



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

July 8, 2016

Jane Taylor
Office of the City Solicitor
City of Claremont
58 Opera House Square
Claremont, NH 03743

In 2015, the City of Claremont requested a waiver to the requirements of 23 USC 217, which prohibits motorized vehicle use on bicycle and pedestrian walkways built with Transportation Enhancement funds. As part of the waiver process, the NH Department of Transportation was to provide FHWA NH Division Office a recommendation in accordance with FHWA's "Framework for Considering Motorized Use on Non-motorized Trails and Pedestrian Walkways under 23 U.S.C. 217". As you know, that recommendation was submitted by the NH Department of Transportation to the FHWA NH Division Office in March 2016.

The Department has received a formal response from the FHWA NH Division Office dated July 7, 2016. A copy of that letter is attached for your records. In summary, the FHWA NH Division Office is unable to approve the waiver request as submitted:

1. FHWA NH Division Office continues to interpret that 23 USC 217(h) applies in this case and that the law prohibits motorized use on the Transportation Enhancement acquired trail.
2. FHWA NH Division Office feels that the exception request is incomplete pending further evaluation, analysis and consideration of reasonable options. The letter later details specifics on where additional evaluation could be completed.
3. FHWA NH Division Office also offers other options for consideration by the City and/or State, and offers potential funding sources for additional work.

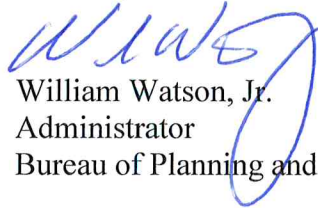
I think it is important to reinforce that the City is currently meeting the requirements of 23 USC 217(h) in that you have already prohibited and continue to prohibit motorized use of the trail, based on previous local actions taken. As long as this prohibition remains, then no further action is necessary. Also, as previously discussed, there is the option for the City to payback the federal funds invested in the corridor (about \$258K) and then to be able to use the corridor for motorized use.

The NH Department of Transportation will continue to work to facilitate funding and technical assistance opportunities with the City as you may request it. As this is a locally owned facility, the NH Department of Transportation's expectation is that the City of Claremont will continue to operate and maintain this corridor as you have been doing.

The City of Claremont put a tremendous amount of time and effort into this request, and has been very responsive with all of the follow-up questions that have been posed by the NH FHWA Division Office since receiving the request. Thank you for your time and commitment.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Watson, Jr.", is written over the typed name.

William Watson, Jr.
Administrator
Bureau of Planning and Community Assistance

cc: Victoria Sheehan, Commissioner, NH Department of Transportation
Guy Santagate, City Manager, Claremont NH
Leigh Levine, FHWA NH Division Office