

**Town of Littleton NH
Multi Use Trail
Northern Border Regional Commission Grant
NBRC16GNH03
Quarterly Performance Progress Report
October 1, 2019 – December 31, 2019**

Accomplishments to Date

In August 2018, Jack Dodd, Railroad Consultant, provided updated information to Shelley Winters, Administrator, Bureau of Rail and Transit, NH Department of Transportation on railway abandonment. Ms. Winters will be submitted documentation relative to the abandonment to the NH Attorney General's Office. The AG's Office has reviewed and approved. Formal action will be required by the Federal Surface Transportation Board. Shelly Winters has advised the Town of Littleton that the documentation for abandonment has been submitted to the Surface Transportation Board. The State of New Hampshire requested a waiver of the \$4,000 filing fee. The request for waiver of fee was denied. Littleton Town Manager Andrew Dorsett was able to raise the \$4,000 application fee and this was submitted. The Surface Transportation Board considered formal action on the application for abandonment. The Surface Transportation Board issued a favorable decision on May 3, 2019. On October 24, 2019 the State of NH, Office of the Attorney General, Department of Justice, issued a Notice of Consummation to the Federal Surface Transportation Board indicating that: "NHDOT intends that the line be removed from the interstate rail network and will commence salvage activities." Town Manager Andrew Dorsett continues to communicate with Chris Gamache, Chief of NH Bureau of Trails, to discuss rail abandonment status, and State scheduling of final design and trail construction. The State of New Hampshire agreed to sign-on as a co-applicant for this NBRC project. NBRC extension request and grant amendment were completed and approved.

Problems Encountered

The rail abandonment process took much longer than anticipated. NHDOT hired Jack Dodd to complete the process. Jack experienced some health issues and simply got behind in his work. Rail abandonment paperwork was been submitted to the NH Attorney General, for DOT – and has been reviewed and approved. Application for abandonment has been submitted to the Federal Surface Transportation Board (STB). The STB issued an Environmental Assessment on April 12, 2019. The comment period for this Assessment ended on April 29, 2019. The STB issued a decision on May 3, 2019.

On October 24, 2019 the State of NH, Office of the Attorney General, Department of Justice, issued a Notice of Consummation to the Federal Surface Transportation Board indicating that: "NHDOT intends that the line be removed from the interstate rail network and will commence salvage activities." This Notice of Consummation clears the way for NH Bureau of Trails to work with the NHDOT on the identification of rails to be salvaged for future use, or scrapped. Chris Gamache had hoped to begin some of the rail removal in November, 2019. However, on January 13, 2020 - Chris Gamache provided a project update indicating that rail removal has not yet been scheduled. Chris is working to develop a proposal that will allow a contractor to surplus the rail, for steel value, in order to offset some of the overall cost of rail removal.

In his January 13, 2020 update – Chris Gamache detailed another problem encountered with State matching funds for this rail trail project:

“The more significant update is that we have had additional conversations with NHDOT and they have located additional files that actually do show that the section of the Berlin Branch, from Industrial Park Drive north to Whitefield, was in fact purchased using Federal Highway Administration Transportation Enhancement funds. This was discussed several years ago, however we were not able to specifically identify the funds were used specifically and all discussions over the past several years have been to continue all existing uses of the Ammonoosuc Recreational Trail north through Littleton. This was to include OHRV use. TE funds come with federal restrictions (basically an easement) that do not allow for ‘Motorized Wheeled Vehicle’ use on TE funded projects. We did question the purchase and location of the funds use. There were 2 rail corridors purchased at the same time and TE funds were only used on one of them, while state funds were used for the purchase of the other line. It has been confirmed that this section in Littleton was the portion purchased with TE funds. There is a process in the federal regulations that allow the US Secretary of Transportation to grant a waiver to the restrictions, however that has never been done before and in previous discussions with the Federal Highway Administration it is unlikely to occur. We also know from previous discussions that the funds cannot be paid back and the restrictions lifted. If the funds were to be paid back the restrictions would remain in place unless the US Congress voted to lift them (I am giving you a very condensed version of previous discussions and processes). The existing Ammonoosuc Recreational Trail was not purchased with TE funds and it will continue to be open for all of the recreational uses that are permitted on it today.

With all of this confirmed information we will not be able to proceed with the original plan of including all existing recreational uses north through Littleton. OHRV use will not be permitted on the area we are working to remove the rail on. We do want to confirm to you, and the Select Board, that we are still committed to remove the rail and ties and improve the surface for a recreational trail through town. However, the available funds to match the existing USDA (NBRC) grant and to perform the majority of this work was coming from our OHRV account. We cannot use that account for any of this work now that OHRV will not be permitted on the trail.

We can use other trail development grant funds, however the timing of working with other partner groups would not allow the use of these funds until later in 2020 and 2021. We are going to continue to work on a project plan and seek bids from contractors to perform the rail separation and removal work later this spring; however the cost of such work will determine how much work can be performed this calendar year. We do know that once the rail and ties are removed it is anticipated to cost \$15-18,000 per mile to improve the surface with a suitable aggregate product for summer recreational use. We do not plan to have any portions of the trail paved, as that would have significant negative impacts on the winter snowmobile use of the trail. The change in planned future uses of this trail may impact some of the contractors that had expressed previous interest in the project.”

The State, Town and NBRC agreed to amend the NBRC Grant Agreement to include the State of New Hampshire as a co-applicant on the project. Grant amendment has been approved and signed by all parties.

Request for extension of this grant agreement due to project delays was submitted and approved by NBRC. Grant period extended until September 30, 2020. The construction will go rather quickly once initiated. The NH Trails Bureau has extensive experience in trail development.

Objectives for Next Quarter (January 1, 2020 – March 31, 2020):

Determine trail final design and construction schedule with NH Bureau of Trails.

Initiate removal of rails and ties as weather permits.

Final trail design to commence. \

Determine availability of total match amount, absent OHRV funds.

