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### Settlement paves way for Derry Rail Trail tunnel

- [By Dave Pierce Union Leader Staff](#)
- Feb 9, 2026 Updated 15 hrs ago



Dave Topham poses above a culvert that was going to be used for a tunnel for the Derry Rail Trail near Folsom Road in April of 2025. DAVID LANE/UNION LEADER file

## **The Derry Rail Trail tunnel will be built.**

Nearly 18 months after a nonprofit group sued the New Hampshire Department of Transportation and Federal Highway Administration over removing a tunnel for bikers, hikers and walkers from the construction plan for the Exit 4A project off Interstate 93 in Derry and Londonderry, officials agreed on Monday to build the controversial tunnel.

“I’m grateful for this resolution. We’ve known that the law was on our side as we fought to protect the historic rail corridor, and create a seamless, safe walking and biking connection for the region,” said Dave Topham, president of the New Hampshire Rail Trails Coalition and a member of the committee that brought the lawsuit.

State Transportation Commissioner Bill Cass said in an email Tuesday afternoon that he’s “pleased the matter has been fully resolved” and the construction of Folsom Road to connect to Exit 4A should remain on time.

“Reaching this agreement helps minimize delays and allows us to move forward with construction. We are eager to proceed with building the tunnel and completing the project, which is expected to remain on schedule,” Cass said.

The Committee to Save the Derry Rail Trail Tunnel filed the lawsuit in U.S. District Court in Concord in August 2024, saying transportation officials failed to comply with federal laws protecting the Manchester & Lawrence Railroad Historic District and Derry Rail Trail.

Although a tunnel under Folsom Road in Derry was originally in the 2019 plans for the \$164 million Exit 4A construction project, officials announced they would scrap the tunnel in 2022 to save approximately \$770,000.

U.S. District Court [Judge Paul Barbadoro ruled in the rail trail advocates’ favor](#) in June and then ordered state and federal officials to reach a settlement this winter.

“We’re thrilled to see the Derry Rail Trail Tunnel be built. It will create safe walking and biking access for local residents, and it represents an important victory for rail-trails across the country,” Rails to Trails Conservancy President Ryan Chao said in a statement Monday evening.

Rail trail advocates have said safety was a primary concern for what was dubbed the “spaghetti loop” which was introduced as an alternative to building the tunnel.

The loop would've forced trail users to go more than 1,000 feet out of the path of the old railroad bed, negotiate steep inclines and sharp turns and go under a new bridge over Shields Brook. Or they could've climbed up a steep hill, used a crosswalk on Folsom Road and then climb down another steep slope on the other side.

For older walkers or families with children, that was a no-go.

During several court hearings, Judge Barbadoro scrutinized the revised plans and reviewed more than 29,000 pages of administrative record. He didn't hold back in his ruling, despite state and federal attorneys' reluctance to accept their fate.

Barbadoro said officials never proved their plans would be equivalent to a tunnel in terms of safety, experience and adhering to strict historic regulations.

In the end, the NHDOT and FHA gave up the fight after Barbadoro said they had two options: settle the case or appeal his ruling.

### **Major construction continues**

State and federal attorneys said they feared an ongoing legal battle could slow construction of a project that will alleviate traffic and open up a large part of Derry's business and residential areas to easier access to I-93.

The [Exit 4A project has been in the works for more than 40 years](#). Town officials had long pushed for the project and despite years of delays, Derry planners still say the community will benefit greatly from the project.

The state has already built a bridge over I-93, paved on- and off-ramps and cleared the way from Londonderry to Derry, where Old Rum Trail will meet up with North High Street and Folsom Road. By 2028, Derry's widest artery is expected to direct motorists from I-93 to Route 102 near Beaver Lake. For a timeline of construction and to see the full plans, visit [i93exit4a.com](http://i93exit4a.com).

Derry Town Planner Elizabeth Robidoux [hosted visioning sessions last year to get public input](#) to discuss the options for transforming the Folsom Road neighborhood. The road to and from Exit 4A and the intersection with Route 28 will be as wide as seven lanes at points to accommodate turns but will be, for the most part, two lanes of traffic heading east toward businesses and two lanes heading west toward I-93.

The highway project itself has also been a lightning rod for business owners and people who live in the area. Residents have complained about losing their tight-knit neighborhood and having a seven-lane highway in their backyards.

Business owners have balked at giving up parts of their property to widen the roads, including moving signs and losing parking spaces.

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