

**NH Department of Transportation  
Bureau of Rail & Transit**

**REQUESTING A RAIL-TRAIL AGREEMENT ON AN  
ABANDONED STATE-OWNED RAILROAD CORRIDOR**

The following requirements must be met prior to approval and construction of a recreational trail, for non-motorized recreational use only, on an abandoned State-owned railroad corridor. An abandoned line is one where the NH Department of Transportation (NHDOT) has determined that there will be no rail service in the near future, has obtained Formal Abandonment approval from the Surface Transportation Board (STB), and for which NHDOT has decided to let the corridor be used for other purposes at the present time. The railroad tracks may or may not have been removed from an abandoned line.

- a.) The party requesting the Rail-Trail Agreement must be the local municipality.
- b.) The terrain must be suitable for this type of project.
- c.) There must not be legal or statutory prohibitions against joint use.
- d.) The municipality must obtain proper property liability insurance as required by the State.
- e.) The municipality will be responsible for all improvements to the corridor, ongoing maintenance, and insurance costs amongst other costs.
- f.) The municipality must provide the security personnel to properly patrol and control use of the proposed rail-trail.
- g.) The municipality must agree that the trail will be removed at the municipality's expense if the corridor is needed for railroad restoration or other transportation needs.

The first step in creating such a trail is to initiate a Rail-Trail Agreement between NHDOT and the municipality, following these steps:

- 1.) The municipality should address a written request to:

Shelley Winters, Administrator  
New Hampshire Department of Transportation  
Bureau of Rail & Transit  
PO Box 483  
Concord, NH 03302-0483

- 2.) In your request, provide:

- a) Color photos, a location map and conceptual plans or sketches of the area showing the proposed trail location and copies of the Town/City's Tax Maps of the area.
- b) Documentation as to who will manage, maintain, and patrol the proposed trail.
- c) A description of what types of recreational activities will be allowed on the proposed trail.

3.) If the Bureau of Rail & Transit agrees that a trail may meet the conditions above, even with some limitations, the Bureau will prepare a Rail-Trail Agreement for the municipality. Insurance coverage that must be provided by the municipality with their signed Agreement is as follows.

- a.) Bodily Injury and Property Damage Liability coverage in the amount of five million (\$5,000,000.00) dollars. The certificate of insurance must designate the State of New Hampshire and the operating

railroads (if any) as additional named insured. You may also be required to provide Railroad Protective Public Property Damage Insurance in the amount of five million (\$5,000,000.00) dollars.

After the municipality has executed the Agreement and met all of its requirements, it will be sent on to NHDOT and Office of the Attorney General for approvals.

- 4.) Once the Rail-Trail Agreement has been approved by the Office of the Attorney General and has met all of the requirements listed above, the Bureau will work with the municipality and/or their contractor to issue a Temporary Use Agreement (TUA) for the trail design to allow limited access to the railroad corridor so the trail designer can investigate, survey and prepare construction plans for the project.
- 5.) The Bureau of Rail & Transit will review the preliminary trail construction plans and make suggestions for the preparation of final plans. As necessary, the Bureau will also forward the plans to other Bureaus within NHDOT and other state agencies for their evaluation and comment.
- 6.) The trail designer must obtain all required Local, State and Federal permits and approvals for the project.
- 7.) Subject to approval of final trail construction plans, the contractors responsible for the construction of the trail will be required to obtain a TUA from the Bureau of Rail & Transit.
- 8.) Once the construction contractor has entered into an executed TUA, the municipality will be given approval to begin trail construction and the construction contractor shall be permitted to enter to corridor and commence work in accordance with the terms and conditions of their TUA.
- 9.) Construction and final acceptance of the rail-trail will be subject to final approval of NHDOT, as further outlined in the aforementioned Rail-Trail Agreement between the NHDOT and municipality.