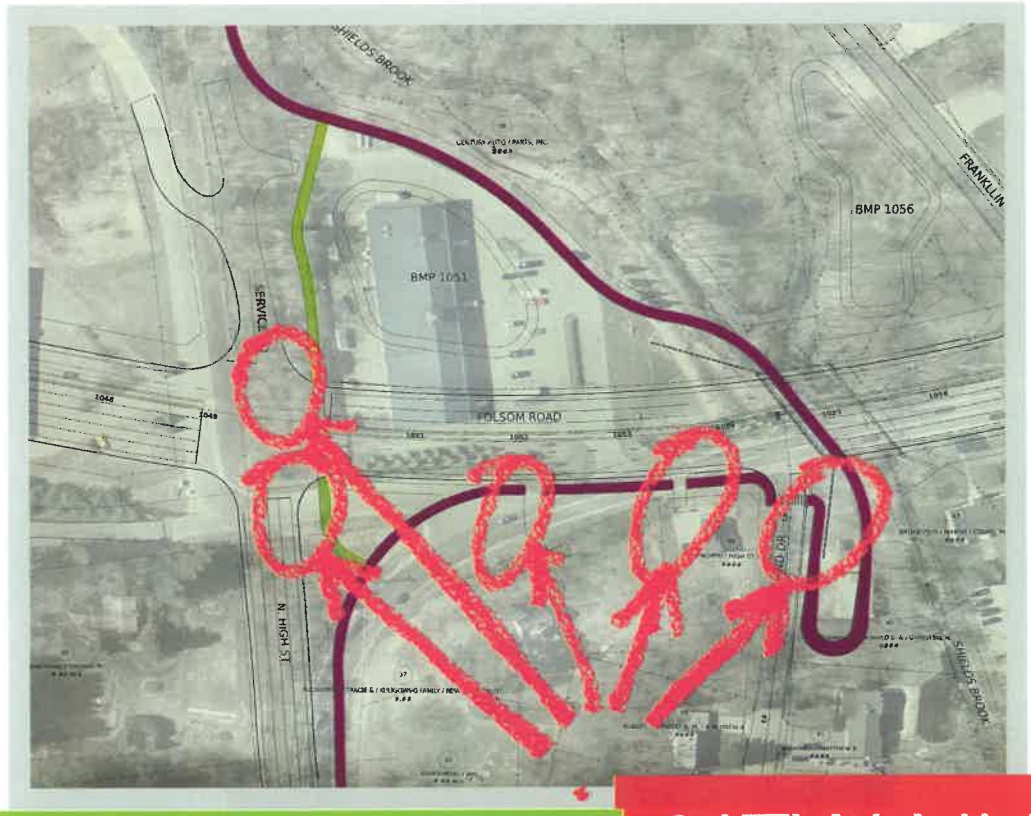


For more information, contact:
Tom Sexton, Northeast Regional Director
Rails-to-Trails Conservancy
tom@railstotrails.org

For years the New Hampshire Department of Transportation has shown a tunnel under the new Exit 4A road in the 10 year plan. Suddenly and without any review from local trail groups who were registered as consulting parties with NH DOT, the tunnel was removed and a "spaghetti" design put in it's place.

Rail trails are popular as they are safe, easily walkable and rideable trails with low grades. The planned alternative to the tunnel strains ADA guidelines and will present a challenge for many users, especially those that are disabled like riders from the Northeast Passage program who frequently use the trail. Instead of connecting communities, the planned alternative could become the "turnaround point" and effectively limit the connection we have long hoped for.

The most important concern of all is safety. A tunnel under the road would eliminate all potential conflicts with cars. The alternative plan creates 5 conflict points as shown below. It is simply not a safe design.



The promised tunnel = ZERO conflict points

NEW NH DOT PLAN = 5 PLACES TO GET HIT BY A VEHICLE

The completion of the section of trail impacted by Exit 4A is a key connection for the larger Granite State Rail Trail. As such, the entire Board of Directors of the Granite State Rail Trail request that you please request the New Hampshire Department of transportation to complete the extension and connection of the trail at Exit 4A using the tunnel design instead of the proposed alternative.

Thank you for your time and review of this material. Please let me know if you have any additional questions.

Jeff Latimer

Jeff Latimer

President, Granite State Rail Trail

603-964-5445

jeff@gusbike.com

The Granite State Rail Trail (GSRT) is a nonprofit 501c3 organization dedicated to expand Rail Trail connectivity along the rail trail corridor from Salem to Lebanon NH.

Gmail **Stephen Pearson <pearsonforderry@gmail.com>**

letter

Joshua Bourdon <jrbourdon@gmail.com> Tue, Feb 7, 2023 at 8:18 AM
To: PearsonforDerry@gmail.com

To Whom it may concern:

My name is Joshua Bourdon. I am currently serving in my 9th year as Derry Town Councilor at Large. I represent 33 thousand people and hold the position of Chairman. I wish I could be there today but I was unable to move my teaching schedule, Junior Hockey practice, and need to prepare for tonight's council meeting.

For the second time I need to clarify the council's position regarding our last vote. But first the history.

Prior to the council voting on the rail tunnel, I had called for a meeting with our Town Manager, Vice Chair, Stephen Pearson, and members of the DOT. I asked DOT two main questions...

1. If the council decided to vote for the tunnel would Derry be on the hook?
2. If the council decided to vote for the tunnel would there be delays and how long?

We were assured by DOT that we would not be on the hook for additional spending if we voted for the tunnel and could expect 6 months to 1 year of delays. Have you asked DOT if the above is true? So with this info, I put this on the agenda to be decided one month later. At our next meeting there was a large number of local and non local residents applying pressure to the council and advocating for the tunnel. A few days before our the vote/meeting the DOT reversed their decision and said we could be on the hook financially if we decided that we wanted the tunnel. What a giant waste of time..... I would have NEVER put this on the agenda if I knew that we might be on the hook. I asked the DOT at least 3 times, 3 different ways if we could be on the hook and was assured NO. I worked closely with our town manager on the crafting of motion that we voted on. I wanted it to send the message that the council was putting this back in the states hands and that we were not supporting spending additional money on the rail trail.

The DOT should NOT use this vote to justify your position. We were robbed of our vote on whether we supported a tunnel or not. That is the most frustrating part of all of this. I implore you to do your due diligence and call each councilor and ask them what they thought they were voting on. I'm willing to bet they voted to NOT spend a dime more and that each and everyone of them would say do not tie this to whether or not they support the tunnel. I am not saying how that vote would have gone but only that you know what that vote meant to us and that due to the DOT's flip flop we did not vote in support or against the tunnel.

Please call me if you would like the information of any member of the Derry Town Council. I would be happy to provide it.

Joshua Bourdon
603 998 2433

--
Joshua Bourdon

HOUSE COMMITTEE ON Finance

DIVISION I WORK SESSION ON HB 506-FN-A

BILL TITLE: **relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.**

DATE: **January 31, 2023**

ROOM: **212** **Time Work Session Called to Order: 1:00 p.m.**

Time Adjourned: <<End Time>>

(please circle if present)

Committee Members: **Leishman, D. McGuire, G. Griffin, Sweeney, Cambrils, Hatch, Huot and Ebel**

Bill Sponsors:

Rep. S. Pearson	**Rep. T. Dolan**	**Rep. Prudhomme-O'Brien**
Rep. Love	**Rep. L. Gould**	**Rep. Stapleton**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. **Pearson**: Received note from Chair of Town Council, stated support for trail. Rail trail in Derry had become popular and has heavy usage.

Mr. **Connors**, President of Rail Trail Association: Department of TransporTation (DOT) did study August 2022 - rail trails bring over $20 million in revenue. Great tool for economic development.

Peter **Stamnas**, Director of Project Development, DOT: Route 4A project - Derry and Town of Londonderry project. Not a DOT project - two town project.

Dave **Topham**: NH Rail Trail Organization presented plan with tunnel. Okay'd. That plan changed - replacement plan is unsafe without tunnel. Approval for plan will take months.

Rep. O'**Brien** works with VA, disabled vets will not approve plan.

Mark **Samsel**, Windham Rail Trail Alliance: Worked with organizations that develop rail trails. Great increases in tourism with rail trails. In favor of tunnel - would be good return on investment.

Work Session to be continued on 2/7/23 @ 1:00 pm.

Rep. **Pearson**, Derry, sponsor of the bill. Josh Bordan, Chair Council Postxxxx Treasurer of DOT?

David **Rodrigue**, Assistant Commissioner, DOT and Wendy **Johnson**, DOT Project Manager: DOT does not support the tunnel because of delay, expense for tunnel. DOT has followed project agreement. All trail users.

Brian **Chirichiello**, Town Council for Derry, Thomas **Cardon**, former Chair of Derry Town Council: Was assured by DOT tunnel was included. DOT down shifting cost.

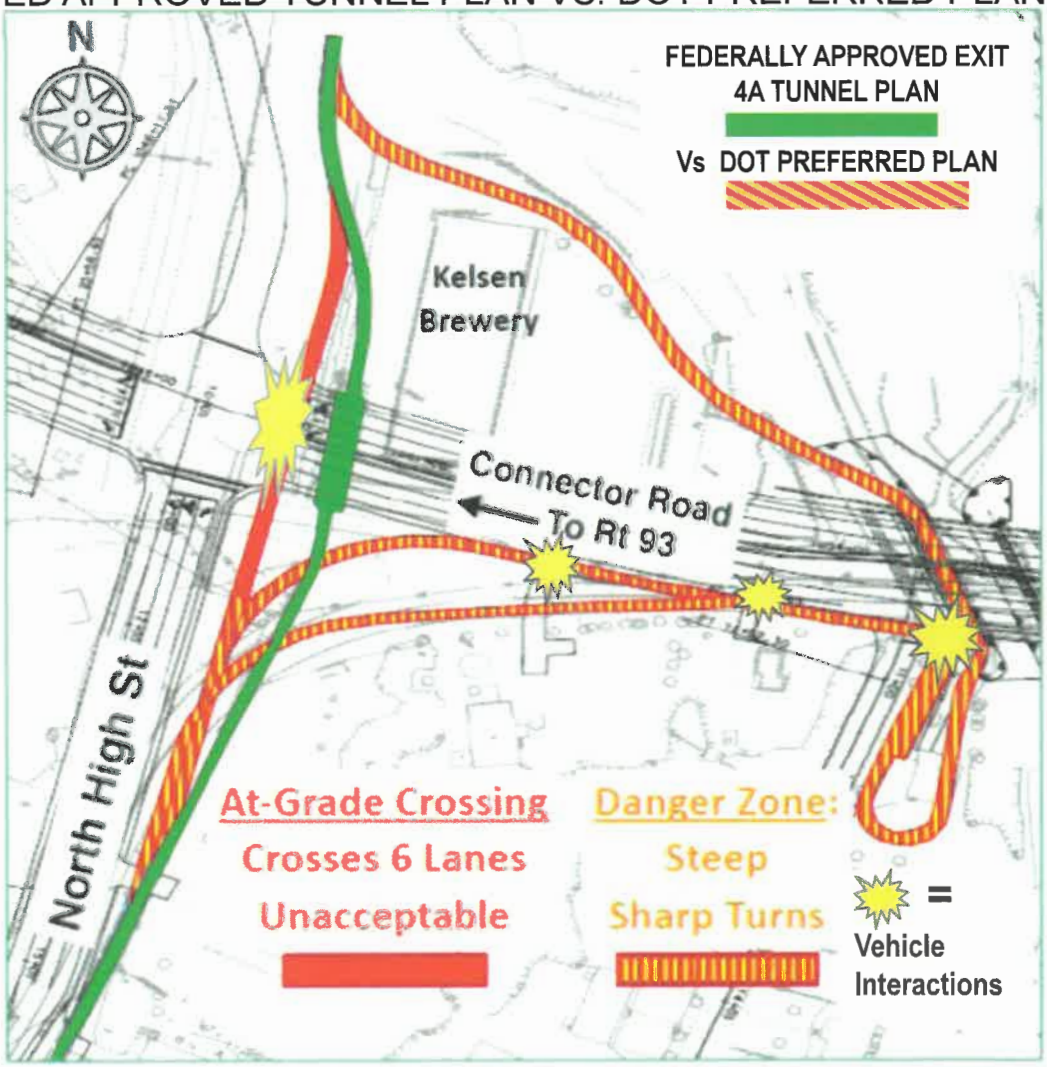
Rep. **McConkey**, Chair of Public Works and Highways

Wayne **Morris** - Grounded Rail Trails

Respectfully submitted,

Rep. William Hatch
Clerk, Division I

FED APPROVED TUNNEL PLAN VS. DOT PREFERRED PLAN



Federally Approved Tunnel Plan	DOT Preferred Plan
Received Federal Approval 2-3-2020	Is neither approved nor completed three years after the tunnel plan
Has thousands of documented supporters. There are also several recorded well-attended public meetings where trail support was unanimous. In addition, DOT also has a collection letters from NH residents supporting the tunnel and opposing the preferred plan in their files.	Virtually NO support of the scenic design from the public since it was introduced years ago, and DOT's own people have voiced concerns that the DOT's preferred plan will require a resubmission for fed approvals (delay), whereas fed approval is something the tunnel already enjoys.
Entirely avoids having 1,000 people per day interact with vehicles	Has four vehicle crossings along an artery of 30-40.000 vehicle per day, three of which can't be avoided
Avoids following a six-lane artery	Called "scenic" but follows a six-lane highway for much of the route and a very narrow stream for a very small portion of it
Is away from wetlands	Is in a floodplain, which forces people to cross a six-lane intersection when the preferred plan floods or freezes (DOT sees this as plus!)
Easily accommodates safe, practical design speeds	Appears to be limited to impractical, unsafe design speeds by accelerating two-wheeled vehicles down a grade with turns
Will greatly enhance the millions of dollars currently coming in from the Windham Derry and Londonderry Rail Trails, potentially doubling or even tripling it as the trail connects to a statewide economic commuting and tourism corridor	Breaks the spine (DOT term) of the regional trail corridor known as the Granite State Rail Trail by introducing six lanes of traffic, wetlands, grades, turns ,and impractical design speeds, which will have an adverse effect on millions of dollars in tourism and income
Provides an excellent ROI	At less than 1% of project costs ,economic arguments against the tunnel seem short-sighted

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 506-FN-A

BILL TITLE: **relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.**

DATE: **January 26, 2023**

LOB ROOM: **210-211** **Time Public Hearing Called to Order:** **11:30 a.m.**

Time Adjourned: **<<End Time>>**

Committee Members: **Reps. Weyler, Erf, Pitre, D. McGuire, Emerick, G. Griffin, Mooney, Edwards, Bean, Hoell, Sweeney, Cambrils, Popovici-Muller, Wallner, Nordgren, Leishman, Buco, Hatch, Huot, Heath, K. Murray, Ebel, Telerski, Hakken-Phillips and Stringham**

Bill Sponsors:

Rep. S. Pearson	**Rep. T. Dolan**	**Rep. Prudhomme-O'Brien**
Rep. Love	**Rep. L. Gould**	**Rep. Stapleton**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. **Stapleton** (bill co-sponsor): Right of ways are important for recreation as with this project.

Rep. **Edwards**: What is the intent? This is quite broad and xxxx (penalty). Other possibilities investigated. This should not be a criminal violation mentioned in the bill. Completion or sunset date should be included?

Rep. **Stapleton**: Can be investigated.

Peter **Stamnas**, NHDOT: Opposes bill - cheaper alternative has been proposed vs. tunnel system with consensus of Derry government.

Rep. **Huot**: Rail trail box tunnel?

Mr. **Stamnas** explained project and NHDOT position.

Rep. D. **McGuire**: Could you create a drawing of each proposal?

Mr. **Stamnos**: Yes.

Rep. **Telerski**: Why the opposition of current proposed route?

Mr. **Stamnos**: Probably 1,000 longer and the box tunnel is a more direct route and safer. The project is under construction. On hold to address challenges. Stakeholders all satisfied and awaiting federal approval for some changes.

Rep. **Popovici-Muller**: Safety vs. existing plan?

Mr. **Stamnos**: ADA compliant, designed to improve safe path.

Rep. **Popovici-Muller**: Long-term balance to cost vs. return on investment?

Mr. **Stamnas**: Ledge and wet issues limited design.

Rep. **Popovici-Muller**: Rail Trail group on board?

Mr. **Stamnas**: The are not on board with current plan. Additional cost of $750,000 for current plan.

Rep. **Huot**: $750,000 for box tunnel what was appropriated for current plan?

Mr. **Stamnas**: $750,000 + is for box tunnel.

Alex **Koutroubas**, ALEC, NH: Opposes bill especially lines 3-6 and jail sentence, etc. Bill poorly drafted and could be considered a dumpster fire. And project can be delayed.

Respectfully submitted,

Rep. Joseph Pitre
Clerk

Fill in *ONLY* if *SPEAKING* on Bill

Bill # HB506-FN Date 01/26/23

Committee FINANCE

I support the bill ✓

I oppose the bill ____

I have written testimony ____

(Number of copies) ____

Time needed to speak: 3-4 minutes

Name Rep Walter Stapleton

Address 90 Veterans Park Rd
Claremont NH 03743

Phone 603-995-1034

Representing Sullivan Co #6
Claremont + Croydon

Fill in *ONLY* if *SPEAKING* on Bill

Bill # HB 506 Date 1/26/2023

Committee House Finance

I support the bill ____

I oppose the bill X

I have written testimony ____

(Number of copies) ____

Time needed to speak: 5 mins

Name Peter Stamnas

Address NHDOT
7 Hazen Drive, Concord NH

Phone ____

Representing NHDOT

Fill in *ONLY* if *SPEAKING* on Bill

Bill # 506 Date 1/26/23

Committee Finance

I support the bill ____

I oppose the bill X

I have written testimony ____

(Number of copies) ____

Time needed to speak: 2:00 min

Name Alex Koutroubas

Address 17 Depot St.
Unit 3, Concord

Phone 603 440 5113

Representing ACLU-NH

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 506 Date 1/26

Committee

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
AMY POLLACK	214 N. MAIN, CONCORD	603 225-1181	PELLSBURY REALTY		✓

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

House Finance

HB506

Support: 48 | Oppose: 3 | Neutral: 0

Name	Town	State	Position	Attachment	Typed
Catherine McDonald	Derry	NH	Support	View PDF	
David Topham	Salem	NH	Support	View PDF	
Jenifer Blais	Windham	NH	Support	View PDF	
Susan Woods	Concord	NH	Support	View PDF	
Abby Evankow	Gorham	NH	Support		View Text
Alex Vogt	Bedford	NH	Support		View Text
Alexander Bernhard	Andover	NH	Support		View Text
Andy Day	Derry	NH	Support		View Text
Bob Bernoth Bernoth	Chester	NH	Support		View Text
Caroline Morse	Sandown	NH	Support		View Text
Cathleen Stuart	Londonderry	NH	Support		View Text
Douglas Atkins	Salem	NH	Support		View Text
Elizabeth Burgess	Deerfield	NH	Support		View Text
Elizabeth Richter	Chester	NH	Support		View Text
Ernie Roy	Nashua	NH	Support		View Text
James and Jennifer Bobolia	Derry	NH	Support		View Text
Jean Fugina	Londonderry	NH	Support		View Text
Jeffrey Creem	Nashua	NH	Oppose		View Text
Jonathan Normington	Windham	NH	Support		View Text
Julie Grubaugh	Candia	NH	Support		View Text
Katherine Normington	Windham	NH	Support		View Text

Name	Town	State	Position	Attachment	Typed
Keith Evans	Fremont	NH	Support		View Text
Leif Martinson	Northfield	NH	Support		View Text
MARK CONNORS	Derry	NH	Support		View Text
MaryEllen Stella	Derry	NH	Support		View Text
Michael Lucci	Londonderry	NH	Support		View Text
Michael McAfee	Dover	NH	Support		View Text
Nicole Shattuck	Derry	NH	Support		View Text
Patricia Anastasia	Londonderry	NH	Support		View Text
Paula Bedard	Goffstown	NH	Support		View Text
Robert Spiegelman	Concord	NH	Support		View Text
Ronald Cartwright	Derry	NH	Support		View Text
Claire Prince	Londonderry	NH	Support		
Dan Watkins	Derry	NH	Support		
Deborah Wenger	Waterville Valley	NH	Support		
Donna Sovie	Derry	NH	Support		
Dorsey Collins	Derry	NH	Support		
Ellen Kolb	Merrimack	NH	Support		
Hester Campbell	Concord	NH	Support		
Jesse Medeiros	Plainfield	NH	Oppose		
Jessica Sgrignuoli	Derry	NH	Support		
Judith Kurtz	Concord	NH	Support		
Karen Roberts	Hampton	NH	Support		
Katherine Delay	Derry	NH	Support		
Katie Selinga	Concord	NH	Support		
Ken Wenger	Waterville Valley	NH	Support		
Mike Banks	Salem	NH	Support		
Paul Secinaro	Sandown	NH	Support		
Richard Delay	Derry	NH	Support		
Stacy Begin	Hollis	NH	Support		
Stephen Karney	Amherst	NH	Oppose		

Re: House Bill HOUSE BILL 506-FN-A

I support this bill. The design for a straight-through box tunnel was federally approved in February 2020. Shortly after, The NH Dept of Transportation abandoned the federally approved design in Derry at Exit 4A in favor of "some investigations" of a meandering design that has multiple intersections with vehicles, drainage problems, limited sight distance, and challenges for the mobility impaired. DOT was told by numerous people, including people in its own dept, that the design it was pursuing was problematic. Still, DOT persists in wasting time and spending money trying to shoehorn its problematic unapproved idea into the process nearly THREE years after the box tunnel design was federally approved. DOT should stop wasting time and money and pursue the straight-through culvert box tunnel which it promoted to various agencies during the approval process.

Catherine McDonald
Derry, NH

HB-506 comments

Dear NH House Finance Committee Members:

This bill regards the $110M Derry Exit 4A Project 13065 and specifically the new connector road crossing of the rail trail. The estimated $770K cost savings by not building the tunnel as approved in 2019 is not supported by facts. With the entire project funded 80% by Federal money and 20% by NH toll credits, the Town of Derry and NHDOT should not pay anything. Without the 2019 tunnel plan being advanced as the safest and most practical option for the non-motorized alternative transportation corridor, there will be delays for which NHDOT is responsible as proper policy and procedures were not followed starting 2.5 years ago when no public hearings were held. If additional funding is required at this late date, then I see this bill HB-506 as a mechanism to obtained needed funds if not provided via available Federal grants. Section A of this project had a shortfall of $4M when construction started and the money "was found" within 48 hours.

Note that I do not support the penalty clause included in this bill. Only if removed might funding be considered otherwise an ITL vote is expected.

Thank you for your attention!

David S. Topham
NH Rail Trails Coalition President
Certified League of American Bicyclists Cycling Instructor
NHDOT Complete Streets Advisory Committee Charter Member
NH Traffic Safety Commission Member
2 Townsend Ave
Salem NH 03079
603-898-9926

File: HB-506 comments-012223.docx

I support the NH DOT funding the Tunnel Design option on the Derry Exit 4A project. I am a frequent user of the Rail Trail, using it to run for many miles end-to-end. I am very excited about the plans to extend it even further. However, it needs to be built as originally planned with the direct tunnel, or it loses a lot of its purpose and value. The awkward detour across roads is so unsafe, and will likely cause many people to either stay away or get injured (or worse) trying to enjoy it.

Seeing that it made sense to build a tunnel in Windham under I-93 for the rarely used section of the Greenway trail (I am one of the few who goes through there, but am grateful to be able to cross directly and safely!), then it is obvious we should have one on the Derry Rail Trail that has thousands of users. Go out on a beautiful day in Spring/Summer/Fall to see the massive numbers of people out on the Derry Rail Trail. You would better understand the risk of having an unsafe, complicated crossing. Please just build it right the first time, as it was originally intended to be built, for everyone's benefit. Thank you!

Susan Woods, Supporting HB 506.

HB 506 will undo a terrible wrong committed by the NH DOT. The NH DOT promised to build a tunnel for the rail trail under the new Exit 4a to get approval for the new highway exit. Overruns on this project have amounted to tens of millions of dollars which NH DOT hardly blinking an eye. But suddenly at the last minute they decide they need to cut $750,000 out of the $60 million project (1% of the total. The reroute proposed is unsafe for bicyclists. Citizens have been toiling on the Derry Rail Trail since 2007 raising money from grants, individuals and corporations. The Derry Rail Trail is 4 mile paved rail trail that runs from Windham to Derry and is part of the New Hampshire Rail Trail that will ultimately run from Salem, NH to Lebanon, NH. Recreational bike paths have been shown worldwide to be tourism drivers in addition to providing recreation to local residents. It would be a shame that Exit 4A be a weak link in this incredible trail network.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

Safe bike/ped rail trails are an essential resource for both residents and visitors alike. To build the cost-effective box tunnel in Derry is to make a crucial connection on the Granite State Rail Trail which will encourage more carbon-free transportation alternatives (that remove congestion from our roads) and opportunities for healthy recreation for both resident and visiting pedestrians and cyclists of all ages. A safe tunnel is crucial to the development of the Granite State Rail Trail which connects NH to both Vermont and Massachusetts rail trail corridors.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I support this bill. The straight-through tunnel option is the only safe option to cross the new Exit 4A access road. The convoluted "spaghetti" option doesn't meet rail trail design criteria. The sharp turns, multiple drive crossings, and a 12 mph curve on a 5% down hill grade is just unsafe. The straight through tunnel is shorter, flatter and meets all rail trail design criteria. This is part of the Granite State Rail Trail that will run from Massachusetts all the way to Lebanon NH. This is important to the Town, the region, and the State to build this crossing right.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

NHDOT has made a disastrous decision to change the federally approved plan for the Derry 4A exit. DOT"s new plan will require new federal approves, delay the completion of this project and add to its cost.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

My name is Andy Day, and I am a member of the Derry community, as well as a small business owner in the downtown, located right off the rail trail. I frequently arrange "brewery crawls" to visit our neighboring breweries, taking advantage of the rail trail. Further, my business relies on the rail trail during the summer months for business when things are slow. It is crucial that we take steps to build out the 4A construction with PUBLIC SAFETY in mind. The proposed spaghetti path with the crosswalk across a major highway exit is absolutely absurd. That area is already dangerous - we need a proper tunnel, period. Thank you for your consideration and care for our citizens and the surrounding towns that utilize this incredible resource.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

Please support this bill. Safety 1st.
Thank you
Bob Bernoth

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I support this bill. As a frequent rail trail user on my bicycle, I am much safer with a tunnel option than venturing onto the streets. I appreciate the added level of safety afforded by the tunnel.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

This tunnel is a great opportunity to provide both safe, healthy recreation and bicycle commuting to the community. Without it, only expert bicyclists will feel safe riding on surface streets through busy Derry. I urge you to support this bill and make our communities safer for all who ride bikes and walk - whether for work or pleasure!

Cathleen Stuart

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I strongly support passage of HB 506 to correct NH DOT's short sighted plan to alter the rail trail crossing of the 4A exit project. The original plan for a tunnel is by far the safest plan for the crossing of a major thoroughfare. The alleged cost savings DOT claims are also dubious. Rail trail projects in adjacent are seeing heavy use by the communities. Ensure that this project is done correctly with the original tunnel design.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I bicycle the Londonderry and Derry Rail Trail quite often and either have to peddle through dirt, mud, and trash, or go on road through a neighborhood and an industrial area. I am in favor of a tunnel to connect the two trails. It makes the most sense for people of all ages and abilities on bicycles or assistive devices. I ride the Northern Rail Trail which has four tunnels and the Rockingham Rail Trail, Portsmouth Branch, which also has four tunnels. They allow for easy passage. I hope that the tunnel project for the Derry Trail passes. It will be very hard to maneuver my bicycle through the proposed alternative connector. I think that the people who come up with these switchback designs should have to ride a bike through one to see how difficult it is.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I strongly support NH DOT's funding of the tunnel design option at the Derry Exit 4A project, to the extent federal funds for such design are not available. The tunnel design would make rail trail use at the location far safer than the alternative approach. It is important to make the rail trail crossings as safe as possible.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I am in favor of building the tunnel to insure adequate safety to users of this trail.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

As residents of Derry who use the rail trail, we support this effort to keep the tunnel as originally designed for exit 4A to keep wildlife and trail users safe as they cross the I-93 area.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

The rail trail tunnel for the Derry Rail Trail is an absolute necessity in order to make the trail safe for all members of the public.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I oppose the unique criminal penalty section of this bill.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

Please make the right decision here and build the tunnel. It's cheaper than the litigation when the first injury case comes in from the "spaghetti " plan.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

A straightforward tunnel is the safest way to go on this popular trail. NH needs more work on these popular trails to promote safe recreation for residents and visitors and this also provides opportunities for more sustainable transportation in the area. Please pass and let's get this project done!

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I am a small business owner on the rail trail in Windham. I have been in business for 20 years now and have met numerous people off of the trail that frequent my business. Not only are they on bikes, but dog walkers, skate boards, roller blades, wheelchairs, skis, snowshoes.... the list goes on. The biggest concern should be safety and I and my husband are in full support of the tunnel. They did one in Windham and it needs to be done in Derry in order to ensure the safety of everyone.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

Please build the tunnel as originally design. Building a complex and dangerous solution that requires pedestrians and cyclists to cross multiple streets will be a waste. The public will not use a dangerous crossing.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I am in favor of building the tunnel. As an avid rail trail enthusiast, I feel the alternatives to the tunnel jeopardize the safety of those that are using it in one of the busiest corridors of the state.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

On behalf of myself and the Board of the Derry Rail Trail Alliance I write to provide testimony in support this bill. The manner in which the DOT has changed the plan from the design for a straight-through box tunnel that was federally approved in February 2020 to the UNSAFE ALTERNATIVE it is now pushing is not only questionable, but potentially illegal and in violation of its own rules, reviews and processes. The alternative design has NOT EVEN BEEN SUBMITTED FOR FEDERAL REVIEW. And when it is it is likely that it will be rejected and potentially cause delays and funding review of the ENTIRE EXIT 4A project. Because the inclusion of the original box tunnel QUALIFIED the Exit 4A project for various "credits" when it came to HISTORICAL and ENVIRONMENTAL REVIEWS of the entire project. I have been personally involved in this project from Day 1 as an AUTHORIZED CONSULTING PARTY on the project, yet DOT has kept information from me and provided a FALSE NARRATIVE and INACCURATE and INCOMPLETE information to the Public and Local Town Officials as they push their alternative forward - WITHOUT DUE PROCESS. They have not even allowed their own DOT SAFETY GROUPS TO REVIEW OR COMMENT PUBLICLY on the alternative. When the project manager was asked at a PUBLIC MEETING if the alternative plan is as GOOD or AS SAFE as the original agreed to and APPROVED tunnel - they answered - " it is adequate". Please approve the bill and force DOT to build the tunnel - which will benefit the entire STATE OF NH economically and with tourism as this is a KEY LOCATION along the STATE LONG - Granite State Rail Trail!!!

Thank you - I can be reached at 978-852-4390 if anyone wishes to speak to me directly on this matter.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

Support HB506 of the NH DOT funding for the safer tunnel design option on the Derry Exit 4A project.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I am a homeowner and taxpayer in Londonderry as well as a member of the Greater Derry Track Club.

I as well as hundreds of others use the Rail Trail for running, walking and cycling. Safety is of the utmost concern while participating in these activities. Therefore I urged you all to vote in support of the tunnel project. Lived will be at risk if the tunnel is not built.

Respectfully yours,

Michael Lucci
19 Jefferson Drive
Londonderry NH 03053-3647

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I am writing as a citizen and resident to support funding for construction of a tunnel/underpass for the Londonderry Multi-use trail in conjunction with the construction of the Derry Exit 4A project. Multi-use paths are an important part of the transportation infrastructure of our state. The tunnel design is a very important issue with respect to the safe use of the path, which is utilized by a diverse user group including families with young children. It is unfortunate that the state DOT chooses to take adverse views toward developing and maintaining safe multi-use pathways that are important for alternative means of transportation, tourism and recreation. New Hampshire is far behind every other New England state in recognizing the value of multi-use paths with respect to commerce and the health/happiness of its citizens and visitors. I encourage the committee to review the matter with the diligence it deserves and make a thoughtful decision that benefits a wide cross-section of New Hampshire citizens.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

This is an investment into our community as a whole and will provide a safe(r) option for those using the rail trail.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I support this bill with the caveat that the non-germane language regarding criminal penalties be removed by amendment.

The box tunnel is the best option for users of the rail trail.

Any penalty associated with negligence in the completion of the project scope as specified in this bill should be treated the same as that of any similar project and should not be addressed in this bill.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

Please SUPPORT HB506. We definitely need the TUNNEL Design option on this important project! The Tunnel Design is the ONLY SAFE DESIGN for this project. We are not sure that this bill has a need for the penalty clause, so we feel this bill could be amended to simply remove the penalty clase. The most important thing is for NH DOT to move forward with the TUNNEL Design along the Derry Rail Trail corridor. It is the only safe option for the bicycle & pedestrian users of this important corridor.

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

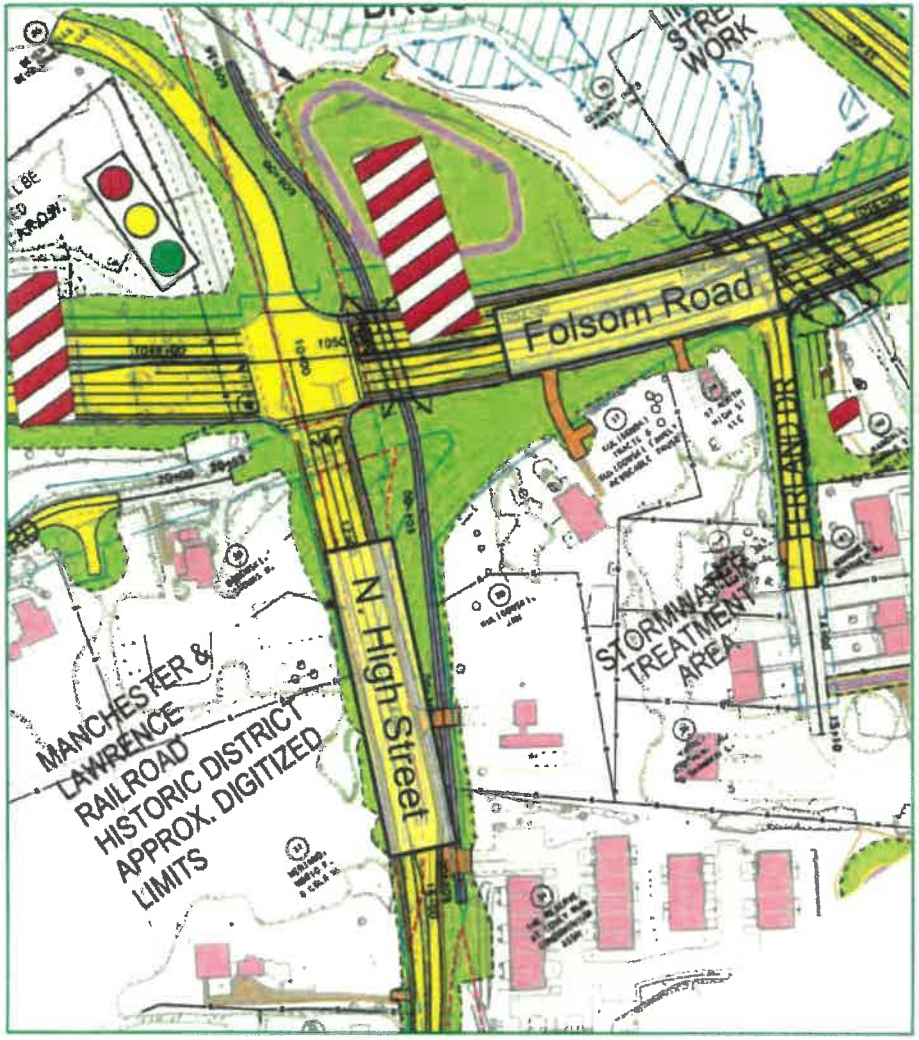
While I appreciate the efforts of NHDOT to guard taxpapayer funds, the choice to build the Spaghetti Loop rather than the tunnel is a bad decsion on several levels.

The New Hampshire
House of Representatives

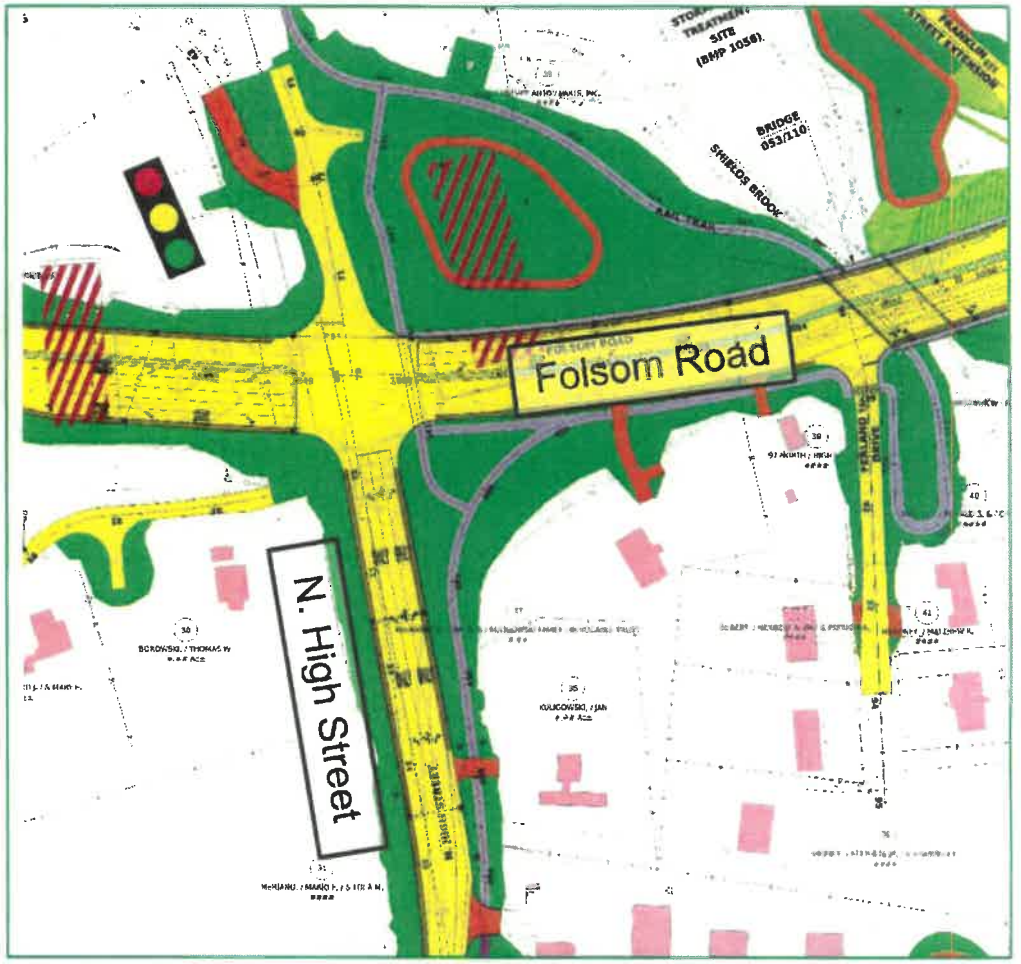
HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

I support this bill as I feel it is extremely important to put Safety First on the rail trail. The tunnel was part of the original project and should be continued forcing people to leave the rail trail to enter traffic is extremely dangerous and should be avoided at all costs.

Rail Trail Hearing Plan and Proposed



Public Hearing Plan – Tunnel under Folsom Road



Proposed Alternative: Rail Trail at Shields Brook - Shared Crossing

McFarland Johnson vhb New Hampshire DOT Department of Transportation

Rail Trail Proposed Alternative



McFarland Johnson vhb New Hampshire DOT Department of Transportation

Rail Trail Proposed Alternative



McFarland Johnson vhb New Hampshire DOT Department of Transportation

Rail Trail Cost Differential

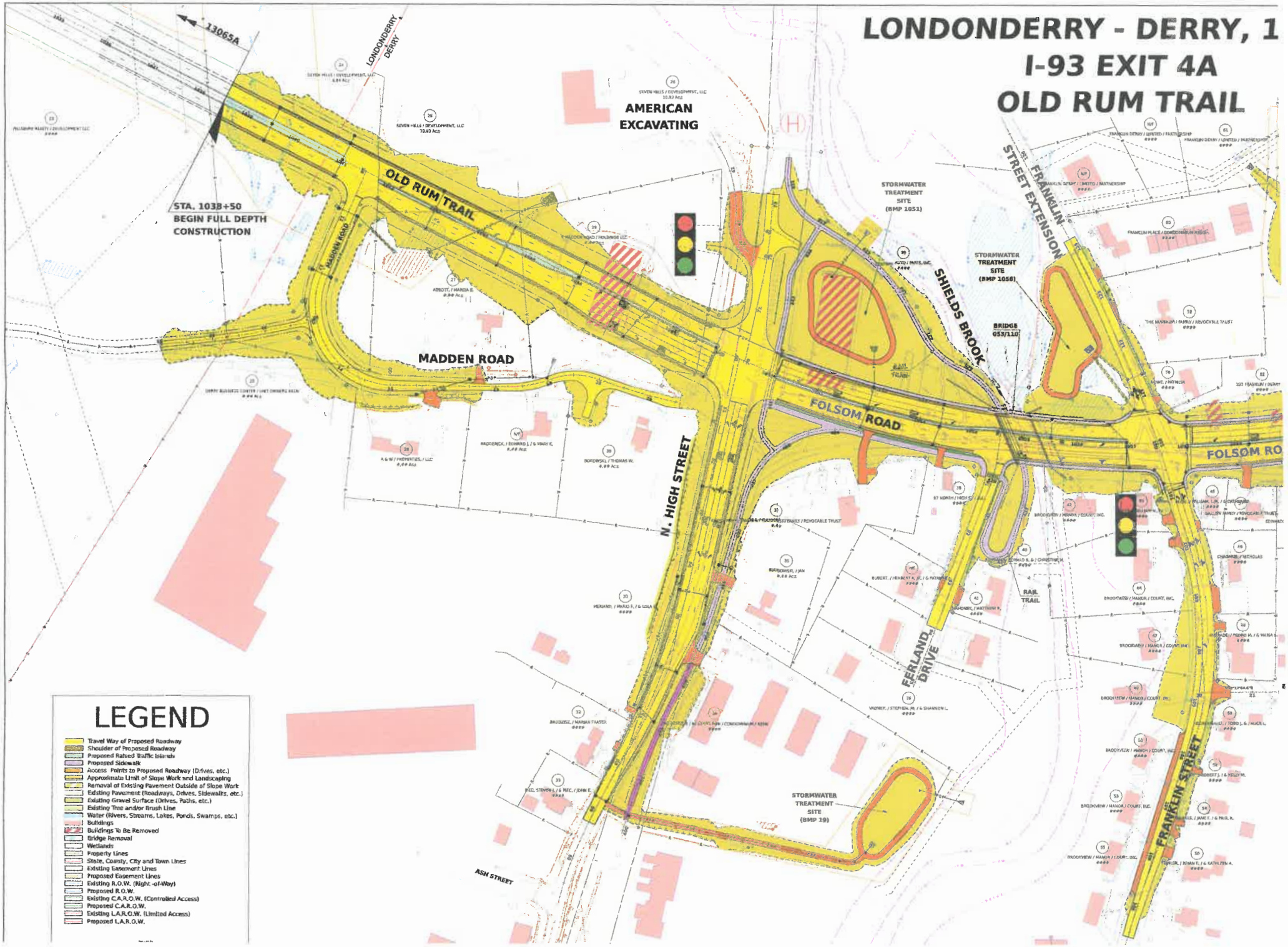
Tunnel Design vs. Trail Under River Bridge

Tunnel: Additional Construction Cost: $750,000

Additional Re-design cost: $112,500

Total Additional Cost for Tunnel Design = $862,500

McFarland Johnson vhb New Hampshire DOT Department of Transportation


LONDONDERRY - DERRY, 1
I-93 EXIT 4A
OLD RUM TRAIL
13065A
LONDONDERRY
DERRY
AMERICAN EXCAVATING
STA. 1038+50
BEGIN FULL DEPTH CONSTRUCTION
OLD RUM TRAIL
MADDEN ROAD
MADDEN ROAD
STORMWATER TREATMENT SITE (BMP 1051)
STORMWATER TREATMENT SITE (BMP 1056)
SHIELDS BROOK
BRIDGE 053/110
FRANKLIN STREET EXTENSION
FOLSOM ROAD
FOLSOM RO
N. HIGH STREET
RAIL TRAIL
FERLAND DRIVE
STORMWATER TREATMENT SITE (BMP 19)
FRANKLIN STREET
ASH STREET
LEGEND
Travel Way of Proposed Roadway
Shoulder of Proposed Roadway
Proposed Raised Traffic Islands
Proposed Sidewalk
Access Points to Proposed Roadway (Drives, etc.)
Approximate Limit of Slope Work and Landscaping
Removal of Existing Pavement Outside of Slope Work
Existing Pavement (Roadways, Drives, Sidewalks, etc.)
Existing Gravel Surface (Drives, Paths, etc.)
Existing Tree and/or Brush Line
Water (Rivers, Streams, Lakes, Ponds, Swamps, etc.)
Buildings
Buildings To Be Removed
Bridge Removal
Wetlands
Property Lines
State, County, City and Town Lines
Existing Easement Lines
Proposed Easement Lines
Existing R.O.W. (Right -of-Way)
Proposed R.O.W.
Existing C.A.R.O.W. (Controlled Access)
Proposed C.A.R.O.W.
Existing L.A.R.O.W. (Limited Access)
Proposed L.A.R.O.W.

DESIGN DEFICIENCIES & NEGLIGENCE IN DESIGN OF THE RAIL TRAIL

Derry - Londonderry 13065, I-93 Exit 4A

This review is of the plans presented at the Public Informational Meeting on Thursday, September 22, 2022. Information found at: https://www.i93exit4a.com/updates-1-1

The NHDOT proposed Rail Trail layout, the spaghetti layout, violates national standards for design of Bicycle Facilities multi-use trails. NHDOT is required to meet or exceed AASHTO standards national standards in the design of Federal Funded Projects. In addition, the design criteria that NHDOT lists in its own engineering report for this project is not being followed.

NHDOT Engineering Report:

The Engineering Report lists the following design criteria that matches the design criteria of shared use paths from AASHTO "Guide for the Development of Bicycle Facilities", 4th Edition, 2012 that is also referenced to follow in NHDOT's engineering report for the project. Some criteria is highlighted in bold for emphasis.

DESIGN CRITERIA

Rail Trail
Design Speed 18 mph
Travel Lane Width 10 ft.
Shoulder Width 2 ft.
Vertical Clearance 12ft.
Cross Slope 0.020
Min. Radius 60 ft.
Min Stopping Sight Distance 165 ft.
Max Grade 0.050
Min Length of Crest Curve Varies based on SSD and Algebraic Grade Difference
Horizontal Clearance 2 ft.
Max Recoverable Slope 6:1

NHDOT PROPOSED LAYOUT

SEE ATTACHMENT "A", NHDOT PROPOSED LAYOUT WITH MARK UPS

NHDOT 27 foot radius switch back curve

The NHDOT proposed layout has a 27 foot radius switch back curve that is only good for 12 mph. This violates the design speed of 18 mph and the minimum curve radius of 60 feet. In addition this curve is on a 4.96 down grade coming down next to Ferland Drive and around the curve. The AASHTO "Guide for the Development of Bicycle Facilities", 4th Edition, 2012, states that a "design speed of 18 mph is for paths in relatively flat areas (grades less than 2 percent)". A design speed higher than 18 mph and curve radius larger than 60 feet should be provided due to the grade over 2%. Example that for 20 mph, a 74 foot radius curve is required. NHDOT's layout is unsafe as it will not accommodate the anticipated speeds of bicycles likely causing crashes.

NHDOT Trail Under bridge Sight Distance

The NHDOT alignment under the proposed bridge over Shields Brook will have a restricted sight distance due to the curves around the abutments. The minimum stopping sight distance for 18 mph is 165 feet. Due to the steeper down grades approaching each side of the trail going under the bridge, additional stopping sight distance should be provided. NHDOT alignment has only about 125 feet of sight distance at the NW abutment and 130 feet of sight distance at the SW abutment. Note minimum sight stopping sight distance is 165 feet for 18 mph and with the down grades and higher speed should be 210 feet. This alignment is unsafe as a bicycle traveling would not be able to stop in time for a pedestrian standing on the trail.

NHDOT Trail Crossing Ferland Drive

The proposed trail crossing, crosswalk, of Ferland Drive is convoluted with three 90 degree turns and a crosswalk at a unsafe location. NHDOT directed the consultant to cross the trail 20 feet, one car length, down Ferland Drive from the stop bar. See Attachment "B", NHDOT Trail Crosswalk at Ferland Drive.

This is in violation of the Manual on Uniform Traffic Control Devices for Streets and Highways, MUTCD. They even note the following concern: "One concern is that the crosswalk is around the corner and a pedestrian or cyclist crossing might not be seen by someone making the turn." Placing the crossing 20 feet down Ferland Drive can cause confusion to where a vehicle should stop. It is a dangerous location. Vehicles stopped at the stop bar could block the crossing and the sight to pedestrians and cyclists.

FHWA requires that States follow the MUTCD on Federal projects. Specifically, the MUTCD requires that the crossing needs to be 4 feet in front of the stop bar, not 20 feet behind. See the following from MUTCD Section 3B.16 Stop and Yield Lines:

Guidance:

08 *Stop lines should be 12 to 24 inches wide.*

09 *The individual triangles comprising the yield line should have a base of 12 to 24 inches wide and a height equal to 1.5 times the base. The space between the triangles should be 3 to 12 inches.*

10 *If used, stop and yield lines should be placed a minimum of 4 feet in advance of the nearest crosswalk line at controlled intersections, except for yield lines at roundabouts as provided for in Section 3C.04 and at midblock crosswalks. In the absence of a marked crosswalk, the stop line or yield line should be placed at the desired stopping or yielding point, but should not be placed more than 30 feet or less than 4 feet from the nearest edge of the intersecting traveled way.*

11 *Stop lines at midblock signalized locations should be placed at least 40 feet in advance of the nearest signal indication (see Section 4D.14).*

12 *If yield or stop lines are used at a crosswalk that crosses an uncontrolled multi-lane approach, the yield lines or stop lines should be placed 20 to 50 feet in advance of the nearest crosswalk line, and parking should be prohibited in the area between the yield or stop line and the crosswalk (see Figure 3B-17).*

ADDITIONAL CONCERNS

See ATTACHMENT "C", NHDOT RAIL TRAIL 12 MPH vs 18 MPH LAYOUT. This clearly shows that NHDOT knows that the design should be 18 mph but has "shoe horned" what will fit and then they try to justify the design by saying that is the design speed and that lower speeds will be safer.

The NHDOT consultant,VHB, when evaluating the Alternate Technical Concept, ATC trail design on July 23, 2020 stated: "Geometry - The trail horizontal and vertical alignment will be designed to meet the guidance of the AASHTO Guide for the Development of Bicycle Facilities, 2012 but then states that the trail uses a minimum radius curve 27' for 12 mph design"

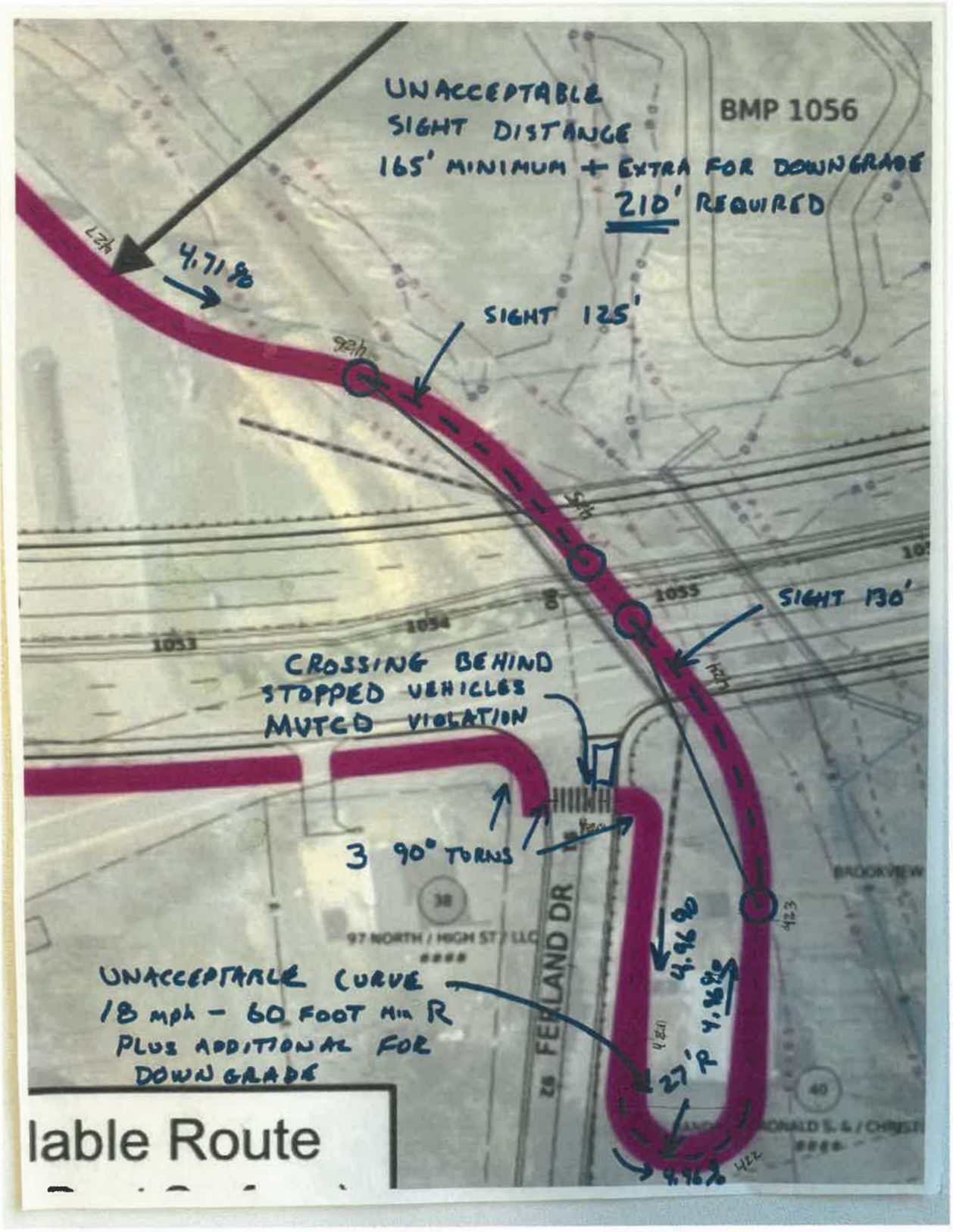
NHDOT own consultant, Nicole C. Fox, PE, Project Manager with Fuss & O'Neill, stated on an email sent to NHDOT on June 24, 2020, "We disagree that this alignment is better for trail users. It is significantly longer, has a section where it travels on the proposed sidewalk approaching Ferland Drive, has a 90 degree turn at the intersection with Ferland, a switchback, and steeper slopes. The trail follows Shields Brook for a very short section and has much more exposure to the arterial roadway."

Length of the 4.96% grade is about 250 feet long and the 4.71% grade is about 400 feet long. While technically meeting the 5% ADA criteria, the long length can be a challenge to those in mobility devices and alternate recumbent cycles.

The extra length of the trail compared to the straight thru tunnel option is about 1000 feet longer. Users would be tempted to take the short straight route that would cross the new Folsum Road, six lanes. Conflicting with traffic and potential crashes.

The NHDOT layout puts the trail under the Shields Brook bridge at the 50 year flood elevation. Putting the trail at the 50 year flood level when this stream is known to have high erosion during flooding likely will wash the trail out. Not only will the trail be potentially damaged but trail users would then be forced to cross the new Folsum Road at grade.

Besides the vehicle conflicts crossing Ferland Drive, the trail would follow next to the new Folsom Road and cross two driveways that are currently residential.



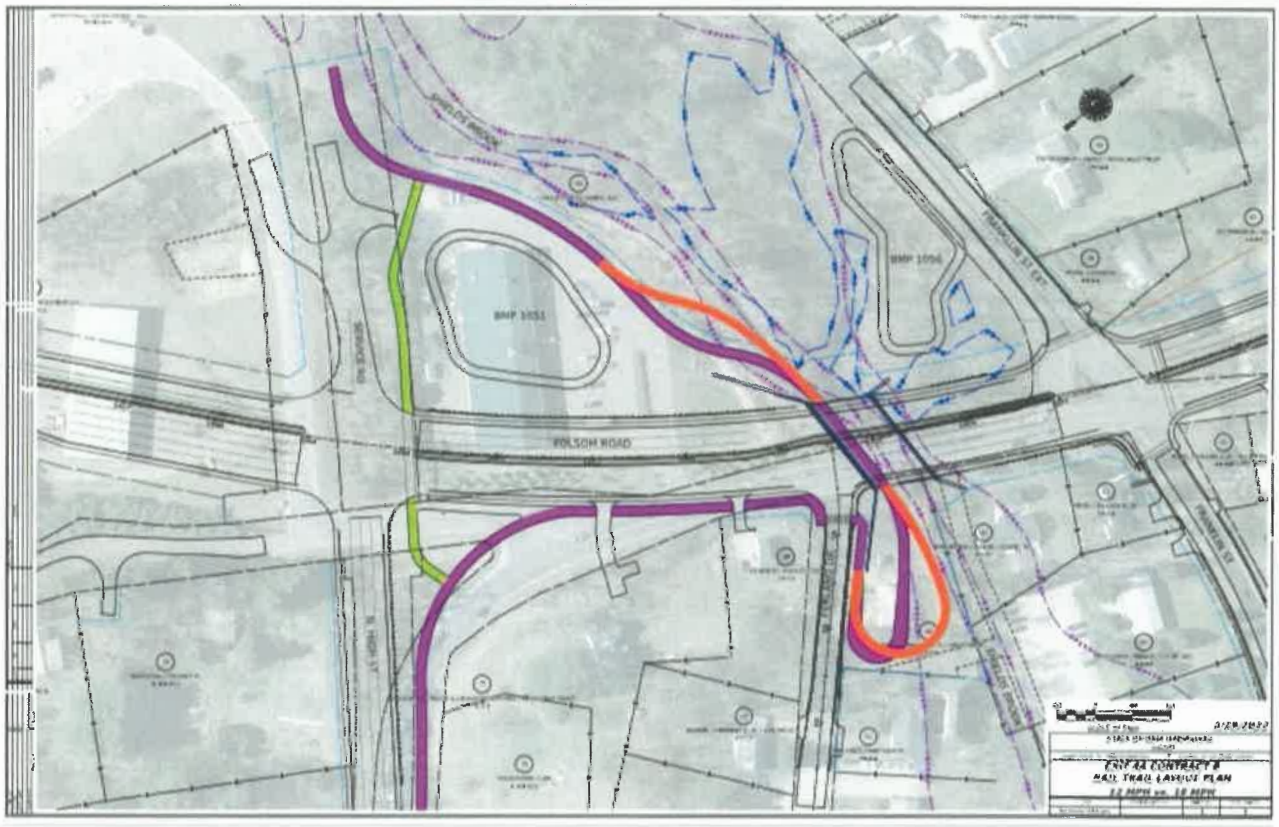
ATTACHMENT "A"
NHDOT PROPOSED LAYOUT WITH MARK UPS

The NHDOT request was to shift the crosswalk one car length away from the stop bar and have the bridge rail wrap around the corner (19' radius). See below for this layout. This layout provides an opening for the Rail Trail that is outside

of the clear zone for the Connector Road. One concern is that the crosswalk is around the corner and a pedestrian or cyclist crossing might not be seen by someone making the turn. The turning volume at this location is small as there will be only 5 residential parcels remaining on Ferland Drive.



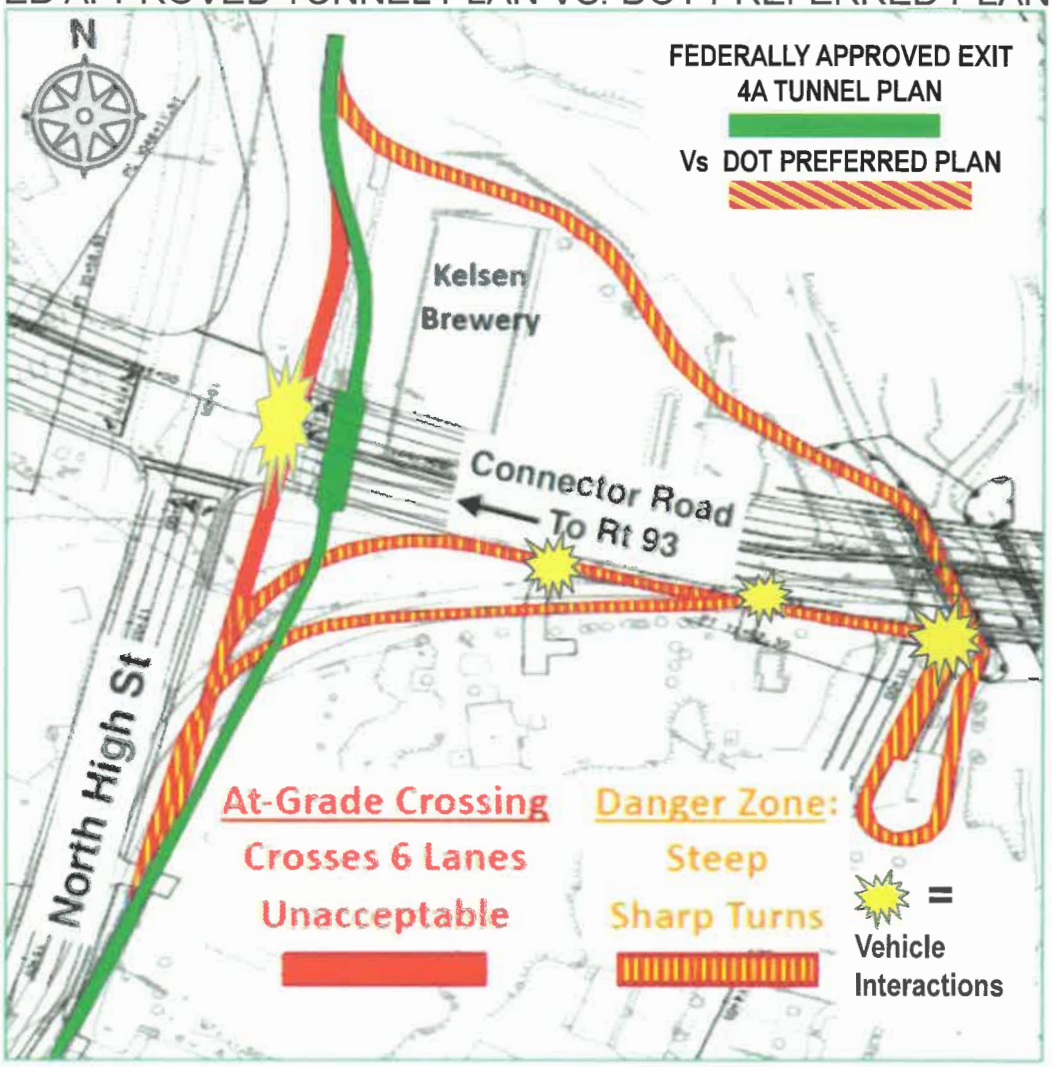
ATTACHMENT "B"
NHDOT TRAIL CROSSWALK AT FERLAND DRIVE



ATTACHMENT "C"
NHDOT RAIL TRAIL 12 MPH vs 18 MPH LAYOUT

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FED APPROVED TUNNEL PLAN VS. DOT PREFERRED PLAN



Federally Approved Tunnel Plan	DOT Preferred Plan
Received Federal Approval 2-3-2020	Is neither approved nor completed three years after the tunnel plan
Has thousands of documented supporters. There are also several recorded well-attended public meetings where trail support was unanimous. In addition, DOT also has a collection letters from NH residents supporting the tunnel and opposing the preferred plan in their files.	Virtually NO support of the scenic design from the public since it was introduced years ago, and DOT's own people have voiced concerns that the DOT's preferred plan will require a resubmission for fed approvals (delay), whereas fed approval is something the tunnel already enjoys.
Entirely avoids having 1,000 people per day interact with vehicles	Has four vehicle crossings along an artery of 30-40.000 vehicle per day, three of which can't be avoided
Avoids following a six-lane artery	Called "scenic" but follows a six-lane highway for much of the route and a very narrow stream for a very small portion of it
Is away from wetlands	Is in a floodplain, which forces people to cross a six-lane intersection when the preferred plan floods or freezes (DOT sees this as plus!)
Easily accommodates safe, practical design speeds	Appears to be limited to impractical, unsafe design speeds by accelerating two-wheeled vehicles down a grade with turns
Will greatly enhance the millions of dollars currently coming in from the Windham Derry and Londonderry Rail Trails, potentially doubling or even tripling it as the trail connects to a statewide economic commuting and tourism corridor	Breaks the spine (DOT term) of the regional trail corridor known as the Granite State Rail Trail by introducing six lanes of traffic, wetlands, grades, turns ,and impractical design speeds, which will have an adverse effect on millions of dollars in tourism and income
Provides an excellent ROI	At less than 1% of project costs ,economic arguments against the tunnel seem short-sighted

Google Maps Kaiser Brewing Company



FHWA-NH-EIS-07-01F
Derry-Londonderry
IM-0931(201)
13065
I-93 Exit 4A
Rockingham County, New Hampshire

Final Environmental Impact Statement and Record of Decision
Submitted Pursuant To 42 U.S.C. 4332(2)(C) and
49 U.S.C. 303, 16 U.S.C. 470(F), 33 U.S.C. 1334
by the
U.S. Department of Transportation Federal Highway Administration,
New Hampshire Department of Transportation,
Town of Derry, and Town of Londonderry

Cooperating Agencies

U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, New Hampshire Department of Environmental Services, and New Hampshire Division of Historical Resources

The following persons may be contacted for additional information concerning this document.

Mr. Jamison Sikora
Environmental Program Manager
Federal Highway Administration
53 Pleasant Street, Suite 2200
Concord, New Hampshire 03301
(603) 410-4870
Jamie.sikora@dot.gov

Mr. Keith Cota
Project Manager
New Hampshire Department of Transportation
7 Hazen Drive
Concord, New Hampshire 03302
(603) 271-1615
Keith.Cota@dot.nh.gov

Abstract: The proposed project is located in the Towns of Derry and Londonderry and involves construction of a new interchange (known as Exit 4A) with Interstate 93. The purpose of this project includes: providing for the safe and efficient movement of people, goods, and services between I-93 and the towns served by NH Route 102, specifically Derry and Londonderry; providing an alternative route to the Interstate system for traffic using NH Route 102 to and from the east; providing improved Interstate access for commercial and industrially zoned lands near NH Route 28; and enhancing and promoting the economic vitality of the downtown Derry area. A Draft Environmental Impact Statement (DEIS) was completed in 2007. In 2018, a Supplemental DEIS (SDEIS) was prepared to provide updated information on purpose and need, reasonable range of alternatives, and environmental effects of the Project and alternatives. This combined Final Environmental Impact Statement and Record of Decision (FEIS/ROD) includes responses to public and agency comments received during the comment period on the 2018 SDEIS and provides additional information on existing conditions, environmental impacts, and mitigation measures. FHWA, NHDOT, Town of Derry, and Town of Londonderry (the Joint Lead Agencies) identify Alternative A as the Preferred Alternative in the FEIS. Taking into consideration the input received from state and federal agencies; state, town, and local officials; and the public, FHWA as the federal lead agency identified Alternative A as the Selected Alternative for implementation. The basis for FHWA's decision is described in the ROD portion of the combined FEIS/ROD.

Federal Highway Administration
Date: 2-3-20
Patrick Bauer
New Hampshire Division Administrator

New Hampshire Department of Transportation
Date: 2/13/20
Peter Stamnas
Director of Project Development

Town of Derry
Date: 2/3/20
David Caron
Town Administrator for Derry

Town of Londonderry
Date: 2/13/20
Kevin Smith
Town Manager of Londonderry

2. The Project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.

   The path construction as well as the addition of an underpass would facilitate future completion of the Derry Rail Trail and help to preserve the rail corridor from development. The addition of interpretive signage would improve the value of the Section 4(f) resource by educating the public about the historic use of the railroad and its importance in the development of the communities along the railroad. The Section 4(f) resource would be further enhanced by the construction of a suitably designed underpass that is complementary to the historic railroad corridor. In addition, the proposed update of the NHDHR Area Form for the M&L Railroad Historic District to reflect recent additions and removal of railroad features will help inform future projects and could result in the preservation of remaining corridor features. With incorporation of these measures, the Project would preserve and enhance the historic features and values of the rail corridor, resulting in a net benefit use.

WILMERHALE

December 16, 2022

Chaz Kelsh

+1 617 526 6705 (t)
+1 617 526 5000 (f)
chaz.kelsh@wilmerhale.com

Joshua Bourdon
Chairman, Town Council
Town of Derry
14 Manning Street
Derry, New Hampshire 03038

Re: Project I-93 Exit 4A, 13065

Dear Mr. Bourdon:

On behalf of the Ad Hoc Coalition to Save the Derry Tunnel (the "Coalition"), I write to highlight two significant issues with respect to the I-93 Exit 4A project (the "Project").

First, there is no legal basis on which the New Hampshire Department of Transportation ("NHDOT") could require the Town of Derry (the "Town") to contribute additional funds to the Project, even if the Town Council votes to support the planned tunnel under Folsom Road for the M&L Railroad Historic District. The Town's 2015 agreement with NHDOT unambiguously limits the Town's financial responsibility for the Project to $5 million. A vote affirming the Town's continued support for the Project's federally approved design, which includes the tunnel, would not give NHDOT any legal right to demand funding from the Town beyond the $5 million already committed.

Second, removing the tunnel from the Project design would delay, not expedite, the Project. A supplemental environmental impact statement ("EIS") would be required for new federal approval for the Project if the tunnel is removed, and preparing the supplemental EIS would take at least several months. NHDOT's own consultant recognized in June 2020 that removing the tunnel would likely result in "significant delays related to revisiting the regulatory process."

Moreover, removing the tunnel may not be permitted at all. Federal law requires NHDOT to minimize adverse impact to the protected M&L Railroad Historic District through all feasible means, and the tunnel is essential to doing so. NHDOT ***has already determined*** that the tunnel is feasible. As a result, even if NHDOT and the Federal Highway Administration undertake a supplemental EIS and decide to pursue a revised Project that omits the tunnel, that decision will be legally flawed and subject to legal challenge, adding even more time and expense to an already significantly delayed Project.

Based on the foregoing, the Coalition opposes any modification to the Project that fails to include the tunnel. The Coalition urges the Town Council to call for NHDOT to restore the tunnel to the Project's design and construction plan.

What is all this
BS!

Respectfully submitted,



Chaz Kelsh

cc: Erin Spencer, Councilor, District 1
Charles Foote, Councilor, District 2
Neil Wetherbee, Councilor, District 3
Brian Chirichiello, Councilor, District 4
Phyllis Katsakiores, Councilor at Large
Doug Flood, Councilor at Large

Northeast PASSAGE
DEFINE › PURSUE › ACHIEVE

121 Technology Drive, Suite 161
Durham, New Hampshire 03824

Tel: (603) 862-0070
Fax: (603) 862-0249
northeast.passage@unh.edu
www.nepassage.org

December 19, 2022

To whom it may concern,

Northeast Passage is an Adaptive Sports and Therapeutic Recreation organization based out of The University of New Hampshire. We run a wide range of programs for people of all ability levels and ages. One of our most popular adaptive sports programs is our adaptive cycling program. We bring an assortment of adaptive cycles (recumbent trikes, tandem cycles, handcycles, etc.) and meet participants at cycling locations around the state. We provide them with the equipment, fitting, and any additional riding support needed. Rail trails are our preferred cycling locations because of the relatively flat grades and lack of vehicles. One of our favorites being a section of the Windham Rail Trail.

Looking at the proposed plans I do agree that the "Tunnel plan" would probably be the most accessible for adaptive cycles as it looks to be the most universally designed for any user. The straight path, low grade, and no road crossings all help with this and add to its safety especially from vehicles. Similar features contribute to why we choose to cycle the section of the trail we do (Windham junction towards Salem).

The features of the tunnel that you outline favor universal design, and we will always advocate for universal design to support use of these projects for people of all abilities.



Cam Forys, CTRS/L
Program Specialist
Northeast Passage
University of New Hampshire
Ph: 603-862-6424
Email: Cam.Forys@unh.edu
Web: http://www.nepassage.org

Email from Bill Cass, NHDOT

December 14, 2022

From: Cass, William <William.J.Cass@dot.nh.gov>
Sent: Wednesday, December 14, 2022 5:45:11 PM
To: David Caron <davecaron@derrynh.org>
Cc: Johnson, Wendy <Wendy.A.Johnson@dot.nh.gov>
Subject: RE: Exit 4A Rail Trail

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Dave,

I wanted to follow up with the Town based on the number of discussions I've had with several elected officials as debate (and hopefully final decision) around the rail trail issue continues. Throughout this project we have strived to build consensus with the Towns as it is going to be your road when construction is done. We have come to where we are in the design as a result of in cooperation with and support from the Town.

As the Town Council potentially reconsiders its position with respect to the rail trail alternative I think it important to clarify that there are ramifications at this point in the design.

- There will be impacts to the schedule. There have already been delays incurred as we have not been able to fully move forward with the design due to indecision/controversy around the trail. If there is a change in the alternative we will have to step backwards and rework the design, profile, etc. This will likely impact the schedule by at least 6 months, more likely up to a year.
- There will be additional costs incurred, both in the added construction cost, which has been well documented, but also to step back and redesign. Given the reconsideration at this point in the design, there is a school of thought that the Town should bear the responsibility for the additional costs. We would have to consider the Town's participation in the additional costs.

I want to reiterate that we are committed to working with Town and delivering a project that meets your needs and expectations, just with the caveat that there are ramifications with changes to the design at this point.

Hope this helps

William Cass, P.E.
Commissioner
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord NH 03302-0482
271-1486 Cell – 724-7220

2/17

Bearden

New Hampshire DOT
Department of Transportation

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

Bureau of Highway Design
December 23, 2015

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department to enter into a State/Local Project Agreement for the Derry-Londonderry, I-93, Exit 4A project with the Towns of Derry (Vendor # 177379) and Londonderry (Vendor #177430) and authorize the Department to seek reimbursement for project costs through the Towns of Derry and Londonderry as established under the Agreement, effective upon Governor and Council authorization.

EXPLANATION

The Towns of Derry and Londonderry have commenced a municipally managed effort for the development of an Environmental Impact Statement (EIS) for the construction of a new Exit 4A interchange on Interstate 93 approximately 1 mile north of the existing Exit 4. The project is anticipated to include the development of new connector roadway, approximately one mile in length to the east of I-93, and the reconstruction and improvement along approximately 1.6 miles of existing Town roadways (North High Street, Folsom Road, Tsienneto Road) from the new connector easterly to NH 102. The Department has committed to assist the Towns in the development and finalization of the EIS for the project and to garner federal approval. This project agreement outlines the roles, responsibilities, and expectations of the Department and Towns in the completing the EIS. The Department will assume administrative oversight of the process with the Towns being financially responsible for completing the EIS. Following approval of the final EIS, the Department will assume full responsibility for the permitting, design, right-of-way acquisition and construction of the Exit 4A project in accordance with the State Transportation Improvement Plan (STIP). The project is included in the draft Ten Year Transportation Improvement Plan (2017-2026) for construction beginning in 2019. Each Town has committed funding of $5,000,000 each for a total of $10,000,000 towards the cost of the Exit 4A project. The local funding will pay the cost for the development of the EIS, and the Department's costs in assisting the Towns. All remaining balance of town funds will offset the Department's cost for the final design engineering of Exit 4A and construction of municipal roadway sections.

This Agreement has been approved by the Attorney General as to form and execution. Copies of the fully-executed Agreement are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to authorize the Agreement with the Towns of Derry and Londonderry as outlined above.

Sincerely,

Victoria F. Sheehan

Victoria F. Sheehan
Commissioner

VFS/kac

STATE/LOCAL PROJECT AGREEMENT
FOR
DERRY-LONDONDERRY, I-93 EXIT 4A

STATE PROJECT #: 13065
FEDERAL PROJECT #: IM-0931(201)

STATE VENDOR #: 177927
DERRY VENDOR #: 177379
LONDONDERRY VENDOR #: 177430

THIS AGREEMENT, executed in ***quadruplet,*** is made and entered into this 23 day of **December, 2015,** between the NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, hereinafter called the DEPARTMENT, and the TOWN OF LONDONDERRY hereinafter called "LONDONDERRY", and TOWN OF DERRY hereinafter called "DERRY".

WITNESSETH that,

WHEREAS, LONDONDERRY and DERRY have commenced, as a municipally managed effort, an Environmental Impact Statement (EIS) for the construction of a new Exit 4A on Interstate 93 approximately 1 mile north of the existing Exit 4, the project including as presently proposed a new diamond interchange with I-93, approximately one mile of new connector roadway to the east of I-93, and reconstruction and improvement along approximately 1.6 miles of existing Town roadways (North High Street, Folsom Road, Tsienneto Road) from the new Connector easterly to NH 102, with a present total budget estimate of $53,500,000 (hereafter called the PROJECT);

WHEREAS the DEPARTMENT is progressing the final design and construction for the Interstate 93 infrastructure improvements from Salem to Manchester as outlined in the State Ten Year Transportation Improvement Program (STIP);

WHEREAS, LONDONDERRY and DERRY have each committed funding of $5,000,000 for a total of $10,000,000 towards the Exit 4A PROJECT;

WHEREAS, LONDONDERRY and DERRY have requested that the DEPARTMENT assume administrative responsibility and management for completing the Final Environmental Impact Statement (FEIS).and, following approval of the FEIS, for the DEPARTMENT to assume full responsibility for the permitting, design, Right-of-Way acquisition and construction of the Exit 4A PROJECT in accordance to the STIP;

WHEREAS, the DEPARTMENT is willing to assume the above responsibilities; and

WHEREAS, LONDONDERRY and DERRY desire to cooperate with the DEPARTMENT in accomplishing the PROJECT;

NOW, THEREFORE, in consideration of the above premises and in further consideration of the agreements herein set forth by and between the parties hereto, and to clearly define expectations responsibilities among the parties, it is mutually agreed as follows:

I. DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT, AND LONDONDERRY AND DERRY:

A. The DEPARTMENT shall assume administrative control and management of the engineering and environmental work necessary to complete the Final EIS.

   a. The DEPARTMENT will oversee the development of a phased scope of work, in conjunction with Federal Highway Administration (FHWA) to complete the FEIS;

   b. DERRY and LONDONDERRY will either extend the existing design contract with CLD Consultant Engineers, Inc. or enter a new Qualification Based consultant design contract to complete the FEIS scope of work as noted above;

   c. The DERRY and LONDONDERRY design consultant will work under the direct authority of the DEPARTMENT. Consultant invoicing will be submitted to the DERRY and LONDONDERRY for approval and payment with copies forwarded to the DEPARTMENT. This should not be construed to mean or imply that the DEPARTMENT is entering into a contract with the Town's contractors or subcontractors;

d. The DEPARTMENT will develop a review and reporting framework to keep DERRY and LONDONDERRY informed on progress. This framework will be reviewed with DERRY and LONDONDERRY for input prior to finalization. It is understood that the framework may need to change over time. All changes will be coordinated by the DEPARTMENT through DERRY and LONDONDERRY in writing;

e. DERRY and LONDONDERRY will offer commentary and input on the revisions of the draft EIS, issuances of the FEIS and review of the Record of Decision (ROD). The DEPARTMENT will consider all input but has ultimate approval authority; and

f. This AGREEMENT will be revisited upon completion of the FEIS process and updated in writing, if needed, to facilitate completion of the final phases of the PROJECT.

B. Upon completion of the FEIS and issuance of ROD by FHWA, the DEPARTMENT will take full control of the final design engineering, permitting, right-of-way acquisition and financial management of the PPROJECT. This includes contracting consultants in accordance with the DEPARTMENT's consultant selection process to complete the final design and making all decisions during the final design, utility coordination, right-of-way acquisition and construction consistent with the DEPARTMENT's practices and in compliance with the requirements of the FEIS and ROD for the PROJECT. All right-of-way acquisitions will be in the name of the State of New Hampshire.

C. The DEPARTMENT will endeavor to keep DERRY and LONDONDERRY involved in the final design of the PROJECT through an advisory committee. DERRY and LONDONDERRY agree to assign Town employees to this committee in an effort to provide direct input and communicate progress to the Towns. The advisory committee will focus their efforts on sections of the PROJECT that involve Town roads in an effort to garner full municipal support for the PROJECT.

D. Upon completion of construction for the PROJECT, DERRY and LONDONDERRY will assume full maintenance responsibilities of the connector road outside of the immediate influence of the Exit ramps (further details below). The DEPARTMENT would assume full responsibility of maintenance of the overpass bridge and Exit ramps within the limits (by extension) of the Limited Access Right-of-Way (LAROW) except for winter maintenance of any sidewalks constructed within these limits.

a. DERRY and LONDONDERRY shall provide or cause to provide for both the maintenance of the PROJECT during construction and subsequent maintenance of all PROJECT elements outside of the LAROW, together with the maintenance of all sidewalks, which includes winter snow and ice removal in accordance with the requirements of 23 CFR 1.27 and 28 CFR 35.133, once final completion and acceptance of the construction under this AGREEMENT.

b. Should operational adjustments be necessary once the improvements completed under this PROJECT, DERRY and LONDONDERRY agree that no changes will be made without prior written approval of the DEPARTMENT and the Federal Highway Administration.

E. The DEPARTMENT shall submit monthly invoices to DERRY and LONDONDERRY for reimbursement of its share of all DEPARTMENT costs required to administer the PROJECT including DEPARTMENT labor, overhead and indirect costs and the amounts paid to engineering, environmental and/or right-of-way consultants and construction contractors for the performance of the work set forth in Section II of this AGREEMENT. The invoice structure shall include details of work completed consistent with the Scope of Work as defined in the Application, as well as backup information to support the charges. The DEPARTMENT shall certify that the invoices properly represent payment for work that has been completed and paid for by the DEPARTMENT.

F. The DEPARTMENT will be responsible for the management and operation of these facilities throughout the duration of construction of the PROJECT. DERRY and LONDONDERRY delegates to the DEPARTMENT the authority to control traffic in the construction zones along the town roads of this PROJECT.

G. The DEPARTMENT is required to maintain all PROJECT and financial records pertinent to the development of the PROJECT for three (3) years beyond the date of the DEPARTMENT's final voucher.

H. DERRY and LONDONDERRY shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of DERRY and LONDONDERRY or its subcontractors in the performance of this AGREEMENT. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State of New Hampshire or the DEPARTMENT, which immunity is hereby reserved. This covenant shall survive the termination of this AGREEMENT.

I. Non-Discrimination: DERRY and LONDONDERRY agree that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d—2000d-4 (referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, US Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Non-discrimination in Federally-Assisted Programs of The Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964" (referred to as the "REGULA-TIONS"), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that no person shall on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the PROJECT receives Federal financial assistance extended by the State of New Hampshire. This AGREEMENT obligates DERRY and LONDONDERRY for the period during which Federal financial assistance is extended.

J. If either DERRY OR LONDONDERRY shall commit a material default of this AGREEMENT that affects the ability of the DEPARTMENT to complete the PROJECT, the defaulting municipality shall be required to reimburse the DEPARTMENT for the funds expended from the Federal Highway Trust Fund under this PROJECT.

K. The DEPARTMENT shall use its best efforts to obtain authorization of funds for the PROJECT from the Federal Highway Administration once included in the State's Ten Year Transportation Improvement Plan.

II. PROJECT FINANCIAL RESPONSIBILITIES OF DEPARTMENT, AND LONDONDERRY AND DERRY:

A. LONDONDERRY and DERRY agree to pay one hundred percent (100%) of PROJECT costs for the engineering and environmental work necessary to complete the Final EIS and issuance of the ROD as described in Paragraph 1-A, including both the TOWNs' consultant engineering costs and DEPARTMENT incurred costs. Consultant engineering costs will be in accordance with LONDONDERRY and DERRY's contractual arrangement. The DEPARTMENT's Preliminary Engineering, Right of Way, and Administrative (Indirect) costs for management and oversight of the PROJECT will be billed directly to LONDONDERRY and DERRY, equally distributed at 50% of the costs each.

B. The DEPARTMENT shall submit progress invoices on a monthly basis to LONDONDERRY and DERRY seeking reimbursement of the amounts paid for the management and oversight. Payment shall be remitted to the DEPARTMENT within 30 days of the invoice date. The invoice structure shall include details of backup information to support the charges. The DEPARTMENT shall certify that the invoices properly represent payment for work that has been completed and paid for by the DEPARTMENT.

C. LONDONDERRY and DERRY shall advise the DEPARTMENT of the consultant engineering costs incurred for overall PROJECT cost tracking on a monthly basis.

D. That the maximum amount of funding that LONDONDERRY and DERRY will be responsible for on this PROJECT is $5,000,000 each for a total combined contribution of $10,000,000, excluding relocations of town owned utilities within State maintained roadways in accordance with the DEPARTMENT's utility policy. As of the effective date of this Agreement, DERRY has contributed $1,753,416.00 toward its total maximum $5,000,000.00 contribution and LONDONDERRY has contributed $1,687,673.00 toward its total maximum $5,000,000.00 contribution.

E. Upon completion of the FEIS and issuance of the ROD by FHWA, the DEPARTMENT shall assume all PROJECT responsibilities going forward. All remaining municipal funds, up to the $5,000,000 cap for each Town, shall be used on the PROJECT. Any

remaining municipal funds shall be directed for use with the following priority until all municipal funds are exhausted:

a. Engineering Costs
b. Construction on municipal roadway sections
c. Other general construction costs

F. As the PROJECT is finalized and should the scope of the project result in costs exceeding the amount budgeted, the DEPARTMENT, LONDONDERRY and DERRY agree to review PROJECT costs for consideration of additional funding needs and determination of appropriate funding sources. Neither LONDONDERRY nor DERRY shall be responsible for funding in excess of $5,000,000 each for a total combined contribution of $10,000,000 without its express written authorization prior to the costs being incurred. Neither the DEPARTMENT nor the Federal Highway Administration will be responsible for any expenses or costs incurred by DERRY and LONDONDERRY under this AGREEMENT in excess of the above amounts unless the DEPARTMENT expressly authorizes additional funding prior to the work being performed.

G. This AGREEMENT is contingent upon the appropriation of sufficient funds from the State of New Hampshire Legislature and/or the Federal Highway Administration. If sufficient funds are not appropriated, the DEPARTMENT may terminate this AGREEMENT upon thirty (30) days' written notice to LONDONDERRY and DERRY. Such termination shall relieve the DEPARTMENT and LONDONDERRY and DERRY from obligations under this AGREEMENT after the termination date.

IV. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT AND THE PROJECT SPONSOR:

A. That DERRY and LONDONDERRY will not incur any PROJECT costs nor enter into any agreement with any third party, including but not limited to consultants, contractors, or engineers until such time that it receives a written notice to proceed from the DEPARTMENT to do so.

B. That this AGREEMENT is contingent upon approval through the Governor and Executive Council.

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

By: _____
Victoria Sheehan
Commissioner

TOWN OF DERRY

By: _____
Susan Hickey
Interim Town Administrator

TOWN OF LONDONDERRY

By: _____
Kevin Smith
Town Manager

Approved by Attorney General

By: _____ Date: 1/6/16

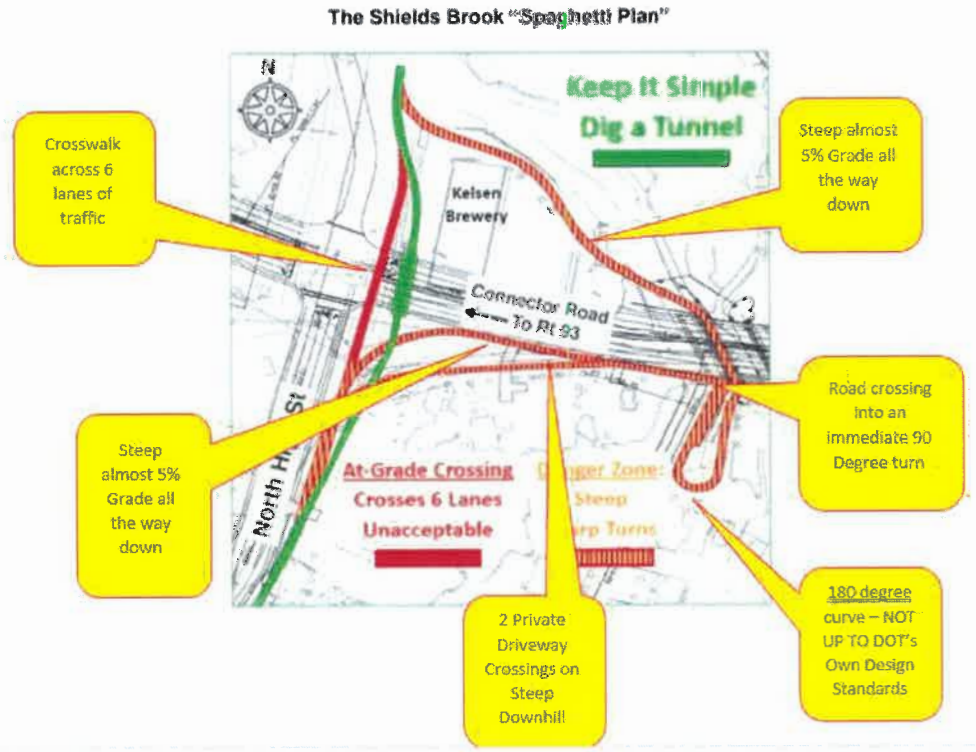
John J. Cunningham

Title: Asst Attorney General

Approved by Governor and Council

By: _____ Date: _____

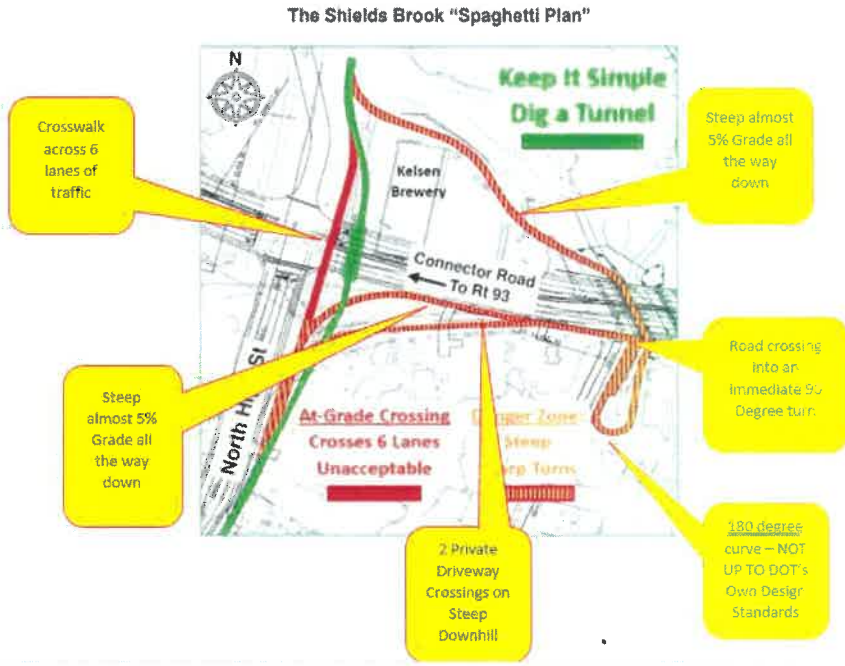
How is this Better? Safer? Worthy of NH?



SEEMS OBVIOUS WHICH IS SAFER AND BETTER
Worth $750k? Worth 1 Life of a Child Hit by a Car?

- GREEN – Original and FEDERALLY APPROVED TUNNEL PLAN

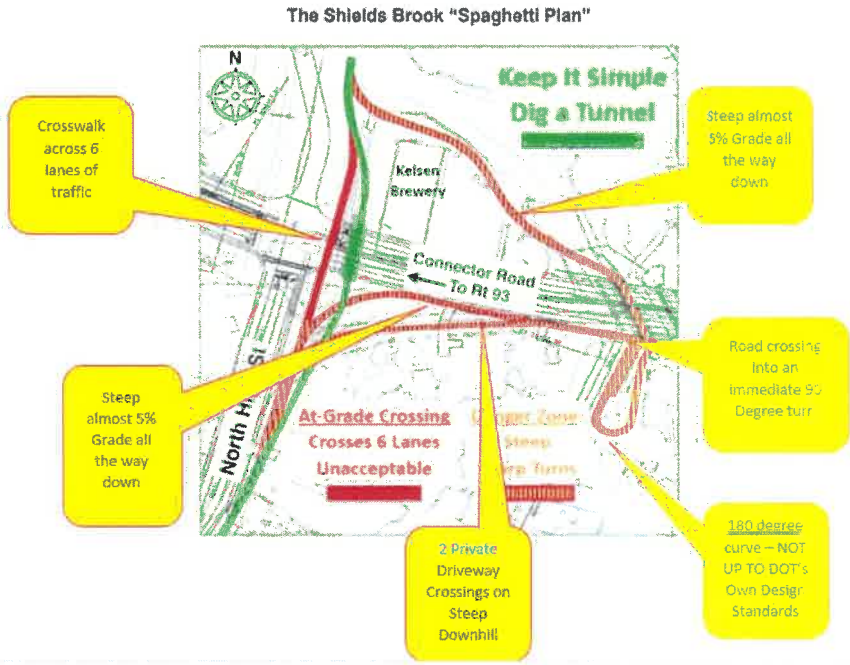
- The PREFERRED AND FEDERALLY APPROVED OPTION
- DOT's own PREFERRED route – per the RIZZO STUDY
- Straight – Flat – Dry - on and adjacent to Rail Trail "bed"
- ZERO conflict points between Trail Users and Automobiles
- Benefits BOTH Auto Traffic & Bike Ped – No one has to worry about collisions or WAIT for Crossing Lights to change
- Maintains Rail Corridor for potential future Rail Use – as required BY LAW



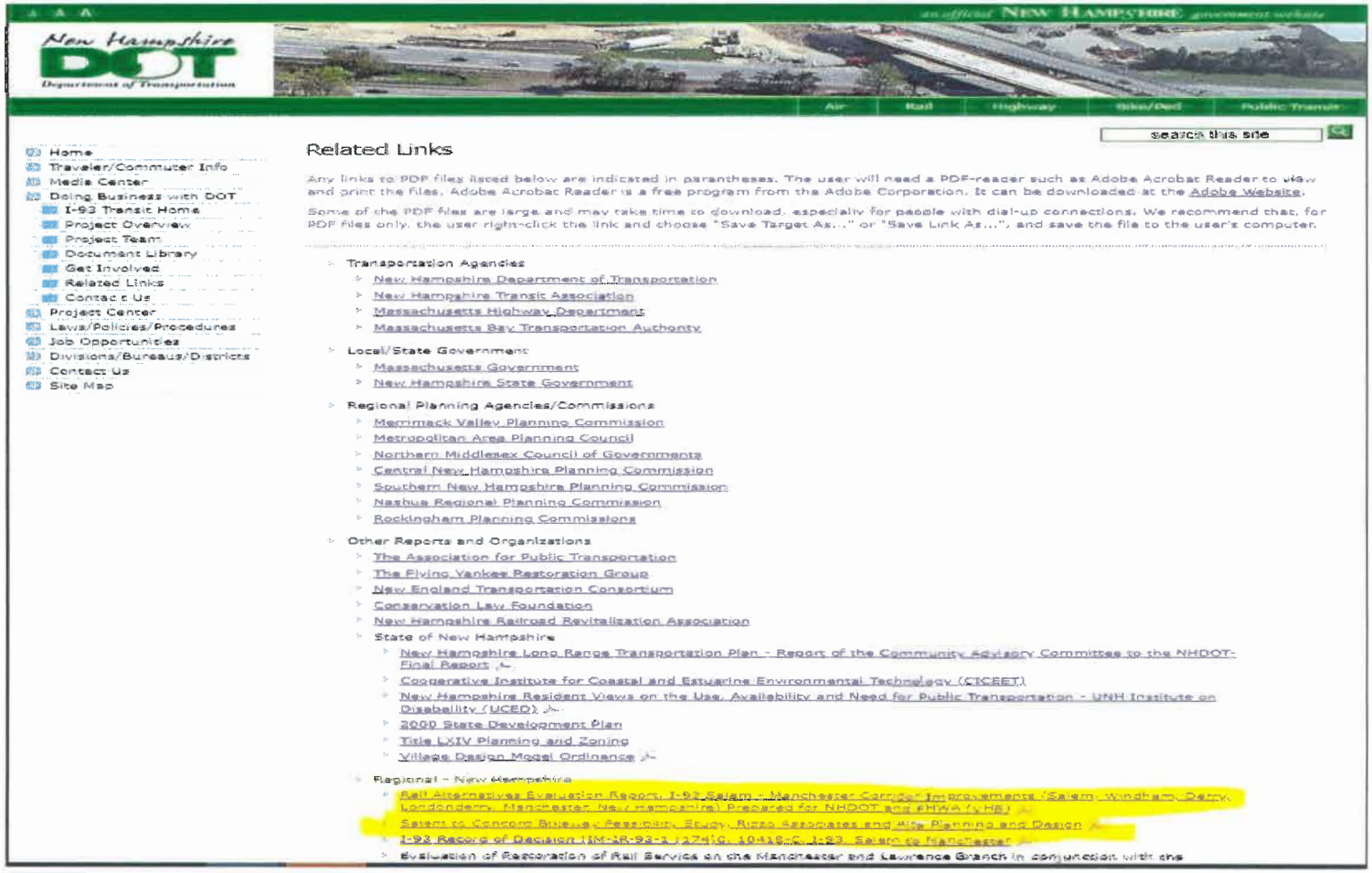
SEEMS OBVIOUS WHICH IS SAFER AND BETTER
Worth $750k? Worth 1 Life of a Child Hit by a Car?

- Red/Yellow – DOT's new Alternative Plan

- Barely ADA compliant with grades *for almost a quarter mile* of **just under 5% max allowed by ADA**
- It runs into a FLOOD ZONE – known to Flood regularly
- Alternative crosses Roadway and 2 Driveways on a down hill!
  - High Potential for accidents
- Alternative at grade CROSSWALK– 6 lanes of traffic crossing
  - Potential for accidents
  - Slows both trail users and traffic at crossing lights
- Breaks up the historic M&L Rail Corridor – Not allowed
- Destroys RAIL CORRIDOR continuity for future rail
- Limited Public Input – and all of it was IGNORED by DOT



Rail Trail was Part of DOT's Own Plans to Get the Necessary Federal Approvals for I-93 Widening



New Hampshire DOT
Department of Transportation

Air | Rail | Highway | Bike/Ped | Public Transit

search this site

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- Media Center
- Doing Business with DOT
  - I-93 Transit Home
  - Project Overview
  - Project Team
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Related Links

Any links to PDF files listed below are indicated in parentheses. The user will need a PDF-reader such as Adobe Acrobat Reader to view and print the files. Adobe Acrobat Reader is a free program from the Adobe Corporation. It can be downloaded at the Adobe Website.

Some of the PDF files are large and may take time to download, especially for people with dial-up connections. We recommend that, for PDF files only, the user right-click the link and choose "Save Target As..." or "Save Link As...", and save the file to the user's computer.

- Transportation Agencies
  - New Hampshire Department of Transportation
  - New Hampshire Transit Association
  - Massachusetts Highway Department
  - Massachusetts Bay Transportation Authority
- Local/State Government
  - Massachusetts Government
  - New Hampshire State Government
- Regional Planning Agencies/Commissions
  - Merrimack Valley Planning Commission
  - Metropolitan Area Planning Council
  - Northern Middlesex Council of Governments
  - Central New Hampshire Planning Commission
  - Southern New Hampshire Planning Commission
  - Nashua Regional Planning Commission
  - Rockingham Planning Commissions
- Other Reports and Organizations
  - The Association for Public Transportation
  - The Flying Yankee Restoration Group
  - New England Transportation Consortium
  - Conservation Law Foundation
  - New Hampshire Railroad Revitalization Association
  - State of New Hampshire
    - New Hampshire Long Range Transportation Plan - Report of the Community Advisory Committee to the NHDOT- Final Report
    - Cooperative Institute for Coastal and Estuarine Environmental Technology (CICEET)
    - New Hampshire Resident Views on the Use, Availability and Need for Public Transportation - UNH Institute on Disability (UCED)
    - 2000 State Development Plan
    - Title LXIV Planning and Zoning
    - Village Design Model Ordinance
  - Regional - New Hampshire
    - Rail Alternatives Evaluation Report, I-93 Salem - Manchester Corridor Improvements (Salem, Windham, Derry, Londonderry, Manchester, New Hampshire) Prepared for NHDOT and FHWA (1 MB)
    - Salem to Concord Bridges Feasibility Study, Rizzo Associates and Alta Planning and Design
    - I-93 Record of Decision (IM-SR-93-1(274)0, 10418)6, I-93, Salem to Manchester
    - Evaluation of Restoration of Rail Service on the Manchester and Lawrence Branch in conjunction with the

Executive Summary

As part of the Salem to Manchester I-93 widening project, it was suggested that bicycle and pedestrian travel between Salem and Manchester be evaluated. The NHDOT developed a conceptual plan for a shared use path within the I-93 right-of-way (ROW), however, the public requested that alternative routes be identified. Subsequently, Rizzo Associates, Inc. and Alta Planning + Design were retained by the NHDOT to identify, evaluate and compare three basic options for accommodating bicycle and pedestrian routes within the Salem-Concord corridor. The three options included the previously considered shared use path within the I-93 ROW, constructing a shared use path within abandoned railroad corridors and upgrading existing roads to better accommodate bicyclists and pedestrians. The methodology and results of this evaluation are summarized in this feasibility study.

Public and Agency Involvement

Public involvement was extensive throughout the course of the study and included the formation of a Citizen's Advisory Committee (CAC). The CAC included members from eleven communities (as shown in Figure 1) within the Salem-Concord corridor and representatives from the Bicycle/Pedestrian Transportation Advisory Board, Rockingham, Central New Hampshire and Southern New Hampshire Planning Commissions, Department of Resource and Economic Development, Department of Historical Resources and the New Hampshire Department of Transportation. The CAC guided the study process and met on four occasions.

Additionally four public information meetings were held. At these meetings presentations of the options were made and representatives from the CAC and the consultants listened to public comments on the project.

Based on recommendations and technical data provided by the consultants, the CAC made the final selection of an option to be considered for further development for a bicycle/pedestrian connection between Salem and Concord.

Project Purpose and Need

Evaluation of an on road option began with a study of The New Hampshire Regional Bicycle Maps. The on-road option is 36 miles long and encompasses 18 roadway links. Major roadway segments include Route 39, Pleasant Street and North Policy Road in Salem, Route 111 and North Lowell Street in Windham, Ash Street in Derry, Route 28 and Mammoth Road in Londonderry, Mammoth Road in Manchester, Route 28A/Route 28, Main Street and Pine Street in Hooksett, Bow Bog Road and Logging Hill Road in Bow and South Street in Concord. To accommodate bicyclists, many of these roads would require widening to provide a minimum 4 foot shoulder on both sides, and sidewalks would be constructed for pedestrians.

Other On Road Options. Several roadway links were identified by the CAC, the public at-large and by the consultants as augmenting the three major options for a continuous path between Salem and Concord. These links are located in Bow, Manchester, Hooksett, Pembroke and Concord.

Recommended Route. A recommendation for a preferred route was based on a comprehensive evaluation of each option based on criteria set forth by the CAC. The criteria included determining how well the option met the goals of the purpose and need statement, design and construction issues, costs, resource impacts and compatibility with community plans. As part of this process the "Rail Trail Alternative" was developed and is a combination of the other three options. It encompasses the two abandoned rail corridors, connected by an on-road option in Manchester and portions of the proposed Hooksett Heritage Trail. It was this combination alternative that was found to most closely meet the criteria of the CAC. A detailed description of the route follows:

Segment Name	Facility Type	From	To
Manchester-Lawrence Railroad	Shared use path (rail to trail) and on-road segment around Manchester Airport	Hampshire Road, Salem	Depot Street, Manchester
Depot Street, Canal Street and River Road (Manchester)	Bicycle route (on road) and sidewalk	Concord Railroad crossing of Depot Street (Manchester)	Hooksett Town Line
Heritage Trail	Shared use path	Depot Road, Hooksett	Merrimack Street, Hooksett
Merrimack Street (Hooksett)	Bicycle route (on road)	Heritage Trail at proposed crossing of Merrimack River	Southerly end of Concord – Portsmouth Railroad
Concord – Portsmouth Railroad	Shared use path (rail to trail)	Merrimack Street, Hooksett	Westerly bank of Merrimack River
Hall Street	Bicycle route and sidewalk (on road)	Merrimack River, Concord	Downtown Concord

2.0 Public and Agency Involvement

The NHDOT has sought input in the study from within the department and from the Department of Resources and Economic Development (DRED), regional planning agencies, municipalities, and the public. The study has been guided by a Citizen's Advisory Committee (CAC) established for the project. The CAC includes the following members:

Name	Organization	Representing
Domenic Cinarro	Consultant	Rizzo Associates, Inc
Nancy Doherty	Consultant	Rizzo Associates, Inc
Paul Smith	Consultant	Alta Planning + Design
Catherine Coletti	RPC	Central New Hampshire Regional Planning Commission
Scott Bogle	RPC	Rockingham Planning Commission
Peter Reed	RPC	Southern New Hampshire Planning Commission
Qiassi Bari	RPC	Southern New Hampshire Planning Commission
Richard Besterly	State	Department of Historic Resources
Robert Sprotl	State	Dept. of Resource and Economic Dev. – Div. of Parks and Recreation
		Bureau of Trails
Lou Barker	State	NH DOT
William Cass	State	NH DOT
Tom Jameson	State	NH DOT
Ram Maddali	State	NH DOT
Ansel Sanborn	State	NH DOT
Cheryl Killian	State	Gov. Committee on Disability
Meera Gyawali	Manchester	Planning Department
Paul Dooltitle	Derry	Town Council & Derry Pathways
Michael DiBiaccio	Hooksett	Town Council
Sandra Lagueux	Londonderry	Londonderry Trailways
John St. Hilaire	Manchester	Queen City Trails Alliance
Bob Menetra	Manchester	Queen City Trails Alliance
Kerrie Diers	Pembroke	Town Planner
Wayne Morris	Windham	Windham Representative
Robert Jacobsen	Windham	Citizen
John Morgan	Windham	Citizen
Mark Samsel	Windham	Citizen
Linda Harvey	Salem	Bicycle/pedestrian Transportation Advisory Board (BPTAB)

5.0 Recommended Route

A series of options for a continuous bicycle facility from Salem to Concord were identified and analyzed in the previous chapter. The options fall within three broad categories:

1. Interstate 93 bicycle path
2. Other off-road options
3. On-road options

In addition to each stand alone option, combinations of the three were also evaluated. Each option provided a certain degree of advantages and disadvantages as noted by the CAC and the general public at the public meetings. The following provides a summary of the general advantages and disadvantages of the options.

I-93 Bike Path

Advantages:
- exclusive paved pathway
- connections to future park and ride lots
- maximum grade of 5 percent

Disadvantages:
- access/connections to neighborhoods
- difficult intersections at interchanges
- proximity to highway
- services only a portion of the corridor

Abandoned Railroad Corridors

Advantages:
- continuous facility from Salem to Concord
- appropriate for basic cyclists and pedestrians
- good access to neighborhoods, businesses and recreation
- flat grade of less than 2 percent

Disadvantages:
- large number of trail/roadway intersections
- private ownership, especially north of Manchester
- potential reactivation of rail service in the corridor

On-road

The CAC developed a range of evaluation criteria for each of the options or combination of options. The criteria included a measure of achievement of the stated project purpose, design and construction issues, costs, resource impacts, and compatibility with community plans.

In the technical analysis and public involvement process, combinations of the options were also considered. One combination alternative would use the two abandoned rail corridors and connect them with an on-road option in Manchester and portions of the proposed Heritage Trail in Hooksett. This combination option, called the "Rail Trail Alternative", is compared to the I-93 bicycle path alternative and a continuous on-road alternative on the evaluation matrix provided in Table 10 on the following page.

The analysis shows that the rail-trail option best meets all of the objectives stated in the project purpose. The on-road option meets some of the objectives, but fails to provide for a wide range of cyclists as it was only deemed an appropriate route for experienced cyclists. The I-93 route provided a route for a wide range of cyclists, but many expressed concern regarding it's proximity to the Interstate highway, and this option did not continue north of Londonderry.

The rail-trail option was also shown to require limited right-of-way to the south of Manchester, and relatively straightforward design. Right-of-way acquisition or easements must be obtained for the abandoned Concord – Portsmouth rail corridor. The rail trail option provided a pathway with flat grades making the option desirable to more cyclists. With a construction cost of nearly $9 million it was the lowest cost option for the entire Salem to Concord route. The on-road option could potentially have right-of-way issues depending upon the constraints to widening for shoulders and sidewalks. The estimated construction costs to upgrade approximately one third of the on-road links is $15.5 million. Right-of-way and impact mitigation would require additional funds. The I-93 option is similar to the rail-trail option in that design and row issues are minimal, however the construction costs for the 13 mile path are $8.4 million.

A topic of much debate centered on trail surface and maintenance costs. Discussions on trail surface will continue at the local level within each community. This study was completed under the premise that a paved trail might be a preference.

The evaluation of maintenance costs for the options does vary as it relates to community costs. The I-93 bike path, located within the I-93 ROW would be maintained by the State. On-road facilities and the rail-trail options would require local maintenance.

With regard to impacts to natural resources, safety, compatibility with community plans, and universal accessibility, the rail-trail again ranked higher than the two other options. The on-road option was not ranked as high because of the potential limited use to that of experienced cyclists. Although the I-93 option provides what could be the best connection between the proposed park and ride lots, it was not considered as compatible with community plans and was deemed a more utilitarian corridor.

Connections and access to and from neighborhoods, recreation, businesses, schools and other facilities such as the park and ride lots was determined to be an important factor and one that could have the greatest effect on the utilization of this facility. The rail-trail option, although within a dedicated right-of-way, is not located in secluded undeveloped areas. In fact, it passes through or adjacent to a wide range of developed areas including residential neighborhoods retail and commercial areas, recreation areas, and schools. The proposed park and ride lots along I-93 are located a short distance from the rail trail and can be readily accessed by on-road links. The proposed park and ride lot at Exit 5 in Londonderry is actually adjacent to the rail corridor.

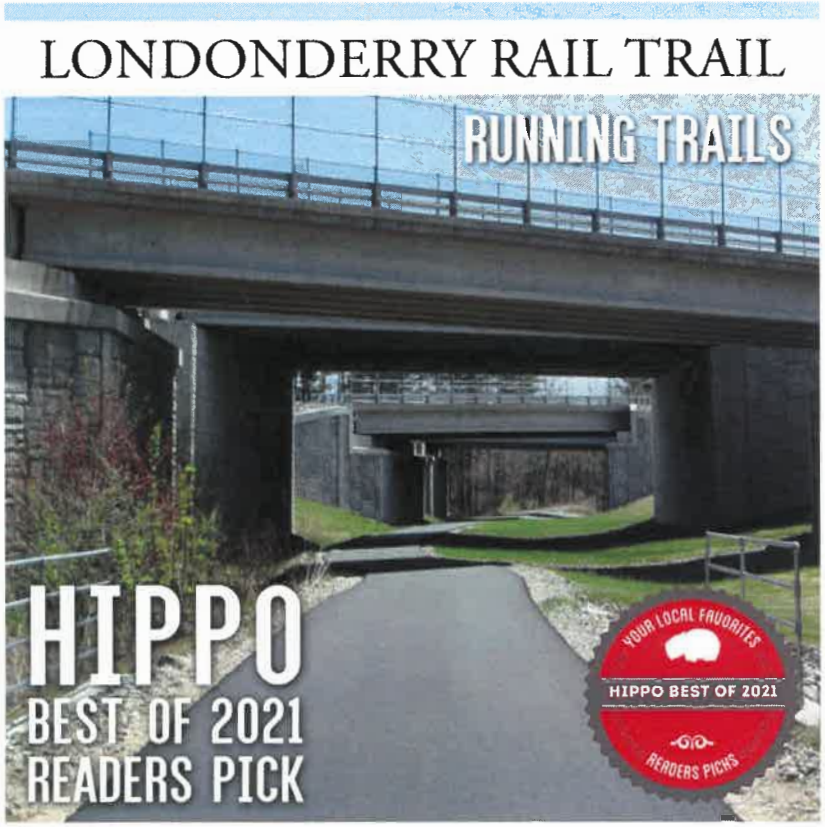
A design of a shared use path in the abandoned Manchester – Lawrence Branch railroad right of way was presented in Section 4.2 of this report. The path or rail trail is shown as a 12-foot wide path with 3-foot wide shoulders. The path is shown with a 2.5 inch thick bituminous concrete (asphalt) surface course while the shoulders are shown with a 4-inch thick surface course of crushed stone. A 10-inch gravel base is shown under the trail and shoulders. The order-of-magnitude construction cost estimates for this trail and other paths included in the Recommended Route are based on this design.

The actual path design would be developed during the development of plans, specifications and estimates (PS&E) if the recommendation is advanced to implementation. During the design phase, public hearings will be held. At that time the project proponents and the public can more fully discuss how the path is designed. One issue to be resolved during project development is whether the surface course of the path should be bituminous concrete or crushed stone. As stated earlier in the report, most members of the Citizens Advisory Committee expressed a preference for a paved path. At the public meetings, persons spoke in favor of a paved path, while others thought the path should be unpaved. In addition, an off-road facility such as the recommended route, will provide and allow snow mobile use during the winter months.

A paved path will better serve the design users as defined earlier in the report (bicyclists, wheelchair users and pedestrians, including walkers, runners, and people with baby strollers, etc.). This includes commuters and other utilitarian cyclists who ride touring or road bikes (i.e., bicycles with narrow tires). As the name implies, these bicycles are used by most touring cyclists who ride long distances, stay overnight and contribute to the tourism economy of the state. A crushed stone surface will more likely create a drag on the cycle, making it more difficult to cycle on the path. Commuters and other utilitarian cyclists generally prefer paved trail surfaces for ease of riding. During rainy weather, these cyclists are more likely to get dirty or muddy riding on an unpaved trail.

DOT Built Train Size "Tunnels" in Londonderry on the SAME Rail Trail at a cost of Millions$$$ –

To Maintain the Corridor In Case Trains Come Back





DOT Just Built a New Tunnel Under All Lanes of the New Rte.93 in Windham at a cost of Millions

For a Rail Trail That DOES NOT EVEN EXIST Yet!!!!



The Economics -Over $18 Million in Annual Revenue from Rail Trails in NH
$7.5 of that from THIS TRAIL Section Windham-Derry- Londonderry !!



NEW HAMPSHIRE
RAIL TRAILS PLAN

August 2022

New Hampshire DOT

NEW HAMPSHIRE RAIL TRAILS PLAN
August 2022

Consultant Team

GPI
Greenman-Pedersen, Inc.

Mark Dabowski, PE
Carolyn Radisch, AICP
Nicole Rogers, PE
Tim Whitney, PE
Logan Stevens

University of New Hampshire
Cooperative Extension
Shannon Rogers, PhD
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Special thanks to:

RAIL TRAILS ADVISORY COMMITTEE
Shelley Winters, NH Dept. of Transportation
Craig Rennie, NH Dept. of Natural and Cultural Resources
Alexis Rudko, NH Dept. of Natural and Cultural Resources
Scott Crowder, NH Business and Economic Affairs
Jennifer Gilbert, Governor's Office of Strategic Initiatives
J.B. Mack, NH Regional Planning Commissions
William 'Wink' Faulkner, NH Municipal Association
Dave Topham, NH Rail Trails Coalition
Richard Samuels, Esq., Business Industry Association of NH
Avis Rosenfeld, Non-motorized users
Kim Bergeron, Motorized Users
Ben Clark, Plymouth & Lincoln Railroad
And the many respondents that provided input and participated in the meetings and trail user survey.



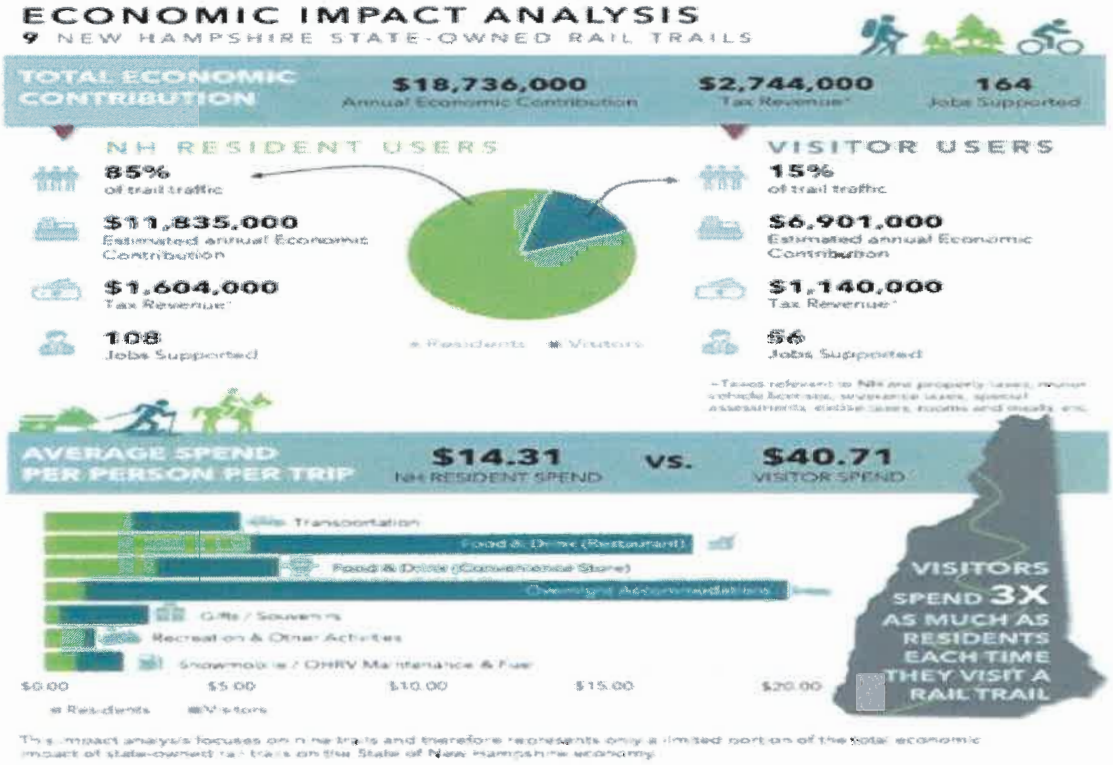
PRESIDENTIAL RAIL TRAIL, PONDICHERRY SECTION

EXECUTIVE SUMMARY

INTRODUCTION

The New Hampshire State Rail Trails Plan (Plan) is a plan for future rail trail developments and investments and fulfills the requirements of Senate Bill 185, adopted by the state legislature in 2019. Senate Bill 185 (SB 185) was an act to develop a New Hampshire state rail trails plan to guide the preservation and investment in New Hampshire's state-owned rail corridors. SB 185's Statement of Purpose is as follows:

> *"...This act requires the development of a plan for the state rail-trail system to ensure the preservation and integrity of these assets and to provide direction for future development. In addition to defining the role of the department of transportation in preservation of rail corridors, the plan will determine the best way to maximize the return on investment from, and leverage future investment in, the state's rail corridor assets. Additionally, this plan will determine how to engage towns, cities, and private rail-trail organizations in these efforts..."*



generated by spending and visitation associated with rail trails. The team calculated the economic impact based on intercept survey data, path count data and an economic modeling tool, IMPLAN. The economic study found the following.

ECONOMIC IMPACT ANALYSIS AND FINDINGS

To estimate resident contributions and visitor economic impact, the research team ran two separate models for the nine rail trails for which trail count estimates were obtained. The following section summarizes the results of the analysis and provides an example of the analysis for one rail trail. The remaining results are detailed at the end of the report. The total spending, jobs, and taxes generated by each rail trail are summarized in detail in the Appendix.

TABLE 2-6: Summary of Estimated Economic Activity of Nine Rail Trails, 2021[1]

RAIL TRAIL	RESIDENT CONTRIBUTION OUTPUT	JOBS	TAXES	VISITOR IMPACT OUTPUT	JOBS	TAXES
White Mountains Region						
Ammonoosuc	$ 887,000	8	$ 121,000	$ 517,000	4	$ 85,000
Presidential	$ 741,000	7	$ 99,000	$ 426,000	3.5	$ 70,000
Lakes Region						
Cotton Valley	$ 436,000	4	$ 59,000	$ 254,000	2	$ 42,000
Winnipesaukee River	$ 574,000	5	$ 78,000	$ 349,000	3	$ 58,000
WOW Trail	$ 812,000	7	$ 110,000	$ 466,000	4	$ 77,000
Dartmouth Lake Sunapee Region						
Northern	$ 2,180,000	20	$ 296,000	$ 1,271,000	10	$ 210,000
Monadnock Region						
Ashuelot	$ 1,402,000	13	$ 190,000	$ 818,000	7	$ 135,000
Merrimack Valley Region						
Londonderry	$ 2,368,000	22	$ 322,000	$ 1,381,000	11	$ 229,000
Windham/Derry	$ 2,345,000	22	$ 329,000	$ 1,419,000	11	$ 234,000
TOTAL	**$ 11,835,000**	**108**	**$ 1,604,000**	**$ 6,901,000**	**56**	**$ 1,140,000**

Notes: 1: Includes combined totals of direct spending, and indirect and induced effects

HOW MUCH MONEY HAS NH DOT WASTED OF TAXPAYER MONEY OVER LAST FEW YEARS ON DESIGNING AND REDESIGING THIS CRAZY ALTERNATIVE? THEY WON'T SAY –

WE GUESS IT COULD HAVE ALREADY PAID FOR THE ORIGINAL AND FEDERALLY APPROVED TUNNEL!

Why is DOT so worried about spending $750k to build a Rail Trail Tunnel on the MOST USED RAIL TRAIL IN NH - which is bringing in 10x that amount in Revenues to NH - ALREADY!!!!

Once connected with this tunnel to the State-Wide GRANITE STATE RAIL TRAIL network that will span from MA Border in Salem to VT Border in Lebanon – Imagine the Jump in Revenues!!!

Elected Leaders – PLEASE STOP THE NONSENSE of NH DOT – Instruct them to BUILD THE RAIL TRAIL TUNNEL!!

Then get the rest of the Granite State Rail Trail funded and built!!! It is an Economic Engine worth Hundreds of Millions to NH Economy!

THIS SHOULD HAVE BEEN A NO BRAINER FROM THE START!!!!!

January 3,2022

Ms. Wendy Johnson, PE
Route 93 Exit 4-A Project Manager
NH Department of Transportation
PO Box 483
Concord NH 03302

Dear Ms. Johnson,

This letter is being sent on behalf of the Board of Directors of the Derry Rail Trail Alliance. This letter serves to rescind and replace the June 2020 letter sent by DRTA to Greg Bakos of VHB regarding the "Alternative Trail Crossing of the Exit 4A Access Road".

As we have stated in previous communications, the original letter to VHB, as a bidder on the Design/Build process, indicated that ***"... the original tunnel directly on the rail corridor – or your proposed alternative meet our goal of connectivity to the north and safe passage of rail trail users across the new Exit 4A access road".*** This letter was based on assurances by VHB during a brief site-walk with their staff that the original tunnel plan was still very much in play and that we would be involved in additional discussions about best alternatives should VHB win the bid for engineering. Our email to VHB accompanying the letter included discussion of another alternative mentioned during the site-walk – a 10-foot-tall tunnel vs. the 12-foot-tall tunnel to accommodate road grade issues. The original letter included the following closing ***"We also appreciate your willingness to continue to involve DRTA in the design/build process should you be the selected vendor for the project. "***

The original Design/Build process DID NOT result in a successful contract award by NHDOT. Derry Rail Trail Alliance was never contacted or involved by NHDOT when the NEW Design/Bid/Build process began, nor were we invited to the Value Engineering meetings resulting in the decision of NH DOT to pursue ONLY the Alternative Trail. The Alternative Trail option **HAS NEVER BEEN PRESENTED PUBLICLY TO THIS DATE!**

Based on this and major changes by NH DOT our initial letter **should be considered null and void.** The letter does not apply to anything done once the Design/Build project became a NO BID Project and it does not apply to any vendor other than VHB to which it was addressed. We ask NHDOT to cease from using the original letter (sent to VHB – NOT TO NHDOT) to justify what NHDOT has decided without the promised involvement of DRTA and other Rail Trail groups under their MOU's.



DRTA has always indicated that the straight through tunnel option on or adjacent to the rail corridor is our PREFERRED solution. At this point, given changes to the plans and input by other stakeholders involved in Bicycle and Pedestrian Infrastructure in NH (including the **Granite State Rail Trail, Bike-Walk Alliance of NH, NH Rail Trails Coalition** and more), the Board of the DRTA has voted to send this letter to make it clear that we are rescinding any construed support for the Shields Brook Combined Bridge Alternative as it is currently designed.

Several significant and unacceptable changes in the Alternative Plan include:

1. Elevation of the Rail Trail was originally to be 100 Yr. Flood Stage – it was reduced without our input to 50 Yr. Flood Stage (also affecting the elevation of the overall bridge) – in an area known to flood regularly and within the FEMA flood zone
2. Latest plans call for trail to be combined with sidewalk along the new connector road – Original design and promises by engineer always included a SEPARATED TRAIL CORRIDOR from sidewalks.
3. The plan now includes **an unsafe AT-GRADE crossing of the intersection** to maintain the required rail corridor ROW per state standards. This creates significant hazards and will also impact the efficiency of the access road for auto traffic.
4. Trail has been moved significantly TOWARDS the roadway – versus original location – AWAY from the new roadway and following the curve of the old roadway.
5. Slopes down to and back up from the proposed combined bridge underpass are close to and perhaps ***over ADA maximums*** in some spots. The design does not follow generally accepted Rail Trail design standards with slopes typically in the 1% - 2% range.
6. Trail makes 90 degree turn at Ferland Drive and includes a 180 degree steep switchback to descend under bridge with blind corners under the bridge for trail users. This all presents significant hazards on a 10-foot-wide path given variety of users.
7. The rezoning of the lots on the alternative plan being traversed by the alternative trail from residential to **commercial** render this plan unworkable. Future development of these important corner lots on a major new highway access road will likely result in a major corner lot plaza with multiple entrances. Having the Alternative traverse such a development with the expected traffic counts on the trail will create significant safety issues.

While we certainly appreciated the initiative of VHB during the initial Design/Build competitive bidding process to invite DRTA's input, we have NEVER INDICATED THE ALTERNATIVE WAS OUR PREFERRED ROUTE. The alternative now being considered is unsafe for many reasons and will become even more unsafe as development on the lots the trail is designed to cross becomes a reality. Based on these factors the Board of the DRTA can NOT SUPPORT THE ALTERNATIVE PLAN.



In closing, we do hope that NH DOT will work with the various State-wide cycling and Rail Trail groups to reinstate the original tunnel plan into the engineering of the new Exit 4A access corridor road. It seems clear that all of these groups are very interested in partnering with NHDOT to insure the best solution is built for the citizens of Derry, Rail Trail users and the future Exit 4A access road users. The board of the DRTA stands ready to participate in such meetings.

Thank you for your consideration in this matter.

Sincerely,

Mark T. Connors

Mark T. Connors
President

Cc: Town of Derry, GSRT, NHRTC, BWANH, VHB

HB 506-FN-A - AS INTRODUCED

2023 SESSION

23-0666
04/08

HOUSE BILL ***506-FN-A***

AN ACT relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.

SPONSORS: Rep. S. Pearson, Rock. 13; Rep. T. Dolan, Rock. 16; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Love, Rock. 13; Rep. L. Gould, Hills. 2; Rep. Stapleton, Sull. 6

COMMITTEE: Finance

ANALYSIS

This bill requires the department of transportation to complete the rail trail box tunnel project in Derry, makes an appropriation for the project, and establishes a criminal penalty for any person who fails to complete or impedes the progress of the project.

- - - -

HB 506-FN-A - AS INTRODUCED

23-0666
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.

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

1 Department of Transportation; Rail Trail Box Tunnel Construction Project. The department of transportation shall construct the rail trail box tunnel option on Interstate 93 exit 4A in the town of Derry. Any person who negligently fails to construct or impedes in any way the completion of the rail trail box tunnel construction project shall be guilty of a class A misdemeanor. The penalty in this section shall include the project manager, lead project engineer, and the commissioner of the department of transportation.

2 Appropriation. The sum of $750,000 for the fiscal year ending June 30, 2024 is hereby appropriated to the department of transportation to be used for construction costs related to the rail trail box tunnel construction project under section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2023.

II. The remainder of this act shall take effect upon its passage.

LBA
23-0666
1/5/23

HB 506-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor.

FISCAL IMPACT: **[X] State** **[X] County** **[ ] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$750,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill makes a $750,000 general fund appropriation in FY 2024 to the Department of Transportation to be used for costs related to the rail trail box tunnel construction project. The Department states the tunnel is estimated to cost $1,125,000 to build, and savings from the elimination of the shared use crossing of $375,000, results in a net construction fiscal impact of approximately $750,000. Additionally, the Department states the cost to redesign the project is estimated to be approximately $112,500, for a total net cost of $862,500 (this projection does not include traffic control which will be required). The Department assumes the date for availability of funds (July 2023) would result in construction being delayed one year beyond the specified date. The current project is scheduled to be advertised for 2023 construction and if the project needs to be re-designed, construction will be delayed approximately one year. Based on this information, it is indeterminable how much of the $750,000 appropriation will be expended in each fiscal year between FY 2024 and FY 2026.

This bill also establishes a class A misdemeanor penalty on any individual who negligently fails to construct or impedes in any way the completion of the rail trail box tunnel construction project, which may have an impact on the New Hampshire judicial and correctional systems. It is not known at this time how many, if any, charges may be brought forward and therefore this bill's impact on state and county expenditures is indeterminable.

AGENCIES CONTACTED:

Department of Transportation, Judicial Council, Department of Justice, and Judicial Branch