

RECREATIONAL TRAILS PROGRAM
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TENNESSEE RECREATIONAL TRAILS PROGRAM (RTP) 2010 Grant Cycle

OVERVIEW OF THE RECREATIONAL TRAILS PROGRAM

In 2005, Congress re-authorized the Transportation Equity Act for the 21st Century (TEA-21) as the Safe, Accountable, Efficient Transportation Equity Act- a Legacy for Users, (SAFETEA-LU). This bill was passed by Congress on July 29, 2005 and signed by President Bush on August 10, 2005. The six year appropriation for the Recreational Trail Program (RTP) is \$370 million which is an increase of 62% over funding levels in TEA-21.

Under this program, each state receives Recreational Trails Program (RTP) dollars based upon a predetermined formula. Half of the funds are distributed equally among all States, the other half of the funds are distributed in proportion to the estimated amount of off-road recreation fuel use in each State – fuel used for off-road recreation by snowmobiles, all-terrain vehicles, off-road motorcycles, and off-road light trucks. It is the fuel tax revenue from these recreation vehicles that funds the RTP.

The U.S. Department of Transportation manages the Recreational Trails Program through the Federal Highway Administration (FHWA). The RTP is a State-administered, Federal-aid program. The Governor designated the Department of Environment and Conservation, Recreation Educational Services (TDEC-RES) to administer the program.

Through the SAFETEA-LU legislation, the Department of Environment and Conservation, Recreation Educational Services Division, can allocate up to 7 percent of the funds received annually for administrative costs and up to 5 percent for education expenses relating to recreation trails. From 1993-2009, the State of Tennessee has received \$11.6 million in federal RTP funds.

In 2005, the Commissioner's Council on Greenways and Trails (CCGT) was re-chartered comprising of fifteen (15) motorized and non-motorized trail users who represent diverse user interests and geographic areas. The CCGT was chartered to advise TDEC-RES on the implementation of the Recreational Trails Program and to recommend bi-annually the allocation of these funds to the Commissioner of TDEC. Final grant allocations are decided by the Commissioner of TDEC and must be approved by the FHWA.

Intent of the Recreational Trails Program:

The intent of the Tennessee Recreational Trails Program (RTP) is to enhance both motorized and non-motorized recreation trail opportunities and to provide and maintain recreation trails as directed by Congress through the SAFETEA-LU. The goal of the RTP is to produce sustainable trails that are well built and will require minimum maintenance. The goal of the Tennessee RTP is to build high quality, sustainable trails. See the National Park Service's definition for sustainability on the next page.

The National Park Service definition of a sustainable trail is:

- Supports current and future use with minimal impact to the area's natural systems.
- Produces negligible soil loss or movement while allowing vegetation to inhabit the area.
- Recognizes that pruning or removal of certain plants may be necessary for proper trail construction and maintenance.
- Does not adversely affect the area's wildlife.
- Accommodates existing use while allowing only appropriate future use.
- Requires little rerouting and minimal trail maintenance.

-- *From the National Park Service, Rocky Mountain Region, January 1991*

What projects are eligible?

Recreational Trails Program funds may be used for:

- ◆ Non-routine maintenance and restoration of existing trails.
- ◆ Development and rehabilitation of trailside and trailhead facilities and trail linkages. These are trail components or associated facilities which serve the purpose and safe use of the recreational trail such as: ADA accessible facilities, restroom and water supplies, trail signage and trailhead kiosks, trail/road crossings, drainage stabilization, and small trailhead parking areas.
- ◆ Purchase and/or lease of trail construction and maintenance equipment. Any equipment purchased must be new and specifically designed for trail construction and maintenance to be eligible for reimbursement, and must be approved by RES before purchase. All equipment must be used solely (100%) for trail-related purposes. Land clearing type equipment is NOT eligible.
- ◆ Construction of new trails (with certain restrictions for new trails on Federal lands).
- ◆ Acquisition of easements or fee simple title to property for recreational trails or recreational trail corridors. Land must be acquired from a willing seller and the FHWA Uniform Land Acquisition Act **MUST BE FOLLOWED**.

The federal RTP legislation requires that states use 40 percent of their funds apportioned in a fiscal year for diverse recreation trail use, 30 percent for motorized recreation trails and 30 percent for non-motorized recreation trails. If eligible projects are not received within the above categories to fully administer the available funds, these funds may remain unobligated and be held over for future distribution.

- ◆ **Diverse trails** are defined as projects that provide the greatest number of compatible uses. **A trail must accommodate more than one user group (multiple use) to qualify.** Example: a pedestrian only trail is a single use non-motorized trail and is not considered multiple-use. Motorized and non-motorized trail projects are eligible for diverse use funds. Diverse use projects may include both motorized and non-motorized components.

- ◆ **Motorized** is defined as off-road recreation using any motorized vehicle. The most common modes are ATV, four-wheel drive (or other light utility vehicle) and motorcycle. Motorized use does not include use of electric-powered wheelchairs. “Roads” or trails where general highway passenger vehicles can travel are not eligible. In 2004, the Tennessee Legislature, through passage of the “Tennessee Off-Highway Vehicle Act” (**SB 875**), directed the Tennessee Wildlife Resources Agency (TWRA) to receive any future federal funds for administration and enforcement of Off-Highway Vehicle use, so currently TWRA receives the 30% motorized funds.
- ◆ **Non-motorized** is defined as off-road recreation by a non-motorized mode. The most common modes are bicycle, equestrian, pedestrian (including wheelchair use), inline skates and cross country skiing. Non-motorized can also include walking, hiking, running, bird watching, nature interpretation, back-packing, etc. **Sidewalks are not eligible unless they are at least 6 feet wide and will only be approved if they are used to connect together two sections of off-road greenway trails.**

What types of trail projects are eligible?

- ◆ Multi-Use Trails such as bike/pedestrian trails
- ◆ Walking/Hiking/Fitness Trails
- ◆ Water Trails-River access is limited to non-motorized canoe/kayak/rowboats.
- ◆ Equestrian Trails
- ◆ Mountain Bike Trails
- ◆ Off-Road Motorcycle Trails
- ◆ Off-Road All-Terrain Vehicle (ATV) Trails
- ◆ Off-Highway Four-Wheel Drive Trails
- ◆ Environmental Education Trails

Which projects are NOT eligible?

Recreational Trails Program funds may not be used for:

- ◆ Property condemnation (eminent domain)
- ◆ Constructing new trails for motorized use on National Forest or Bureau of Land Management lands, unless the project is consistent with that agency’s approved resource management plan.
- ◆ Facilitating motorized access on otherwise non-motorized trails. Funds may not be used to facilitate motorized access on trails where motorized use has been prohibited or has not occurred as of May 1, 1991.
- ◆ Environmental education buildings, classrooms, or park-like pavilions/amenities.
- ◆ Costs associated with law enforcement vehicles.
- ◆ Equipment used only to construct trails in the short term then used for non-trail uses. Equipment should be rented if it will not be used for ongoing maintenance specific to the proposed trail or trail systems.

- ◆ These funds are intended for recreational trails; they may not be used to improve roads for general passenger vehicle use or to provide sidewalks along roads. Short sections of sidewalk connecting two off-road hard surfaced trails, may be eligible.
- ◆ While donations and in-kind can be the project match, reimbursable expenses must be documented by actual cash expenditures.

Who is eligible to apply?

State, federal and local (city/county) government agencies are eligible to apply for funding through RTP. Private non-profit organizations who are certified 501(c)(3) by the IRS may apply if the trail that will be constructed or maintained is on publicly owned land. Non profit partnerships with government agencies must be official and in writing. Specific criteria for each type of applicant is described in the next section.

Partnerships, Private/Public Applicants:

1. A written contract or legal agreement is necessary between the government agency and private organization regarding the long-term management of the proposed project.
2. Private, nonprofit organization may apply for funds on public property if they are certified 501(c)(3) by the IRS. However, the government agency that owns the land must agree, in writing, to maintain the property as funded in perpetuity.
3. A local, state or federal governmental agency must provide a **resolution, ordinance, or letter of intent** promising to manage and maintain the project as a recreation use area in the event that the private non-profit organization cannot fulfill its long-term obligations and responsibilities to the grant contract.

Local Governments:

1. Local government applications are required to have the signature of the Mayor (City or County).
2. If the landowner is other than the applicant, the applicant must provide a legally binding agreement that ensures public access to the recreation trail improvements in perpetuity.

State and Federal Governments:

1. State and Federal agencies applying must have the signature of the top agency official (Commissioner, Superintendent or Director).
2. If the landowner is other than the applicant, the applicant must obtain an easement or legally binding agreement that ensures public access to the recreation trail improvements in perpetuity.

Matching the grant - what qualifies?

The maximum grant for each RTP project is 80%. The applicant must provide a match of 20% of the **total project cost**. Matching the grant funds may be done through land

purchase, land donation, cash, labor or materials or donation of these items. Volunteer labor must be accounted for using forms and criteria established by TDEC-RES. Prison labor may only be used as a match if the grant recipient pays the prison laborers. Additionally, prison labor may only be reimbursed for the **actual amount paid** for that labor. Contact TDEC-RES if questions arise concerning what qualifies as a match.

A federal agency applicant may provide additional federal funds for the 20% match, provided the total federal match share does not exceed 15%. Federal agency applicants (US Forest Service, NPS, FWS, COE, TVA, etc.) must show a non-federal match of at least five percent. Administration or in-kind use of federal employees is not eligible for the 5% non-federal match. The non-federal match must come from trail user groups or other funding sources.

Reimbursement of Project Expenses

Payment of project expenses takes place on a reimbursement basis. The grantee must incur costs for work actually completed, and then submit required documentation to the TDEC-RES for payment. **TDEC-RES will not accept reimbursement requests for work that takes place prior to the date the grant term starts on the executed contract.** Reimbursements are to be submitted quarterly with a minimum reimbursement request of \$2,500 (except for the final reimbursement). Payments will be for 80% of the reimbursement amount requested. Payments will be made electronically through the Automated Clearing House (ACH) and project grantees will be required to provide this information in order to receive a grant reimbursement.

While the grant can be matched by eligible donations or in-kind, the RTP grant reimbursement must be for actual documented cash expenditures.

Grant recipients must maintain an accounting system that meets generally accepted accounting principles and maintain financial records to properly account for the grant and matching funds. Grantees without a written procurement process must follow State procurement requirements.

How much can I apply for?

The minimum grant request is \$8,000 with a match of \$2,000 for a total project cost of \$10,000. Local community trail projects are limited to a maximum grant request of \$80,000 with a match of \$20,000 for a total project cost of \$100,000. State or federal applicants, with projects of statewide significance, may be considered for additional funds. The State may waive the minimum amount of an approved grant under special circumstances.

<p>RTP grants are for 80% of the total project cost. When calculating the grant amount and local share, keep in mind that the 20% matching funds are 20% of the <u>total project cost</u> rather than 20% of the grant amount. For example, if the total project cost is \$62,500, 80% of the total project amount is \$50,000 (grant), and 20% of the total project amount is \$12,500 (match).</p>

Can I use part of the funds for design expenses and grant administration?

Yes. Use of RTP funds for architecture, engineering, surveys, environmental reviews, grant administration and/or legal expenses are eligible but are limited to no more than 15 percent of the total project cost. *Grantee must have a line item in the grant contract for design or administrative expenses.*

When can projects begin?

After the grant is awarded, RES staff will work with the grantee to define the scope of the project and the budget. The applicant MUST wait until the TDEC-RES returns the executed contract before beginning the project. Any construction started or equipment purchases made prior to the start date of this executed contract is not eligible for reimbursement. This contract will not be issued until TDEC-RES concurs with all environmental approvals and authorization is granted from the Federal Highway Administration.

Applicants must show progress on the grant within 180 days of the date stated in the executed contract. Grant recipients that do not begin their projects within these 180 days may be subject to have their project funding withdrawn.

How long will I have to complete the project?

Applicants will have 3 years from the effective date of the project contract to complete the project. There will be NO term extensions regardless of justification.

What are the grantee’s long-term responsibilities to the proposed project?

Projects funded through RTP must remain open to the public in perpetuity (forever). A trail or facility shall be open to the general public, resident or non-resident. Should an applicant convert all or part of the project site to other than approved recreation use or lose the use of property for recreation purposes, the applicant must replace the site/facilities, at its own expense, with an acceptable project of comparable scope and quality. (Such conversions must have TDEC-RES approval.)

ACQUISITION PROJECTS

1. *Grant Period* – Acquisitions cannot occur prior to project contract date and the acquisition must be completed within one year from the beginning date of the executed project contract.
2. *Ownership* – Once the acquisition is made, the applicant must permanently commit the land to public recreation and/or public recreation use. The applicant **will** be required to submit the *Notice of Limitation of Use* (NLU), which is filed with the Register of Deeds. The NLU must be referenced to the copy of the deed. Easements qualify and are eligible for project funding. However, publicly owned

permanent easements as a match are eligible if acquired as part of the grant project. *Leases do not qualify for grant funding.*

3. *Application Documentation* - The applicant will submit for TDEC-RES approval, the documentation described in the *Application Requirements Checklist* located in this manual.

- a. Opinion of Value: The applicant will submit to TDEC-RES, at a minimum, an Opinion of Value prepared by the tax assessor or a licensed/certified real estate appraiser, which establishes the estimated fair market value of the project site.
- b. Survey: If there is an existing survey of the lands to be acquired, a copy should be submitted with the application. The survey must possess a North arrow, the date of the survey and be signed by the Registered Land Surveyor (RLS). A legal description of the property must be included, along with the results of a title search for the property. The title search should cover a five-year period prior to the approval of the grant project.
- c. Boundary and Topographical Quadrangle Maps: The applicant will submit to TDEC-RES at least one color topographic map at a scale of 1:24,000 (1 inch = 2,000 feet) and two (2) copies (black and white or color), same scale (maximum size 11" x 17") with project boundary lines drawn on the topographic map(s). Depending on the size of the project, the applicant may wish to include other maps at a larger scale (zoomed in closer) to provide a better understanding of the exact location. These maps must indicate the legal boundaries of the site, display known easements, show the proposed trail location, and legally identify the area for protection as a permanent public recreation site.

For more detailed instructions, see ***Exhibit 2 – Project Boundary Map and Exhibit 3 – Topographical Quadrangle Map.***

GPS Coordinates for Latitude and Longitude of the project must be clearly marked on the maps in degrees, minutes and seconds or decimal degrees.

- d. Location Map: The applicant will submit a project location map displaying the exact location of the project site and give the 911 street address of the project site. If the site is not currently a park or is difficult to find, provide directions with landmarks. This map must be current, accurate, and legible (see ***Exhibit 1 - Location Map.***)
5. *Site Development* – Land acquired must be open to the public and identified as public recreation land. A proposed trail plan for the acquired property must be submitted with the application.
 6. *Environmental Review and Permits*- An environmental review will be conducted during the application period for each project. The topographical quadrangle maps (scale 1:24,000) submitted by the applicant must clearly indicate the exact project site and boundaries. ***When submitting the grant application, the applicant is responsible for obtaining responses from all clearance agencies. If additional environmental studies or permits are necessary, documentation must be provided that these studies will be completed after grant announcement and prior to receiving the executed grant contract.***

Failure to include this documentation within the designated timeframe will

result in automatic project ineligibility.

TDEC's permit website address is: <http://www.tn.gov/environment/permits>. A NPDES General Permit for Construction Storm Water MUST be applied for and obtained if your RTP project disturbs more than 1.0 acre of land (43,560 square feet), before the grantee will receive an executed grant contract.

Note: If the project applicant receives a grant award, no construction or development may begin until the completion of TDEC's environmental review and the applicant receives written verification from TDEC-RES in the form of an executed contract.

DEVELOPMENT PROJECTS

1. *Grant Period* - The applicant has three years from the effective date of the project contract to complete the project.
2. *Procurement of Goods and Services* - The applicant will secure all goods and services pertinent to the project according to the locally adopted procurement procedures.
If the grantee has no written procurement (purchasing) procedures, the State's procedures must be used. The State's procedures website can be found at: <http://www.state.tn.us/generalserv/ba01a/topsman.pdf> . TDEC-RES encourages the use of Disadvantaged Business Enterprises (DBE's) for trail construction projects. Information on DBE's is at: <http://www.tdot.state.tn.us/civil-rights/smallbusiness>.
3. *Application Documentation* - The applicant will submit for TDEC-RES approval the documentation described in the *Application Requirements Checklist*.
4. *Land Value as Match* - The applicant will submit to TDEC-RES an *opinion of value* prepared by a county tax assessor or a licensed/certified real estate appraiser. This opinion of value will establish the approximate land value of the project site. The opinion of value must be dated no earlier than one year prior to the closing date of the application submission period. If the grant is awarded, the applicant will submit a Fair Market Value appraisal prepared by a licensed, certified real estate appraiser to establish the official land value.
5. ***Control and Tenure of Real Property to be Developed*** - **The applicant must either own the site in fee simple title (preferred) or have a permanent easement for public use. If the applicant owns the site in fee simple title or has a permanent easement, the applicant must develop and manage the site as a permanent public recreation site. The applicant must attach a copy of the agreement for the easement, or, if required, the applicant must complete the Notice of Limitation of Use (NLU) upon award of grant. The deed must reference the NLU as evidenced by the county Register of Deeds stamp.**
6. *Environmental Review and Permits*- An environmental review will be conducted during the application period for each project. The topographical quadrangle maps submitted by the applicant must clearly indicate the exact project site and boundaries. ***The applicant is responsible for and must obtain all necessary local, state, and federal environmental permits and approvals. Prior to grant application, the applicant must obtain responses from all clearance agencies. If additional environmental studies or permits are necessary, documentation must***

be provided that these studies will be completed after grant announcement and prior to receiving the executed grant contract. Failure to include this documentation within the designated timeframe will result in automatic project ineligibility. TDEC's permit website address is: <http://www.tn.gov/environment/permits/>. An NPDES General Permit for Construction Storm Water MUST be applied for and obtained if your RTP project disturbs more than 1.0 acre of land (43,560 square feet), the grantee for and receive prior to receiving an executed grant contract.

7. ***Boundary and Topographical Maps*** - The applicant will submit to TDEC-RES at least one color topographic map at a scale of 1:24000 (1 inch = 2,000 feet) and two (2) copies (black and white or color), same scale (maximum size 11" x 17") with project boundary lines drawn on the topographic map(s). Depending on the size of the project, the applicant may wish to include other maps at a larger scale (zoomed in closer) to provide a better understanding of the exact location. These maps must indicate the legal boundaries of the site, display known easements, show the proposed trail location, and legally identify the area for protection as a permanent public recreation site.

For more detailed instructions, see ***Exhibit 2 – Project Boundary Map and Exhibit 3 – Topographical Quadrangle Map.***

GPS Coordinates for Latitude and Longitude of the project must be clearly marked on the maps in degrees, minutes and seconds or decimal degrees.

8. ***Location Map*** - The applicant will submit a project location map displaying the exact location of the project site and giving the 911 street address of the project site. If the site is currently not a park or is difficult to find, provide directions with landmarks. This map must be current, accurate, and legible (see ***Exhibit 1 - Location Map***).
9. ***Project Development - ADA Compliance***- The applicant will submit all trails and trailhead facilities plans/drawings being as specific as possible indicating ADA accessibility. Accessibility must be included for all pedestrian trails. Applicant's sites and projects must comply with the Americans with Disabilities Act (ADA) for Trails and Outdoor Developed Areas. Current ADA information and requirements are found at: www.access-board.gov . Another resource for ADA information is www.ncaonline.org .

For details regarding these plans, see ***Exhibit 4 - Preliminary Site Plan and Exhibits 5a and 5b - Preliminary Floor and Elevation Plan.***

WHAT OTHER RULES OR RESTRICTIONS APPLY?

Termination of Grant: TDEC-RES reserves the right to terminate a project contract and demand the return of granted funds for non-compliance by an applicant. Failure by an applicant to comply with the provisions of the executed contract will result in TDEC-RES declaring the applicant ineligible for future participation in the RTP and LPRF/LWCF/NRTF grant programs, until the grantee demonstrates compliance to the satisfaction of the TDEC-RES.

Fees and Charges: If admission, user or other fees are charged for the use of the land, facilities, or buildings that were rehabilitated, developed or acquired with funding from

the Recreational Trails Program, the fee structure must be reasonable and cannot be discriminatory to non-residents of the local area. Higher fees may be charged to non-residents; however they cannot exceed twice that charged to residents.

Utility Lines: Overhead utility lines constitute major safety concerns and detract from the natural quality of recreation areas. Applicants must take reasonable steps to insure burial or relocation of existing overhead lines and insure that all new electric wires under 15 KV and telephone wires are underground. Experts must justify exception requests in writing.

Grant Post-Completion Responsibilities: Grantees (or, the agency landowner who receives the benefit of a grant in the case of non-profit grant awards) are responsible for the continued operations and maintenance of the project. Each grantee will receive a post-completion handbook. Post-completion inspections will occur every 5 years to insure compliance to this requirement.

KEY INFORMATION

- ◆ Priorities - Projects must be based on written documentation of a local public input process such as a strategic planning process, preferably in the form of a comprehensive master plan. The project type must be listed as a priority in the 2003-2008 Tennessee State Recreation Plan or provide the benefits shown in the 2008 Tennessee Greenways and Trails Plan.
- ◆ Public/private partnerships are strongly encouraged. Scoring preference is placed on projects on public land with established partnerships with support organizations regarding the proposed project (such as clubs, volunteer organizations, interest groups, etc.). This relationship must be established in writing.
- ◆ Clubs and non-profit or volunteer organizations (private groups) can apply individually for funds on public property if they are IRS 501(c)(3) certified organizations. Such groups interested in seeking funding must have an established written partnership with the public agency.
- ◆ Environmental clearance from the indicated state and federal agencies must be obtained by the applicant and documentation enclosed in every application by the application deadline. Environmental clearance is subject to approval by the Federal Highway Administration.
- ◆ Applicants are encouraged to involve volunteer youth conservation corps or national service corps (AmeriCorps) in trails projects.
- ◆ The State of Tennessee will give special consideration to project proposals that provide for the redesign, reconstruction, non-routine maintenance, or relocation of recreation trails that benefit the natural environment or mitigate and minimize the trails impact to the natural environment.

TDEC/RES will conduct a site visit of all grant applications proposed for funding. Grant application inspection schedules do not allow applicant participation at the site visits.