



## New Hampshire Rail Trails Coalition

An affiliate of the Bike-Walk Alliance of NH

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### **Testimony Related to House Bill HB311 Committee to Study Rail Trail Best Practices February 14, 2022**

Here is our written testimony; we look forward to testifying in person.

#### **NH Rail Trails Coalition Testimony**

The NH Rail Trails Coalition's (NHRTC) mission is to promote the development, maintenance, and active use of trails constructed on New Hampshire's railroad corridors.

We appreciate this opportunity to testify on behalf of our members and the hundreds of thousands of NH residents and visitors, from toddlers in strollers to seniors on walkers, that enjoy active recreation in New Hampshire. Rail trail enthusiasts use New Hampshire's 370+ miles of beautiful rail trails to walk, run, bicycle, commute, birdwatch, snowshoe, and enjoy Nature every day.

Our testimony supports the following conclusions:

- Rail trail design, construction, and maintenance practices are well established across the country and can easily be adapted to New Hampshire's needs.
- The majority of rail trail users prefer active, low-impact, non-motorized recreation.
- For active recreation, contamination along rail corridors is inconsequential.
- Exposure to visible dust is harmful, especially to children, seniors, and anyone with underlying health conditions. Potential contamination by fugitive dust can be readily limited by preventing dust generation caused by incompatible use.
- Nationally, the annual value of low-impact active recreation infrastructure ranges from \$34.1 billion to \$138.5 billion. New Hampshire has over 300 miles of State-owned, abandoned railroad corridor ready to improve and convert for public benefit.

Our testimony focuses on best management practices (BMPs) for repurposing former rail beds and maintaining rail trails. We include input on other areas of interest such as lack of exposure to contamination from active recreation use, fugitive dust, and motorized vehicle impact.

## **BMPs for Repurposing Former Rail Beds into Rail Trails**

Tens of thousands of miles of rail beds across the country have been transformed into wildly popular and safe active recreation corridors. These rail trails have been used for decades by millions of people annually. Practical and well-established BMPs are in use in multiple states. Relying on proven practices, New Hampshire is well positioned to compile existing BMPs into plans and policies best suited for the Granite State.

Our initial recommendations for BMPs to repurpose former rail trails for active recreation include the following:

- Adapt existing BMPs for use in New Hampshire. The NHDOT maintains design information regarding various trail projects on State property, NHDES has BMPs related to trails and wetlands, and the national Rails-to-Trails Conservancy (RTC) provides information from around the country. We would be pleased to assist the Committee with this effort.
- Treat materials within the rail grade such as bedding, ballast, and ties as background (unregulated) material. Per current NHDES and NHDOT practices, these materials may be relocated within the right-of-way without NHDES regulation. If materials are transported off site, proper disposal methods must be determined and followed.

## **BMPs for Maintaining Rail Trails**

- Invest in trail maintenance. Maintain trails to prevent erosion, disturbance, or destruction of the riding surface, for comfort and safety of trail users and to maintain barriers to direct contact, where present.
- Prevent incompatible uses of the trail. Note that low-impact active recreation use does not disturb durable riding surfaces or underlying soil, thus creating no fugitive dust nor churning up underlying materials. OHRVs tend to have the opposite effect.

## **Advice and Testimony (HB311, Section 4 (III))**

We offer the following advice and testimony for parts a, c, f, g, h, I, and j under Section 4:

### **Residual contamination from railroad operations (a)**

After decades of rail trail construction and use in New Hampshire and around the country, there is no evidence that residual contamination from railroad operations is a concern from non-motorized users, based on the following:

- Mr. Michael McCloskey, P.E. of the NH Department of Environmental Services (NHDES) Waste Management Division (WMD) testified to this Committee that rail corridors commonly have low concentrations of chemicals resulting from incidental use when they were active (typically many decades ago). These concentrations are considered “background” and are not regulated by the NHDES. Mr. McCloskey indicated that Massachusetts also considers soil beneath former rail corridors representative of background conditions.

- The [RTC](#) lists 24,000 miles of rail-trails developed and in use across the United States. This network is used by millions of people annually over nearly four decades. No contamination threats have been reported.
- The NH Department of Transportation (NHDOT) owns ~330 miles of rail Right Of Way, most acquired in the 1970s. No incidents related to contamination along NHDOT rail corridors have been reported to NHDES.

#### Identifying Areas of Contamination Concern (c)

NHDES indicated that Recognized Environmental Conditions (RECs) are not likely present within railroad corridors. If purchasing railroad property, NHDES recommends performing a Phase I (“paper”) site investigation. Phase I investigations identify potential environmental contamination and reduce owner liability. If a Phase I identifies a REC, additional sampling and remediation may be required. Most abandoned rail corridors are already owned by the State.

#### Fugitive Dust (f) and Impact on Vegetation (g)

Fugitive dust is our primary environmental concern, as it is a well-recognized problem on unpaved trails used by OHRVs. In general, if dust is visible, it is unhealthy and can lead to Chronic Obstructive Pulmonary Disease (COPD) ([NHDES, March 2018](#)) and irritate eyes, nose, and throat, causing even more serious health effects in children, elderly and others with underlying conditions ([US Center for Disease Control](#)). Visible dust also damages plants by inhibiting photosynthesis ([NHDES, March 2018](#)). Therefore, trail use should not generate visible dust.

NHDES regulates commercial sources of air pollutants, and these standards should be applied to rail trails to protect users and abutters from fugitive dust. Even uncontaminated, fine-grained sediment can create respiratory hazards. For example, long-term sand and concrete dust inhalation can lead to Silicosis, an irreparable form of lung damage. Short-term exposure to dust can trigger asthma, worsen existing breathing difficulties, and trigger heart attacks ([NHDES, March 2018](#); [Centers for Disease Control \(CDC\)](#)).

#### Impact on Abutters and Motorized Vehicle Impact (h and i)

The greatest risks on rail trails come from incompatible use, where non-motorized recreationists share a trail with OHRVs. For over twenty years, researchers and citizens have been identifying substantial incompatibility between motorized and non-motorized trail use ([Stowkowski and LaPointe, Supporting Documents](#)). In addition, dust generated by motorized use affects trail safety by decreasing visibility, and impacts scenery by reducing views. Noise, dust and fumes from motorized uses are incompatible with the outdoor experience of non-motorized users. The lawsuit by Gorham, NH citizens further details the many adverse impacts of motorized vehicles on abutters.

#### **Recommendations**

- In partnership with rail trail stakeholders (e.g. NHRTC, Bike-Walk Alliance NH, residential abutters, NHDES, RTC, NHDOT, and Bureau of Trails), utilize existing information to compile, clarify, and document BMPs for NH rail trails.

- Note that NHDOT's Rail Trail Strategic Plan is approaching completion. These references will be helpful when developing BMPs.
- Prevent degradation of the riding surface and generation of fugitive dust by limiting OHRV and other incompatible uses.

## **Conclusions**

For active recreation, residual contamination along rail corridors is inconsequential and considered a background condition by the NHDES, the RTC, and neighboring states. Rail trail design, construction, and maintenance practices are well established across the country and can be adapted to New Hampshire's needs. We would be pleased to help the Committee further develop these BMPs.

Dedicating Rail trails to active non-motorized recreation fulfills the vision outlined in the [Statewide Comprehensive Outdoor Recreation Plan](#). According to [University of NH survey data prepared for the NHDOT Rail Trail Strategic Plan](#), 75% of trail users are bicyclists, pedestrians and other non-motorized alternatives; 12% are snowmobiles; and 13% are OHRVs.

Exposure to visible fugitive dust is harmful, especially to children, elderly, and people with underlying health conditions. Potential contamination by fugitive dust can be eliminated by preventing dust generation caused by incompatible use.

Over 300 miles of State-owned, abandoned rail beds provide New Hampshire with a substantial and sustainable economic, health, and recreational opportunity. Nationally, the total local spending impact of rail trails was \$10.6 billion in 2019 and could grow to \$21 billion annually. ([RTC, October 2019](#)).

When evaluating BMPs for New Hampshire's rail trail system, we hope our leaders and policy makers will recognize the superior economic, health, and environmental benefits of a world-class active recreation network.

Thank you for considering our testimony. We would be pleased to continue to assist this Committee with this important assignment.

Yours for a better New Hampshire,

-The New Hampshire Rail Trails Coalition,

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