HB311 Committee to Study Rail Trail Best Management Practices
April 11, 2022
Minutes (approved 9/20/22)

Representative Gould called the meeting to order at 9:00 am.

Members present: Reps. Linda Gould (Chair), Suzanne Smith (Clerk), Greg Hill.
Guests: Craig Rennie and Alexis Rudko(Bureau of Trails), Mike McCluskey (DES), Phil Trowbridge (DES-Land Resources Management), Shelley Winters (DOT), Boyd Smith (NH Rail Trail Coalition)

Minutes: Rep. Hill made a motion to accept the minutes of the March 28 meeting. Chair Gould seconded. All concurred.

Chair Gould said that we have spent many months gathering data and at today's meeting we need to get something done. Collate information that we have so that we can begin to put together the final report, whether this will include Best Management Practices or whether BMPs will be a separte document. Mr. Boyd Smith volunteered to begin working on the report with Rep. Smith. Members discussed the report including the timeline, what approach to take, scheduling and review times. Comprehensive or brief? (If I am going out in the field, what do I need? Appendices?)

Rep. Hill believes that the report should make recommendations but that the committee doesn't need to write a BMP manual. The committee needs to identify what is missing. He also recommended one coordinated booklet with different sections which can be referred to other sections. This booklet would include links to all of the other relevant BMPs.

Mr. McCluskey referred to the presentation he gave to the committee which includes information contaminants. The residuals left behind after a railroad closes down are ubiquitous. Department of Transportation's recommendations mesh with Department of Environmental Services regulations.

Rep. Smith suggested that various agencies write a paragraph or two clarifying processes now in place and protocols whether they work on intra-agency or with other agencies or groups. This information could be used in the report and in making recommendations.

Rep. Hill suggested a decision tree similar to what is in place for Real ID could be very helpful for persons or groups interested in converting a former rail bed to a rail trail. Who does what etc. The Decision tree would be designed for user/applicant/interested person not for agencies.

The issue of funding and potentials for funding are not part of the charge of the committee but all agreed that it was important to address this issue. Funding potentials are part of the Rail Trail Master Plan which is due out this summer. Possible funding sources include trail fees, iron raingers, donations and other sources such as grants.

Commissioners of DOT and DNCR meet regularly to talk through issues that come up. There is coordination between agencies and municipalities. This could help form the report/BMPs and a decision tree.

Mr. McCluskey reminded committee that privately owned railroads that went back to abutters are on private property, therefore BOT and the DOT are not involved.
The agency members present all agreed that their coordination is going smoothly. They work together as issues arise. However, there is no guarantee that this will continue as people and positions change. Rep. Hill wondered if this is something the legislature could offer, such as a stipulation that a small committee gather every 5 years to assure coordination is still going smoothly. Mr. Rennie suggested that perhaps the Statewide Trail Advisory Committee could be a vehicle for this. This committee deals with all varieties of trails and DES is not a member. However, perhaps amend their charge so that once a year, DES is invited and this topic is addressed.

The Committee recommends Interagency communication which is already established, should be continued. Since the Rail Trail Master Plan identifies roles for the different agencies, refer to Master Plan for agency coordination.

Mr. Rennie stated that BOT bases their decision on the best surface for a trail depends on users of trail (walkers, bikes, OHRVs, snowmobiles, equestrians). Specifically, with rail trails, DNCR (BOT) and/or municipal authority make decision. Best all around surface thus far is stone dust or crushed stone. DOT is not involved in decision on surface. BOT deals with non-contaminated dust.

Bureau of Trails does not use herbicides to beat back weeds, even poison ivy. They use mowing and other manual means.

Abutters have complaints about noise of OHRVs as well as dust and bad behavior of some riders. But, abutters can be problematic, because abutters encroach on the right-of-ways. They begin using abandoned rail bed ROWs as their private property.

No OHRV use is permitted on rail trails purchased with federal funds no OHRVs allowed. Only 15 miles of rail trails allow OHRVs.

DES gets involved when there is a plan to develop the area adjacent to the actual rail bed/rail trail (bathrooms, information center, parking lot) especially when it is at a former industrial site. Capping is done to prevent upflow of any contaminant below the surface. 4-6 inches of new clean material is placed above a geotextile barrier. -- DNCR and DOT recommend this process, but it is NOT required.

The next meeting to review any rough drafts and information from agencies is scheduled for June 6 at 9: 00 AM.

Rep. Hill made a motion to adjourn. Rep. Smith seconded. All concurred and the meeting was adjourned at 10:50 AM.

Respectfully submitted,
Rep. Suzanne Smith, Clerk