

House Bill 1468 Session Year 2024 (Chaptered Law 0137)
FINAL REPORT

In accordance with HB 1468 of Session Year 2024, and as included in Chaptered Law 0137, the Conway Branch Planning Group ("Planning Group") was convened and met three times to formulate a plan for the best public use of a portion of the so-called "Conway Branch" between the rail crossing in Center Ossipee/Moultonville Road to the rail crossing at Route 113 in Madison and to explore the feasibility of snowmobiling, walking, and biking on the existing rail corridor.

The Planning Group was convened and included representatives of:

- District 1 Executive Councilor
- A member of the House Public Works Highway Committee
- A member of the Senate Capital Budget Committee
- A selectman or their appointed agents from the towns of Ossipee and Madison
- A representative from the New Hampshire Northcoast Railroad
- NH Department of Natural & Cultural Resources Trails Bureau (DNCR); and
- NH Department of Transportation (DOT)

Three, open-to-the-public, meetings were held as follows:

- Thursday, October 24, 2024 @ 9:30 AM in Ossipee, NH
- Thursday, November 21, 2024 @ 9:30 AM in Ossipee, NH (with a virtual component)
- Thursday, December 12, 2024 @ 9:30 AM in Concord, NH (with a virtual component)

Notes from each meeting are attached to this report and include a list of Planning Group members in attendance and a summary of the meeting itself.

Conway Branch mileage breakdown

The Conway Branch is approximately **21 miles** and roughly breaks down as follows, from south to north:

- **4.84 miles** from Northcoast/NHDOT ownership change in Ossipee near old Route 28 (near DOT Patrol shed) to Moultonville Road in Center Ossipee
- **10.29 miles** from Moultonville Road in Center Ossipee to just south of roadway crossing at Route 113 in Madison
 - This is the section included in HB 1468
- 0.13 miles (700 feet) from roadway crossing at Route 113 in Madison north 700'
 - This is the section owned by Mr. Neil Underwood
- **5.9 miles** from approximately 700' north of roadway crossing at Route 113 in Madison north to the Conway Town line where Conway Scenic Railroad takes over ownership
 - A portion of this section has been requested to be used by Mr. Underwood and/or his lessee

Cost & Income related to the removal of rail and ties

Based on discussions at Planning Group meetings and follow-up documentation from Planning Group members from NH Northcoast Rail and DNCR, the following summary relative to this task is provided below:

- a. Track (rail and ties) removal about \$80,000 per mile
- b. Track (steel) salvage about \$25,000 per mile
- c. Net cost of track removal approximately \$55,000 per mile

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Discussions also occurred relative to two other trail design variants that would leave track (rail and ties) in-place:

1. Flooding the entire track with stone, covering the rail and ties completely, and building a recreational trail on top of that surface or leaving the surface as a stone surface; and
2. Only flooding stone in-between the rail but still leaving a portion of the rail flange available, which would allow recreational on-rail uses such as railroad motor putt-putt cars and rail-biking and still accommodate other recreational uses between the rails.
 - This concept was discussed multiple times as this is the current configuration of the DNCR-owned Wolfeboro Branch

Planning Group members noted that cost scalability of trail design, construction, and maintenance of traditional recreational rail trails (usually packed stone dust) vs. a concept that leaves the rail and ties in-place and floods with stone should be considered and balanced with other factors, including the type of recreational uses desired to be accommodated on certain segments. Surface type preferences differ based on specific recreational uses and have been further explored in the [August 2022 New Hampshire Rail Trails Plan](#). The NH Rail Trails Plan is available for download online: <https://www.dot.nh.gov/sites/g/files/ehbemt811/files/imported-files/2022-nh-rail-trail-plans.pdf>.

Funding options for recreational rail trails

The Planning Group, and public testimony, delved into funding opportunities including volunteer work, for-profit partnerships, federal grant opportunities, and salvage rail revenue. More detailed discussions of the DOT-administered Federal Highway Administration Transportation Alternatives Program (TAP) and the DNCR-administered Federal Highway Administration Recreational Trails Program (RTP) occurred at meeting #3. Planning Group members also noted that funding options for rail trails was recently codified in “Chapter 3: Funding Rail Trails” in the [August 2022 New Hampshire Rail Trails Plan](#) and that document should be cited, by reference, as a source of summary information on funding options required as part of this effort. The NH Rail Trails Plan is available for download online: <https://www.dot.nh.gov/sites/g/files/ehbemt811/files/imported-files/2022-nh-rail-trail-plans.pdf>.

The Planning Group additionally concurred that given advanced conversations and resultant outcomes of a proposed management transfer of the state-owned Conway Branch Railroad Corridor from DOT to DNCR, including the section subject to this report, that a more detailed and specific funding plan was not warranted at this time and the information presented at the three meetings and in the August 2022 New Hampshire Rail Trails Plan would serve to guide future efforts.

Findings & Recommendations

Most Planning Group members and public testimony supported the position that the highest and best use of the state-owned Conway Branch Railroad Corridor, including the section subject to this report, was recreational use. The specific types of recreational uses the Planning Group indicated could be accommodated varied, but all were assumed to have positive impacts on the towns through which the recreational trail would extend and the local economy. Recreational trail development would allow more local input, control, development, and decision making.

Additionally, use of the state-owned Conway Branch Railroad Line for recreational uses, including the portion subject to this report, would allow furtherance of discussions and negotiations with a private property owner that owns approximately 0.13 miles in the middle of the State’s ownership. Negotiations with this property owner for continued recreational use and access to his property, most specifically for snowmobiling, would be in the long-term best interest for DNCR and recreational trail users.

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The Planning Group agreed the best use of the subject section and the entire Conway Branch Railroad Corridor is a recreational rail trail. DOT and DNCR discussed and agreed that management oversight (also construed to mean “ownership”) of the Conway Branch Railroad Corridor would be transferred from DOT to DNCR. A draft framework of the proposed management transfer of all the state-owned portions of the Conway Branch Railroad Corridor from DOT to DNCR has been summarized and encapsulated in a separate document which is attached to this report. While DOT and DNCR will continue to work to refine and finalize the management transfer documentation, DOT has already commenced actions to effectuate the management transfer.

Submitted by:

Michelle “Shelley” Winters
Director, Division of Aeronautics, Rail & Transit
NH Department of Transportation
Michelle.L.Winters@dot.nh.gov

Submission date: 01/02/2025

CHAPTER 137
HB 1468-FN-A - FINAL VERSION

22Feb2024... 0530h

2024 SESSION

24-2794
11/10

HOUSE BILL

1468-FN-A

AN ACT directing the department of transportation to develop a Conway Branch rail line master plan.

SPONSORS: Rep. Jonathan Smith, Carr. 5; Rep. McConkey, Carr. 8; Rep. Cordelli, Carr. 7; Rep. Avellani, Carr. 4

COMMITTEE: Public Works and Highways

AMENDED ANALYSIS

This bill directs the department of transportation to meet with other state and local entities to form a plan for the best use of the Conway Branch rail corridor.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 137
HB 1468-FN-A - FINAL VERSION

22Feb2024... 0530h

24-2794
11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT directing the department of transportation to develop a Conway Branch rail line master plan.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 137:1 Conway Branch Planning Group. The department of transportation, bureau of rail and transit,
2 and the bureau of trails shall jointly meet, in consultation with the executive councilor from district 1, a
3 member of the house public works highway committee, a member of the senate capital budget committee,
4 a selectman or their appointed agents from the towns of Ossipee and Madison, and a representative from
5 the New Hampshire Northcoast railroad, to formulate a plan for the best public use of a portion of the so-
6 called "Conway Branch" between rail crossing in Center Ossipee/Moultonville Road to the rail crossing at
7 Route 113 in Madison and to explore the feasibility of snowmobiling, walking, and biking on the existing
8 rail corridor. The rail division shall explore the costs and income related to the removal of the rail and ties
9 where necessary to provide a level and safe surface for recreational activity on the existing trackbed. The
10 group shall explore funding any trail improvements from private donations, grants and/or from the sale of
11 the existing steel rails. The 2 bureaus shall meet with this working group no less than 3 times before
12 December 30, 2024, and issue their joint findings and recommendations to the public on or before
13 January 2, 2025, with copies to the governor and executive council, the speaker of the house, the
14 president of the senate, and the towns of Ossipee and Madison.

15 137:2 Effective Date. This act shall take effect July 1, 2024.

Approved: July 03, 2024
Effective Date: July 01, 2024

HB 1468 Conway Branch Planning Group: Meeting #1
10/24/2024 Notes
Meeting Location: Ossipee, NH (Ossipee Freight House)

Meeting Attendees (Planning Group):

1. Joseph Kenney – NH Executive Councilor
2. David Milz – NH State Representative
3. Mark McConkey – NH State Representative
4. Jonathan Smith – NH State Representative
5. Matt Sawyer – Town of Ossipee
6. Linda Shackford – Town of Madison
7. David Campbell – NH Northcoast Railroad
8. Shelley Winters – NHDOT (Director, Division of Aeronautics, Rail & Transit)
9. Louis Barker – NHDOT (Railroad Planner)
10. Lura Seavey – NHDOT (Commissioner's Office – assisting with notes)
11. Craig Rennie – NH DNCR (Bureau Chief, Bureau of Trails)
12. Michael Weeks – NH DNCR (Regional Trails Supervisor)

Meeting Attendees (General Public):

1. Bob Boose – Ossipee Chamber of Commerce
2. Chris Elliot – Ossipee Economic Development Council & Friends of Ossipee Rail Trail
3. Phil Villari – Ossipee Economic Development Council & Friends of Ossipee Rail Trail

Shelley Winters opened meeting with introductions, began to introduce discussion of HB 1468; Rep. David Milz stated that due to a technical error in the wording that legislatively appointed members, not NHDOT, should be chairing/scheduling these meetings and requested concurrence from Winters. Winters conceded.

Milz calls meeting to order and nominates Rep Jonathan Smith as the chair. Motion made & seconded. Smith appoints Milz as Vice Chair, seconded and affirmed. Smith nominated Matt Sawyer as Clerk. Seconded and affirmed. Notes for meeting #1 to be taken jointly by Sawyer and Lura Seavey.

Winters requested clarification regarding wording of HB 1468 and NHDOT/DNCR responsibility to deliver the report January 2, 2025. It was confirmed that NHDOT would still be the lead responsible for preparing and delivering the report.

Smith thanked group and gave quick intro and asked for specification of railroad mileage included in HB 1468 limits. Winters and Barker indicated that state-owned portion of Conway Branch Railroad Line was 21.22 miles and HB 1468 was located in the middle of it.

Smith asked about removal of rails and preserving them. Winters said there is a process to identify and preserve reusable rails and track materials (not ties) to be used at other active state-owned railroad lines and explained how NHDOT & DNCR cooperate to convert from abandoned rail to recreational rail trails. Smith inquired about scrap metal income to defray some of the cost of the project instead of NHDOT requiring they be salvaged for reuse. Smith indicated that the goal of this workgroup is to minimize cost of removing existing rail to create a rail trail and wanted to await arrival of David Campbell of NH Northcoast Railroad who had track removal cost estimates.

Winters stated that in her interpretation of HB 1468 that the group cannot assume the “best use” of the railbed would be a rail trail, and rather that the house bill specifies that the goal is to identify the best use. Smith replied that the use of this asset as a future rail line is never going to happen. Smith said that the spirit of the bill is based on the desire to use the rail bed as a rail trail.

McConkey said the intent of the bill was to create a rail trail, not to further explore a connection of railroads.

HB 1468 Conway Branch Planning Group: Meeting #1
10/24/2024 Notes
Meeting Location: Ossipee, NH (Ossipee Freight House)

Winters reiterated that the DOT has a responsibility to explore all possible uses and not limit it so finitely.

Kenney asked what the cost of removing 7.6 miles of track would be. The DNCR Trails Bureau (Rennie & Weeks) said they believe there is precedent at around \$80,000 per mile based on Littleton.

Kenney asked for clarification: “if this rail bed becomes a rail trail, couldn’t it be converted back into an active railbed if a railroad becomes a possibility again? Winters said that DNCR will likely need to take over ownership/full management of the corridor if it is to be turned into a recreational rail trail, since it won’t have transportation use, but instead recreational use which is within DNCR’s mission, not NHDOT’s. NHDOT does not derive direct revenue from recreational users and has no dedicated staff to manage recreational trails to the priority/satisfaction of recreational users or communities.

Kenney asked if there is a possibility of a rail trail and railroad coexisting. Winters replied that she thought it was a possibility given the right of way limits of this corridor and cited the WOW Trail in Laconia on the Concord-Lincoln Railroad Corridor.

There was a conversation about the rails remaining at least for use by the “railroad putt-putt” club and coexisting with a recreational trail. Kenney asked if there would have to be fences and how the insurance would work. Winters said she wasn’t sure about this with putt-putts, but for active rail, like the WOW trail, NHDOT has standard specifications for fencing including offsets to mitigate safety concerns and insurance rate increases for operating railroads. Winters indicated that putt-putts and recreational trail use coexists on the Wolfeboro Branch that DNCR owns/manages and with DCNR ownership, there might be more flexibility in design standards than NHDOT.

Smith said a mixed use would be impossibly expensive given the narrow rail bed and surrounding wetlands, and elevation issues etc. He said it is simply barely wide enough for rails as it is and building an entirely new trail next to but separate from the rail bed would be exorbitantly expensive.

McConkey said there is no way a railroad is ever coming back through here, and that even if someone wanted to fund it, there are other sections of trail between Ossipee and Conway that are privately-owned. He said that as a business owner, the putt-putt club isn’t going to bring any business to the businesses near the railroad, but a rec path would.

There was a conversation about Neil Underwood who owns an approximate 700-foot section of railroad corridor in Silver Lake and is closing his section to snowmobiles after being disappointed or upset that the NHDOT RFP for the Conway Branch never happened or yielded results for his intended business for railroad pedal bikes. McConkey said that this is a crisis for the snowmobile owners and business owners, and that the NHDOT needs to find a creative method to solve the problem. Kenney agreed that tourism and travel is key for this area.

Winters clarified that there is a freight easement through the corridor so that even though the NHDOT doesn’t own the whole rail line, the landowners cannot stop a freight line from going through if the railroad corridor were restored to railroad standards, which is not in the works. Winters summarized why the NHDOT initially put a Request for Interest (RFI) out for uses of the line and why the RFP was never completed/release, in part based on HB 1468 and this planning groups efforts that could impact the overall utility of the 21 miles of state-owned corridor. Winters also indicated that the NHDOT does not traditionally enter into sole source contracts with for-profits when multiple entities have expressed an interest, and the RFP was intended to fairly evaluate and score all proposals and it likely could have resulted in multiple contracts/agreements being awarded.

McConkey inquired as to whether the Governor needed to be engaged to allow Mr. Underwood access to the line in order to allow snowmobiling on his 700’. Winters agreed to discuss options with NHDOT Commissioners and indicated outreach to the Governor was not necessary at this time.

HB 1468 Conway Branch Planning Group: Meeting #1
10/24/2024 Notes
Meeting Location: Ossipee, NH (Ossipee Freight House)

Smith opened up the meeting to public input (3 members of public in attendance).

Phil Villari spoke about the economic revival interest in the recreational rail trail idea. He also said he is an avid bike rider and a proponent for covering the rails, and that it should be tackled in sections, starting with the section between Center Ossipee and the Route 16 crossing 3 miles to the North.

Bob Boose said on behalf of the Ossipee Chamber of Commerce, that we need some draw to bring people here for the economic impact, and that the group needs to think about how to get this done, not if it should be done (regarding creation of a recreational trail.)

Chris Elliot reiterated what Villari said about biking and that he hopes long term, that Conway could be connected to Wolfeboro via biking on the former railbed. He said that the views from the railbed are great and that people will come here and drive the economy. Chris also agreed that starting with the 3-mile section between Moultonville Rd and Route 16 would make the most sense.

David Campbell presented a fact sheet on cost/revenues etc. estimating a revenue of \$25,515 per mile of scrap rail and a removal cost of \$80,096 per mile, resulting in a net cost of \$54,581 per track mile for rail removal. Kenney estimated at that cost for 7.6 miles the cost would be around \$400,000. Campbell reminded the group that this is just the removal costs, and not a completed trail. Kenney asked if NH Northcoast has plans or ideas of bringing freight north from where it ends now. Campbell indicated “no” as there is no current economic driver for that great expense.

Rennie & Weeks indicated it cost them approximately \$80,000 to flood approximately 6 miles of rail with stone (in between the rails) in Wolfeboro but that was before Covid and material & contractor escalations.

Chris Elliot asked about ADA compliance. The group said the rails are 4’ 8.5” between rails. Winters said that if the NHDOT continues to own the asset, it would have to meet certain criteria as far as width, materials, drainage etc. It would require engineered plans for safety, drainage, etc. in accordance with the NH State Rail Trails Plan whereas DNCR may, and has in Wolfeboro, allowed other standards. If NHDOT retained ownership it would require all municipalities that the recreational trail passes through to sign rail trail agreements to be responsible for trail management and maintenance and this should be considered as should ongoing costs for maintenance responsibilities, not just up-front construction costs.

Kenney recommended that the committee lay out three courses of action and come up with costs for each. McConkey asked Linda Shackford if the Madison Selectmen are interested in moving biking to the rail and preserving snowmobiling (by appeasing the landowner who is denying access.) Shackford said she thinks possibly. She also said that several sections of rail have already been removed at roadway crossings.

Rennie & Weeks said there is a lot of focus on rail trails at the state level and some funding being created for it.

Kenney and Smith agreed that the members should email the chairman with their three possible courses of action, and that the ideas would be discussed at the next meeting.

McConkey proposed that the NHDOT do a RFP that would satisfy the owner of the 788 feet. McConkey also suggested that NHDOT get the specs (if it was filled in) to the Trails Bureau, then the Bureau will come up with materials list and logistics, and then McConkey could provide a contractor price on the project.

Winters then requested clarification as to which Planning Group members would be responsible for identifying funding sources as HB 1468 seemed to infer that this would be the responsibility of the Towns or other interested

HB 1468 Conway Branch Planning Group: Meeting #1

10/24/2024 Notes

Meeting Location: Ossipee, NH (Ossipee Freight House)

parties. Group members indicated outreach to NH Rail Trails Coalition was likely a course of action for Planning Group members other than NHDOT and DNCR to undertake.

There was a general agreement that someone should walk the 3-mile section and take pictures and map out any major areas of concern.

Next meeting dates were identified as November 21 at 9:30 at the Ossipee Freight House and December 12th at the DOT building at Concord, also at 9:30.

Smith adjourned at 11:19 AM.

HB 1468 Conway Branch Planning Group: Meeting #2
11/21/2024 Notes
Meeting Location: Ossipee, NH (Ossipee Freight House) with Teams component

Chairman Smith called the meeting to order at 9:30 AM. Sawyer opened the Teams meeting to additional participants.

Roll call attendance was taken, see Planning Group-related attendance below:

Meeting Attendees (Planning Group):

1. Joseph Kenney – NH Executive Councilor
2. David Milz – NH State Representative
3. Mark McConkey – NH State Senator-elect
4. Jonathan Smith – NH State Representative
5. Matt Sawyer – Town of Ossipee
6. Linda Shackford – Town of Madison
7. *David Campbell – NH Northcoast Railroad
8. Shelley Winters – NHDOT (Director, Division of Aeronautics, Rail & Transit)
9. Louis Barker – NHDOT (Railroad Planner)
10. *Lura Seavey – NHDOT (Commissioner's Office – assisting with notes)
11. *Nicole Bryant – NHDOT (Administrator, Bureau of Rail & Transit)
12. *Andre Briere – NHDOT (Deputy Commissioner)
13. Craig Rennie – NH DNCR (Bureau Chief, Bureau of Trails)
14. Michael Weeks – NH DNCR (Regional Trails Supervisor)
15. *Dan Innis – NH State Senator

* Denotes virtual attendance

Phil Villari – Ossipee Economic Development Council & Friends of Ossipee Rail Trail – gave a PowerPoint presentation with some facts/data and pictures of the railroad corridor. A discussion ensued regarding safety issues of the corridor and possible construction scenarios (remove rail, cover rail, adjacent to rail, etc.).

Henry Walther from the public introduced himself as the vendor that was going to bring rail bikes to Mr. Neil Underwood's section of the railroad in Silver Lake until it was not allowed by NHDOT. Mark McConkey spoke about his constituent, Neil Underwood, who has been trying to partner with the vendor to offer rail bikes on his section of track, and that because DOT hasn't allowed it, he has closed his section of rail corridor to snowmobiles. Winters said the DOT doesn't normally agree to sole-sourcing arrangements but perhaps the department might consider a 1-year agreement, with additional 1-year extensions up to 5 total years, if this committee makes a formal recommendation. It was stated that it would require Executive Council approval.

NHDOT Deputy Commissioner Briere said that they are willing to work with and entertain that possibility. Milz asked that since the group's formal recommendation isn't due until January, is there anything that can be done to solve the snowmobile issue sooner? A lengthy discussion ensued. Kenney spoke at length about the economic impact of snowmobilers and urged proactivity and results over bureaucracy. Briere said he was very receptive and would work on it. Winters said they have an agreement already drafted from prior attempts, and that perhaps it could be modified for this use.

Rennie and Weeks gave an update on his research regarding the construction of the trail in Wolfeboro and estimated that each mile in today's cost would be \$40,000 - \$50,000 leaving the rails in place and hiring a vendor such as Dawson using a dumping rail car and mini excavator to install the aggregates to fill and level the surface of the proposed trail (above the existing rails.)

Winters stated that in order for that to happen, the rail corridor would need to be transferred to DNCR because the plan as proposed wouldn't be allowed under DOT standards, which again are based on transportation standards, including railroad, and would at least rely upon design standards included in the NH State Rail Trails Plan.

HB 1468 Conway Branch Planning Group: Meeting #2

11/21/2024 Notes

Meeting Location: Ossipee, NH (Ossipee Freight House) with Teams component

Smith opened the meeting to public input. Ben Mowatt introduced himself and said he owns a rail bike company near Keene. He said he supports multi use and would be interested in partnering with the Towns to help defray trail costs and coexist.

Being no further input, Smith motioned to adjourn the meeting. Milz seconded and the vote passed.

HB 1468 Conway Branch Planning Group: Meeting #3

12/12/2024 Notes

Meeting Location: Concord, NH (NHDOT Conf Room 112-113) with Teams component

Chairman Smith called the meeting to order at 9:31 AM. NHDOT, as meeting host, opened the Teams meeting to additional participants. Introductions occurred.

Planning Group-related attendance below:

Meeting Attendees (Planning Group):

1. *Joseph Kenney – NH Executive Councilor District 1
2. David Milz – NH State Representative
3. Mark McConkey – NH State Senator-elect
4. Jonathan Smith – NH State Representative
5. Matt Sawyer – Town of Ossipee
6. *Linda Shackford – Town of Madison
7. *David Campbell – NH Northcoast Railroad
8. Shelley Winters – NHDOT (Director, Division of Aeronautics, Rail & Transit)
9. Louis Barker – NHDOT (Railroad Planner)
10. Lura Seavey – NHDOT (Commissioner's Office – assisting with notes)
11. Nicole Bryant – NHDOT (Administrator, Bureau of Rail & Transit)
12. David Rodrigue – NHDOT (Assistant Commissioner)
13. Craig Rennie – NH DNCR (Bureau Chief, Bureau of Trails)
14. Alexis Rudko – NH DNCR (Assistant Bureau Chief, Bureau of Trails)
15. Brian Wilson – NH DNCR (Director)

* Denotes virtual attendance

Additional public attendance both in-person and virtually.

Smith asked Senator McConkey for his updates. McConkey described a conversation he had with DOT Commissioner Cass and that it appeared DOT was in favor of turning this section of rail over to DNCR Trails Bureau. Winters confirmed that DOT will turn this section of corridor over to the Trails Bureau and they will create a Governor and council Item to achieve this in 2025 Quarter 1. Winters also said that if this group is agreeable, DNCR, can begin communicating with the private landowner in Silver Lake to come to an agreement to allow winter snowmobile use and work with Mr. Underwood on future access to a section of the Conway Branch north of his Silver Lake ownership.

Winters said that DOT would also consider additional mileage of the track being transferred to Trails in the future. 21 miles in total would be transferred to DNCR BOT including the section being utilized by North Coast. McConkey thanked DOT.

There was a discussion regarding next steps with Mr. Underwood who owns the Silver Lake section regarding an agreement for allowing snowmobiling. Mr. Reney said BOT would take the lead on trying to get an agreement in place and Winters confirmed that was the correct and best course of action.

Kenney said if there is a way to get this on the soonest Governor and Council agenda, it should be expedited to do so.

Assistant Commissioner Rodrigue said he thinks NHDOT has a model transfer agreement available and that he would expedite it as much as possible with as early as January being a possibility. Rodrigue said there is a 80% Federal / 20 % Local match TAP grant program available for similar projects but that the deadline was December 6th. However, NHDOT has agreed to extend the deadline to Ossipee and Madison, or that area, to December 20th. The interested towns would just need to submit a simple letter of intent, there is no commitment to apply, but this keeps the option open to review and consider this as a funding source.

HB 1468 Conway Branch Planning Group: Meeting #3
12/12/2024 Notes

Meeting Location: Concord, NH (NHDOT Conf Room 112-113) with Teams component

Winters noted that TAP is a Federal Highway Administration program and the standards the trail would need to be constructed to would be more stringent and akin to other NHDOT design standards, such as included in the NH Rail Trails Plan, and these should be reviewed and considered to determine if this is a palatable option to the communities given the design/construction requirements, increased cost, timeline of grant if awarded, timeline to construct/use trail, etc., but it should be considered.

Rennie said there RTP funds available in 2025 and also the LWCF grant should be looked into. There was a question about whether for-profit businesses could apply to RTP and Rudko said yes but clarified that the properties have to be open to public use so while for-profits can apply, they likely wouldn't be awarded.

Winters reiterated that for the purposes of the report, as funding components were a requirement, that since this Planning Group made marked progress and NHDOT has agreed to transfer the corridor to DNCR for their management as a recreational rail trail, that the plan could cite the "funding chapter" in the NH State Rail Trails Plan which includes those sources discussed today as well as others. This approach was generally approved for inclusion in the draft plan.

Ben Mowatt (of JoyRail – rail biking) asked for clarity on timing and asked if it goes to Governor & Council in January, when would the actual transfer happen. Winters and Rennie said ASAP. Campbell asked, "does this mean the DOT would not be going through the RFP for this corridor anymore?" Winters said "correct".

Rennie said he wanted to remind everyone that if there are sections of steel rail that are salvaged, DNCR would prefer to take that revenue and use it to partially offset the cost of the trail. Winters said that NHDOT agreed to allow DNCR to not salvage the rail back to NHDOT and that by agreeing to transfer this corridor to DNCR, they are giving the maximum flexibility for DNCR and the local communities to determine the construction methods, types of permitted recreational use, etc.

Winters reiterated that as was discussed at meeting #1 and in accordance with HB 1468, NHDOT will take the lead responsibility of drafting the official report and Winters and Sawyer will coordinate on meeting notes to ensure those are included in the draft report. Once Winters drafts the report, she will coordinate with DNCR for their review of the draft report and an included outline document relative to the proposed NHDOT to DNCR corridor transfer. After DNCR's review, Winters will distribute either directly, or through Sawyer, the draft report & NHDOT-DNCR transfer document for review/comment to Planning Group members only, and then NHDOT will finalize. Due to holidays and work still do be completed, quick turnarounds will be necessary to meet deadlines so please watch your email inboxes around the Christmas holiday.

There was a question about whether this report needs to go back to the legislature before submission to the parties listed in HB 1468. McConkey motioned for the Planning Group to recommend the previous action as discussed – for Winters on behalf of NHDOT to draft a report, to work with DNCR on it, and to present said report to the Planning Group members only to be finalized before the January 2nd deadline as well as NHDOT and DNCR to also begin the process of preparing documents and processes for the corridor transfer. Milz seconded. Some additional discussion ensued. The vote passed unanimously.

Milz motioned to adjourn. Winters seconded. Vote passed unanimously.

**State-owned Conway Branch Railroad Corridor
Management Oversight Transfer from NHDOT to NHDNCR Process Outline (DRAFT)**

The Conway Branch is approximately **21 miles** and roughly breaks down as follows, from south to north:

- **4.84 miles** from Northcoast/NHDOT ownership change in Ossipee near old Route 28 (near DOT Patrol shed) to Moultonville Road in Center Ossipee
 - **10.29 miles** from Moultonville Road in Center Ossipee to just south of roadway crossing at Route 113 in Madison
 - This is the section included in HB 1468
 - **0.13 miles (700 feet)** from roadway crossing at Route 113 in Madison north 700'
 - This is the section owned by Mr. Neil Underwood
 - **5.9 miles** from approximately 700' north of roadway crossing at Route 113 in Madison north to the Conway Town line where Conway Scenic Railroad takes over ownership
 - A portion of this section has been requested to be used by Mr. Underwood and/or his lessee
1. DOT currently owns and is the agency responsible for management oversight of the approximate 21-mile state-owned portions of the Conway Branch Railroad Corridor.
 2. DOT and DNCR have discussed and agreed that management oversight (also construed to mean “ownership”) of all the state-owned portions of the Conway Branch Railroad Corridor will transfer from DOT to DNCR.
 3. DNCR’s management oversight of the Conway Branch will relieve the corridor of railroad standards and requirements as is the case under DOT’s management oversight.
 4. DNCR will manage the Conway Branch for recreational uses as it deems appropriate.
 5. DOT will facilitate management transfer through Governor & Executive Council action and will submit an item to G&C by the end of March 2025.
 - DOT & DNCR (then DRED) similarly went to G&C to transfer management of several corridors in 2009, and that process will be used to guide this proposed management transfer.
 6. With the approval of the **HB 1468 Conway Branch Planning Group**, and in anticipation of the forthcoming G&C item submission and a presumed management transfer to DNCR, DNCR has been authorized to immediately begin negotiations with Mr. Underwood on snowmobile use through Mr. Underwood’s property and Mr. Underwood’s future use of a section of the corridor north of his privately-owned segment.
 - DNCR’s discussion with Mr. Underwood should hopefully help facilitate snowmobile use this winter pending forthcoming agreement with Mr. Underwood (and/or his lessee Hank Walters, depending on DNCR’s preference).