

# Senate Finance Committee

*Deb Martone 271-4980*

**SB 35-FN**, making an appropriation for rail trail project matching funds.

**Hearing Date:** January 14, 2025

**Time Opened:** 1:21 p.m.

**Time Closed:** 1:45 p.m.

**Members of the Committee Present:** Senators Gray, Innis, Carson, Birdsell, Lang, Rosenwald and Watters

**Members of the Committee Absent:** Senator Pearl

**Bill Analysis:** This bill appropriates funds to the department of transportation to be granted to the town of Warner as matching funds for a section of the rail trail in Warner.

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**Sponsors:**

Sen. Innis

Sen. Ward

Sen. Fenton

Sen. Watters

Sen. Avard

Sen. Reardon

Rep. Payeur

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**Who supports the bill:** Senators Innis, Ward and Fenton; Tim Blagden; Brenda Conlon.

**Who opposes the bill:** David Carroll; Barbara Marty; Curtis Howland; Karen Coyne; William Hanson; Daniel Coyne; Carol Zablocki; Bob Bowers; James Zablocki; Kathi Schoonmaker; Suzanne Cummings; Gary Young; Peter St. James; Joan Klucinec; Dawn Quirk; Robert Ricard; Jonathan Lord; Martin Vincent;

**Summary of testimony presented in support:**

Senator Innis, Prime Sponsor:

- This bill was originally entertained last session. It was included in a list of bills to be funded by remaining federal ARPA funds. After the end of the legislative session, we learned the federal government prohibits the use of federal funds to match federal funds, thus discontinuing the use of ARPA funds for this particular project.
- SB 35-FN appropriates funds to the DOT to be granted to the Town of Warner as matching funds for a section of the Concord-Lake Sunapee Rail Trail. It is a trail under development and we have the opportunity to take a big step forward with it.

- The bill specifically requests \$600,000 in General Funds which will serve as a match to congestion mitigation and air quality grant funds in a similar amount to build a section of trail between Warner and Contocook.
- There is a lot of potential in rail trails that we don't always recognize in New Hampshire. Senator Innis gave the example of Loveland, Ohio, which years ago was a sleepy town with not much development. The rail trail was built, and small businesses came. It brought back the center of town which had been left behind in time.
- This rail trail is a longterm project and has been underway for a while. Many dedicated volunteers are working hard to get this done.
- The rail line itself was taken out in the 1960s.

Timothy Blagden, Board President, Concord-Lake Sunapee Rail Trail:

- Mr. Blagden supplied committee members with written testimony.
- Each committee member has rail trails in their Senate districts. They are popular and do spur the economy. People utilize the trails to get to jobs; they are used for active transportation as well as recreation.
- Senator Innis referenced the environmental concerns heard in previous testimony. He sought confirmation the railroad grade still exists. The rail bed itself has not disappeared even though the rails are gone? Mr. Blagden indicated in much of the corridor there is still graded earth there. Where the CMAQ project is there is very little of the railroad grade due to the fact that I-89 split the town into 3 pieces. We would be building new trail bed for much of this one-mile project. This project is almost entirely in the interstate median. It is pretty. The Warner River is there. There is a cemetery there.
- We think we can be responsible in introducing pedestrians and bicycles in this space between the northbound and southbound lanes.
- Senator Innis sought confirmation that portions of the trail are being used presently, in that vicinity. Mr. Blagden agreed. There is over a mile of trail at Bagley Field, the town soccer field. There are a couple of miles of trail extending down towards Hopkinton. There is a section of trail in development now with federal funding at Exit 9.
- We are really working hard to reunite our town, not to divide it. At a human scale, this will enable people who live down by Exit 7 and the Davisville area to get to the village, to get up to Market Basket. It will enable people who live west of Exit 9 towards Bradford to get to Market Basket. It is good for the area.

**Summary of testimony presented in opposition:**

David Carroll, Resident of Warner:

- Mr. Carroll is opposed to the rail trail "every inch of the way".
- He hates to see funding from any source that leads to the implementation of a project that will have extremely severe, degrading consequences for a rather remarkable ecosystem along the Warner River in the stretch of Warner.
- Mr. Carroll has lived in Warner 56 years. He has seen a steady decline of habitats, biodiversity, all the things we read about all the time. What can we do? Leave some places habitable for wildlife, for biodiversity.

- The river system is in a remarkably healthy environment right now. But a rail trail that runs through such a system has very dire consequences for biodiversity.
- Many trail organizations themselves believe that rail trails should not be run along waterways. You leave the wetland system intact.
- This particular project is very, very invasive. There is an endangered species running along that railway corridor that would be put at risk of decline and possible local extinction.
- The railway corridor in question is conducive to migratory bird populations. First, for migratory needs but it is also where the birds do their breeding and the raising of their young. It is totally incompatible with human activity which a rail trail of this sort will bring in. There must be another way to accommodate bike riders without having to sacrifice this.
- We should be very guardful of what we have presently.
- The rivers belong to the species.
- There are a lot of fine uses for \$600,000.

Barbara Marty, Resident of Warner:

- In Warner, the stated objective of the Concord-Lake Sunapee Rail Trail is to build the trail along the abandoned rail bed paralleling 12.9 miles of the Warner River. This would be a very long trail, literally cutting the town in half. Building the trail along the entire length of the river will cause multi-tier environmental damage. Initially, this damage is in habitat loss through construction, but more devastating is the persistent presence of humans in a fragile ecosystem that has been protected by its remoteness.
- The Warner River is a state-designated river because of its outstanding natural qualities and ability to support more threatened and at risk species. It's a greenway for wildlife, it's a flyway for migrating birds, and it's an oasis for the natural world from human interference.
- The rail bed has already been claimed by nature in the 60 years since the last train traveled through Warner. But like all nature, the river community is more at risk every year from shrinking habitat and the stresses of climate change.
- Best management practices for trail building dictates that sensitive environmental areas should be avoided. But this project intends to push development right through the heart of the repairing zone, ignoring the existence value and the beneficiary value of the river ecosystem.
- The congestion mitigation and air quality grants are defined as projects that reduce mobile source emission in both current and former areas designated by the U.S. Environmental Protection Agency to be in nonattainment or maintenance of the National Ambient Air Quality Standards for ozone carbon monoxide and/or particulate matter. This project achieves none of those objectives. Warner has no traffic congestion or issues with air quality to mitigate. This project is more likely to increase traffic when out-of-town bikers drive to Warner to part their cars along the trail to begin or end their recreational outing.

- Warner is a town of 3,000 people suffering all the same economic strains as all other small towns in this state. Over and over again the Friends of the Concord-Lake Sunapee Rail Trail have sold this project by stating, "not a penny to build and maintain this trail has or never will come from the taxpayers of Warner". This can't be true. All government grants come out of the pockets of taxpayers. It is already costing the town in administrative time and legal fees to review the grants and subcontracts, write checks, and hold meetings concerning the rail trail project. What will it cost the town to police a 12 mile long trail? What will it cost to have Warner's overstretched volunteer Rescue Squad locate and transport injured bikers calling from remote parts of the trail? How much road crew time will be spent maintaining the new bridges and walkways or picking up trash, and cleaning up storm debris? How will the trail be repaired when floods wash it out? And, who pays to mitigate the damage from the materials that wash into the riverbed or from the introduction of invasive species?
- This project is bound to be a financial burden to the taxpayers of Warner.
- Why isn't the immeasurable cost to the environment and the rights of the citizens of Warner to make the decision to accept or reject this project being respected?
- In this year of decreased revenues and tight budgets this committee will need to be judicious about where state funds are spent.
- Please do not support this very flawed project.

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Date Hearing Report completed: January 17, 2025