

NH DOT 12/2021 Response to 91-A to clarify the rules associated with funds used to purchase Rail Trails as well as the exact location of the (eastern) end of the non-TE funded portion of the Ammonoosuc Rail Trail.

Shelley Winters from the Bureau of Rail and Transit has provided the responses to your questions in red below. One, since the Haverhill to Littleton railway ROW was purchased with federal funds, why isn't motorized use of it prohibited?

The NH/VT RR has agreed to our request to transfer ownership of the property in two phases. Phase I would entail acquisition of approximately 12 miles of inactive corridor from Littleton to Whitefield for a pro-rated cost of \$450,000. The remainder of the corridor is currently active and acquisition of this section would be deferred until arrangements for continuation of rail service can be finalized. The Phase I segment would connect to the state-owned abandoned corridor running from Haverhill to Littleton which was purchased in 1996 with federal funds as part of the Haverhill Rte. 135 project.

The Haverhill to Littleton Railroad ROW was purchased with "regular" FHWA funds as part of a roadway project, not specialized FHWA funds such as Transportation Enhancement (TE) or Transportation Alternative Programs (TAP). FHWA TE and TAP funds have the motorized use restriction, but other "regular" FHWA funds do not have such restriction.

Two, can you provide a map that shows these three lines and the point of termination in Littleton of the Haverhill to Littleton line? I can find no map which shows the separate section/status of these trails.

Lou Barker has prepared a [draft map](#) of this area per your request.

Three, can you explain why snowmobile are permitted on the new Littleton to Bethlehem Rail Trail (which does not permit ATVs/OHRVs)? If it is an "exceptional case" can you provide the documentation for its exception?

Title 23 U.S.C. § 217(h) does not permit the use of motorized vehicles on existing and proposed nonmotorized trails and/or pedestrian walkways using Federal transportation funds, except in exceptional cases. These exceptions, under certain circumstances, may include maintenance vehicles, snowmobiles, motorized wheelchairs, or electric bicycles, and "such other circumstances as the [U.S.] Secretary [of Transportation] deems appropriate."

The FHWA policy provides an extensive list of factors to be considered before FHWA permits a motorized use on part of a nonmotorized trail or pedestrian walkway. More details about these factors can be provided to you at your request

The FHWA statute you cite has changed and thus the updated/current citation applies. Title 23 USC Section 217(h) now allows winter snowmobile use. Snowmobiles are not required to be an "exceptional case." Here is the link to the current Title 23 USC Section 217(h) that applies (<https://www.law.cornell.edu/uscode/text/23/217>) with a snippet pasted below with the reference to snowmobiles highlighted:

Fourth, could you provide a list of all the rail trails in New Hampshire with their funding sources and thus status re. motorized use?

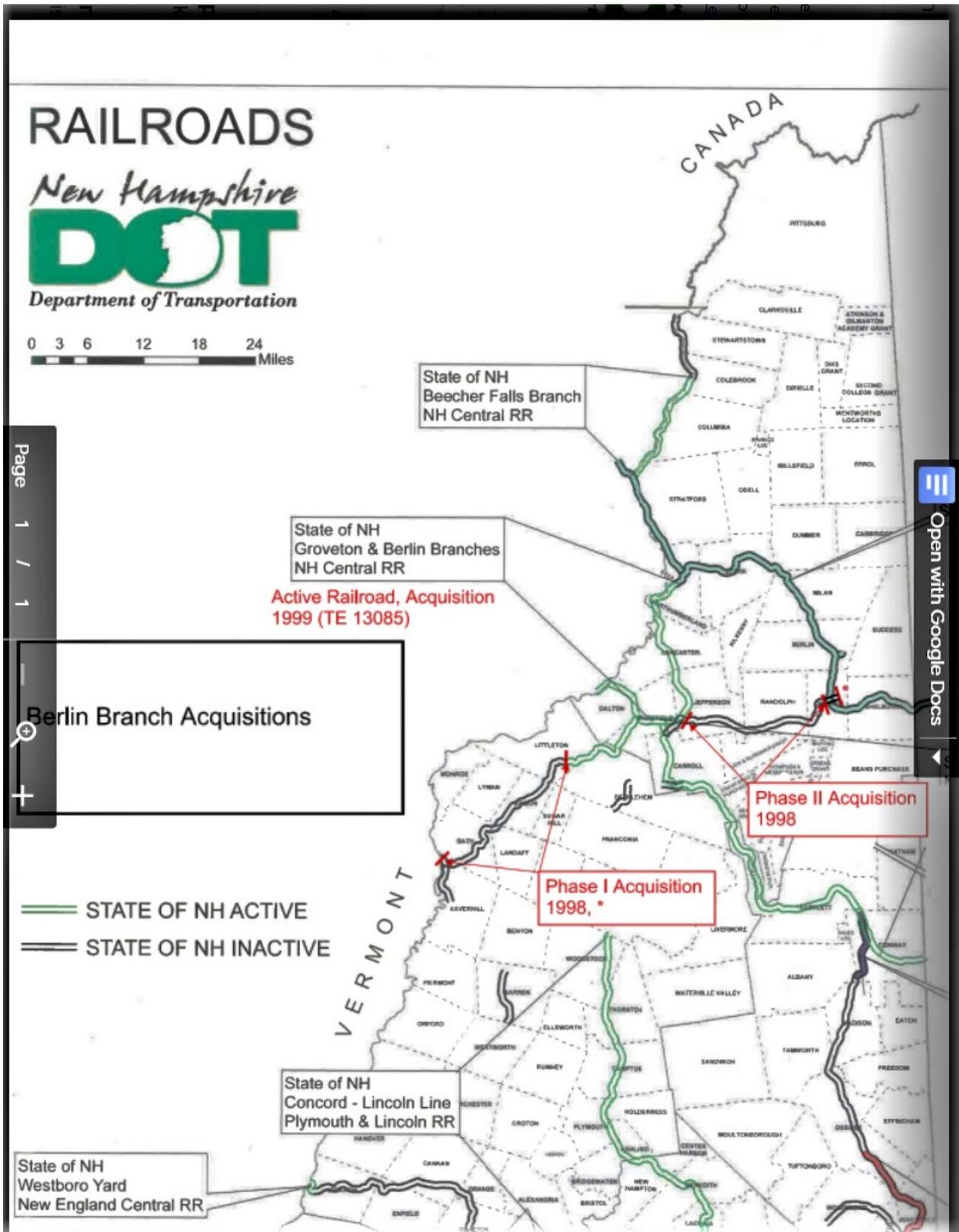
This effort, listing of all state-owned rail trails and their funding sources, is something that we are attempting to address in the development of the NH Rail Trail Plan. The Plan is still in development and is not scheduled to be complete until June 30, 2022.

We consider this request to be complete and closed. We continue to work on the Right to Know Request #382 – Rail Trails Blackmount and Haverhill to Littleton and will provide an update within the next two weeks.

Sincerely,

Valerie Cummings

Map attached to email above:



Google Earth Map submitted with a request for a more detailed marking of the end of the Ammonoosuc Rail Trail line section where OHRV use is permitted, and marked by Lou Barker (DOT.)

