

EXHIBIT I



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

February 11, 2014

Rick Stern, Chair
Newington Board of Selectman
205 Nimble Hill Road
Newington, NH 03801

RE: SEA-3 inquiries

Dear Mr. Stern,

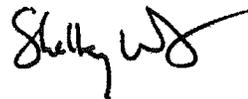
This letter should serve to summarize the Bureau of Rail & Transit's involvement in the proposed SEA-3 project that would involve utilization of Pan Am's privately owned Portsmouth and Newington Railroad Branches. While the Department acknowledges the concerns you expressed, our involvement and jurisdiction is limited with respect to a privately owned and maintained railroad such as Pan Am. Please find some pertinent information, below, that may address some of your concerns or inquiries.

- Inspections of the lines, which NHDOT conducts in conjunction with FRA, are limited to the present use of the lines
 - NHDOT inspector, accompanied by Pan Am staff, conducts a minimum of two inspections per year in a hi-rail vehicle
 - FRA staff, accompanied by Pan Am staff, conducts two inspections per year in a hi-rail vehicle
 - NHDOT inspector and FRA staff conduct (unaccompanied) annual walking inspections of the lines
 - These inspections are ideally conducted during periods of non-snow cover
 - Track inspections determine maximum safe speed and not the frequency or type of cargo
 - Most recent inspections:
 - January 31, 2014: FRA staff conducted an inspection of the Portsmouth and Newington Branches
 - Inspection of snow covered tracks can be somewhat limited in capacity
 - October 3, 2013: NHDOT's Railroad Inspector, John Robinson, inspected the Portsmouth Branch
 - November 14, 2013: NHDOT's Railroad Inspector, John Robinson, inspected the Newington Branch
 - Results of the aforementioned inspections are considered Federal records and must be requested, under the Freedom of Information Act, from the FRA Region I office:
 - Les Fiorenzo, FRA Regional Administrator, 55 Broadway Room 1077, Cambridge, MA 02142
- Safety concerns relative to signage, visibility, and other crossing-related items
 - NHDOT staff conducts other safety-related assessments of the crossings and signage as follows:
 - NHDOT conducts periodic crossing inspections of public-only crossings
 - October 2013: NHDOT inspector conducted a signage review of the crossings
 - January 2010: NHDOT inspector completed a crossing inspection program on behalf of NHDOT
 - Noteworthy items for consideration:

- Stop signs at the crossings are only as effective as the enforcement of motor vehicle law
 - The railroad (Pan Am) is only responsible for vegetation control within its own right-of-way, not the roadside or approach, which would fall upon the landowner, presumably the municipality, in which the crossing is located
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- There are no specific requirements relative to the inspection of water crossings as all bridge spans are inspected and maintained in accordance with 49 CFR 237. Additionally, there are no operational restrictions placed on water crossings. A rudimentary observation of bridge structures is included during all track inspections.
 - The proposed increase in rail traffic as a result of SEA-3 will not necessarily require crossing improvements as crossing safety requirements are predicated by a hazard index that includes train speed and roadway traffic volume, neither which has been mentioned as changing.
 - As a privately operated railroad, NHDOT has no jurisdiction over the commodities that Pan Am transports over the line. With respect to commodities that can be transported, Pan Am is subject to rules of the Surface Transportation Board.
 - NHDOT has not placed any additional operational restriction on Pan Am. To our knowledge FRA has not placed any operational restrictions either, but we recommend that you confirm this with FRA.
 - Pan Am is required to report derailments and accidents that meet an FRA-established monetary threshold. No reported derailments have occurred on this line.
 - NHDOT and FRA are not involved in the insurance requirements of a private railroad.

The Department is committed to the provision of safe rail transportation, both passenger and freight, and will continue to support all efforts in accordance with Federal and State statutes. If you should have additional questions, please feel free to write me again.

Sincerely,



Shelley Winters
Administrator, Bureau of Rail & Transit

cc: Janet Lee, FRA Region I Office
Patrick Herlihy, NHDOT Division of Aeronautics, Rail & Transit
Melodie Esterberg, NHDOT Chief of Design Services
John Robinson, NHDOT Railroad Inspector