

SB 274-FN - AS AMENDED BY THE SENATE

03/06/2025 0490s

2025 SESSION

25-0905

11/08

SENATE BILL **274-FN**

AN ACT establishing a 4-year pilot program to improve rail trails in New Hampshire, including the establishment of 2 funds, the rail trails program fund and the emergency trail repair fund, and making appropriations therefor.

SPONSORS: Sen. Fenton, Dist 10; Sen. Reardon, Dist 15; Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24; Rep. Wallner, Merr. 19; Rep. Jones, Ches. 3

COMMITTEE: Transportation

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AMENDED ANALYSIS

This bill:

I. Transfers ownership of 4 rail corridors, and all duties and responsibilities therefor, to the department of natural and cultural resources.

II. Establishes a pilot program to improve the rail trails in 4 rail corridors.

III. Establishes the rail trail program fund and the rail trail emergency fund.

IV. Makes appropriations to the bureau of trails for the established funds.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT establishing a 4-year pilot program to improve rail trails in New Hampshire, including the establishment of 2 funds, the rail trails program fund and the emergency trail repair fund, and making appropriations therefor.

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

1 1 New Section; Transfer of Ownership; Certain Rail Corridors. Amend RSA 21-L by inserting  
2 after section 12-e the following new section:

3 21-L:12-f Transfer of Ownership; Certain Rail Trails.

4 The commissioner of the department of transportation shall facilitate the expeditious transfer of  
5 ownership, rights, and responsibilities of the following rail trails to the department of natural and  
6 cultural resources:

- 7 I. Presidential, Pondicherry Section.
- 8 II. Ammonoosuc Rail Trail.
- 9 III. New Littleton-Bethlehem Segment.
- 10 IV. Cheshire Rail Trail.

11 2 New Subparagraph; Rail Trail Ownership. Amend RSA 215-A:3, IV-a by inserting after  
12 subparagraph (j) the following new subparagraph:

13 (k) Perform all duties and responsibilities, as designated by the commissioner of the  
14 department of natural and cultural resources and the director of the division of parks and recreation,  
15 related to safety, maintenance, rehabilitation, and repair of rail trails listed in RSA 21-L:12-f.

16 3 New Sections; Rail Trail Pilot Program. Amend RSA 216-F by inserting after section 7 the  
17 following new sections:

18 216-F:8 Rail Trail Pilot Program.

19 I. The department of natural and cultural resources, division of parks and recreation, and  
20 the bureau of trails shall together develop a pilot program, in consultation with the New Hampshire  
21 Rail Trails Coalition, to be managed by the bureau of trails, to rehabilitate, maintain, and improve  
22 83 miles of 4 rail corridors and appurtenant rail trails by rehabilitating abandoned rail corridors and  
23 maintaining already established rail trails.

24 II. The duration of the program shall be 4 years from the effective date of this section.

25 III. The commissioner of the department of natural and cultural resources, director of the  
26 division of parks and recreation, and the chief supervisor of the bureau of trails shall adopt rules  
27 pursuant to RSA 541-A regarding the administration of the rail trail pilot program established in  
28 this section.

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1       216-F:9 Rail Trails Program Fund. There is hereby established in the state treasury a  
2 continually appropriated and nonlapsing fund to be known as the rail trails program fund which  
3 shall be administered by the bureau of trails, to be expended by them for the rehabilitation,  
4 maintenance, and improvement of 83 miles of rail corridors and appurtenant rail trails across four  
5 routes identified in section 1 of this act by rehabilitating abandoned rail corridors and maintaining  
6 already established rail trails. Additionally, the bureau shall credit to this fund any private  
7 contributions designated for the purpose of the maintenance of rail trails.

8       216-F:10 Emergency Trail Repair Fund. There is hereby established in the state treasury a  
9 continually appropriated and nonlapsing fund to be known as the emergency trail repair fund which  
10 shall be administered by the bureau of trails. The bureau of trails shall expend moneys in the  
11 emergency trail repair fund exclusively for direct trail work under the New Hampshire bureau of  
12 trails. These funds shall not be used for staffing or to fund the emergency trail repair fund. The  
13 New Hampshire department of transportation may access the emergency trail repair fund by  
14 submitting a formal request through the bureau of trails.

15       4 Appropriation.

16       I. There is hereby appropriated from the general fund to the bureau of trails the sum of  
17 \$250,000 for the fiscal year ending June 30, 2026 and the sum of \$250,000 for the fiscal year ending  
18 June 30, 2027, for the designated purposes of the rail trails program fund, as stated in RSA 216-F:9.  
19 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
20 otherwise appropriated.

21       II. There is hereby appropriated from the general fund to the bureau of trails the sum of \$1  
22 for the fiscal year ending June 30, 2026 and the sum of \$1 for the fiscal year ending June 30, 2027,  
23 for the designated purposes of the emergency trail repair fund, as stated in RSA 216-F:10. The  
24 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
25 otherwise appropriated.

26       5 New Subparagraphs; Application of Receipts; Rail Trails Program Fund and Emergency Trail  
27 Repair Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (399) the following new  
28 subparagraphs:

29               (400) Moneys deposited in the rail trails program fund as established in RSA 216-  
30 F:9.

31               (401) Moneys deposited in the emergency trail repair fund as established in RSA  
32 216:F-10.

33       6 Effective Date. This act shall take effect July 1, 2025.

**SB 274-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2025-0490s)

AN ACT establishing a 4-year pilot program to improve rail trails in New Hampshire, including the establishment of 2 funds, the rail trails program fund and the emergency trail repair fund, and making appropriations therefor.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund, Rail Trails Program Fund, Emergency Trail Repair Fund			
<b>Appropriations*</b>	\$0	\$250,001	\$250,001	\$0
<i>Funding Source(s)</i>	General Fund			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill transfers ownership of 4 rail corridors, and all duties and responsibilities therefor, from the Department of Transportation (DOT) to the Department of Natural and Cultural Resources (DNCR) and establishes a pilot program to improve the rail trails in 4 rail corridors. The bill also establishes the rail trail program fund and the rail trail emergency fund. The bill includes general fund appropriations to the Bureau of Trails in the amounts of \$250,000 in both FY 2026 and FY 2027 for the trail program fund and \$1 in both FY 2026 and FY 2027 for the rail trail emergency fund.

The DOT indicates it does not have a dedicated revenue source to pay for improvement, maintenance, and repairs of recreational rail trails that occur on abandoned railroad corridors that it owns/manages. Routine maintenance is usually the financial responsibility of trails

managers, which are either the DNCR or the municipalities through which the recreational trail runs. Larger scale maintenance issues, such as washouts, are often deferred and result in closures of trails until funds are available or appropriated. Trail improvements are usually funded with a blend of local funds including trail organizations, municipalities and federal funds. The DOT is the owner and manager of approximately 50% of state-owned rail trails and does not traditionally have dedicated funds to match federal funds for construction or improvements, routine maintenance, or major repairs. This bill would provide dedicated funding for 4 state-owned corridors including the Presidential, Pondicherry Section, the Ammonoosuc Rail Trail, New Littleton-Bethlehem Segment, and the Cheshire Rail Trail, which will become the management responsibility of DNCR. The bill also establishes an Emergency Trail Repair Fund, which would not allow DOT to directly access the funds as they will be appropriated and managed by DNCR only. The DOT states, with the establishment of the Rail Trails Project fund and Emergency Trail Repair Fund, it is likely that some financial burdens would be shifted from State agencies (DOT & DNCR) and municipalities and trails organizations, but the amounts cannot be determined.

The Fish and Game Department states this bill would create a 4-year pilot project that would provide ownership, rights and responsibilities for Rail Trails throughout the state. This bill would create funding for oversight and enforcement on the state rail trails. Where most of these trails travel through the woodlands of this state, Fish & Game Law Enforcement is the primary enforcement agency. The Department indicates funds would be provided for Conservation Officers to patrol these trails for illegal activity.

The Department of Natural and Cultural Resources (DNCR) states this bill was proposed based on recommendations from the 2022 NH State Rail Trails Plan (State Rail Trail Plan). The plan recommended additional state funding be considered toward further development and maintenance of state rail trail systems and recommended that state owned rail trails be managed by a single state agency for continuity. The DNCR indicates the appropriations included in the bill, as amended by the Senate would not be sufficient for it to perform its responsibilities under the bill. The DNCR assumes appropriations of \$3.6 million in FY 2026 and FY 2027 as included in the bill as introduced and additional staff would be necessary. The DNCR did not provide fiscal information on the bill as introduced.

**AGENCIES CONTACTED:**

Departments of Natural and Cultural Resources, Transportation and Fish and Game