

RECREATIONAL TRAILS PROGRAM- STATE OF NEBRASKA POLICIES

**(As set by the NE RTP Committee in accordance with FHWA regulations and NE
State Statute)**

May 2009

Please read and review prior to filling out grant application.

Eligible Project Sponsors

FHWA (Federal Highway Administration) states that political subdivisions, non-profit organizations, and for-profit organizations are eligible to receive RTP funding. However, FHWA does affirm that a State's Committee may dictate what project sponsors are eligible for this type of grant funding. In the State of Nebraska, the RTP Committee and NGPC has chosen to allow only political subdivisions and public agencies eligibility for RTP funds. These political subdivisions include, communities, counties, Indian tribes, school districts, sanitary improvement districts (SIDs), Natural Resources Districts, State agencies, Federal agencies and public agencies such as Public Power districts. This, by no means, excludes non-profit or for-profit organizations in becoming partners with the political subdivision; it only means that the applicant must be a political subdivision. The financial pass through needs to be the political subdivision sponsor as opposed to the non-profit organization or Foundation. The partner can be the one who supplies the matching funds for this grant. Eligible projects include trail development, land acquisition for trails, renovation of trails, trailheads, trail amenities, bridges on trails, connector trails where necessary, and educational and/or safety activities including courses, educational materials, safety equipment...etc.

Minimum/Maximum Grant Requests

The RTP Committee may approve grant requests that meet the minimum/maximum grant policy. The RTP Committee has set the minimum amount a grant applicant can request at \$20,000 so the total of the project would be \$25,000 at an 80/20 split. The RTP Committee has set the maximum amount a grant applicant can request at \$150,000 per project. The RTP Committee reserves the right to waive the minimum or maximum grant amount request if the project is deemed to be of major importance to the state or region or if the political sponsor requested it within the application via letter form. Political subdivisions must provide justification as to why the maximum request limit needs to be waived within the letter submitted.

Educational projects have a minimum request of \$2,500 and a maximum request of \$25,000. Other policies of the educational grant application can be found on page 9.

Deadline of Grant Request

The RTP Committee has placed the deadline of the RTP grants to be the same as the start of the Fiscal Year for FHWA. The deadline for RTP grants in Nebraska is October 1 for the next fiscal year. For example, if an application was received October 1, 2008, it will be considered for Fiscal Year 2009 funding. The review process of applications takes

approximately one month and a final decision is made in January of the following year. Notification to project sponsors will take place in early February of the following year.

Land Acquisition

Sponsors who are interested in acquiring ownership of property for a trail must follow the proper procedures to use federal funds. Acquisition will need to follow the Right-of-Way Acquisition Guide for Local Public Agencies from the Nebraska Department of Roads (NDOR). The manual can be found at

www.nebraskatransportation.org/roway/pdfs/lpa/lpa-manual.pdf. This will require a federal appraisal and a federal appraisal review. The land will need to be developed as soon as feasibly possible after acquisition. Guidance will be given by NGPC staff on all acquisition projects. It should be noted that these projects can take significantly longer to complete due to the additional regulations that must be followed for acquiring land.

Leases/Easements

The RTP Committee has placed the stipulation that if a political subdivision does not own the land that the trail is to be placed upon, the political subdivision must secure a lease or an easement for a minimum of 25 years for non-motorized trails and facilities. Leases and easements for motorized trails and facilities must be a minimum of 10 years, but 20 years is encouraged by the Committee. Leases usually occur when the political subdivision is dealing with another public agency, such as a federal agency. Leases are not eligible as a reimbursable item under RTP guidelines. Easements occur when the political subdivision is dealing with a private landowner or public agency (such as NDOR). No land acquisition costs will be reimbursed when land is acquired via eminent domain.

There are four different situations regarding easements that should be addressed within the application. 1. If an easement is required in the project but the sponsor is not requesting reimbursement for the easement or using the “value of the land” as part of their local match, the easement paperwork **MUST** be included in the application. Land ownership is one item that can slow a project down. It is more beneficial to have the sponsor have the easement already in place so the project can meet the two-year deadline for completion.

2. If the easement is a donation, the sponsor must supply forms indicating that the owner of the land was advised of their right to receive just compensation. It would be beneficial to have this in place prior to the application. If it isn't, a letter from the landowner is recommended that they are willing to consider donating the property for an easement. An email is also acceptable. Contact NGPC staff for the forms and guidance on this.

3. If an easement is required in the project and the sponsor is using the “value of the land” of the easement as part of the local match, a federal appraisal and federal appraisal review that meets federal regulations **MUST** be completed prior to federal approval. The “value” for the match will need to be estimated by the sponsor in the application and the appraisal will take place after NGPC Commission approval. The costs of the federal

appraisal will be the responsibility of the project sponsor and cannot be reimbursed, but can be used as part of the match.

4. If an easement is required in the project and is being requested for reimbursement, the sponsor **MUST** provide a Letter of Intent from the landowner for the land in question. The paperwork and federal appraisal may be completed after the NGPC Board of Commissioners approves the project. The sponsor will also be responsible for obtaining a review of the federal appraisal at their cost that can be used as match but cannot be reimbursed. If an applicant is unsure of how to proceed in this or has questions, they are encouraged to contact NGPC staff.

Any appraisal or appraisal review must be done by an individual who is on the approved list by NDOR. Procurement of these services must be in accordance with State Statute. The list may be found at the following link:

www.nebraskatransportation.org/roway/appraiser-list.htm

Railroad Issues

The RTP Committee has stipulated that a grant applicant must include within their application a Letter of Intent (not email or phone call) from the Railroad that they are working with stating that the Railroad has no objection to the trail being built within Railroad Right-of-Way. It is important that a project receiving funding has this concern dealt with in a timely manner so the trail can be built within the two-year completion requirement. If the railroad has not been informed or involved in discussions about the trail prior to the application, NGPC will inform the sponsor to come back the next funding cycle after they have addressed these issues. Progress on the Railroad agreement must be made and documented by the Sponsor and the information must be available to NGPC staff.

Loop Trails

It is the opinion of the RTP Committee that “looped” trails are an eligible type of trail for RTP funding and are encouraged. This would include trails within park facilities or around water bodies as opposed to trails within the community. These types of trails are not “transportation” oriented as much as they are “recreation” oriented, and are eligible for funding under RTP in Nebraska.

Match for Political Subdivision

The RTP applicant must provide 20% of the overall costs of the project. This 20% may be a cash match (via donation), taxes, and equipment use of political subdivision or forced labor of the political subdivision. Of the 20% match, at least 5% of the match needs to be in cash form. **Volunteer labor is not an acceptable** activity within the 20% the political subdivision must provide to match this funding. However, we encourage all communities to get local trail and advocacy groups involved in the trail project. This could be done through labor, which in turn, will decrease the costs of the entire project so a community doesn't have to pay as much for contracted labor. It should also be noted that sponsors that include numerous volunteer groups into their project will receive additional points for that. Forced Account Labor of the Sponsor's employees is

acceptable and will follow the following guidelines. A project sponsor will need to supply in their application a wage schedule that gives the hourly wages of the employees that will be working on the trail, which also includes their benefits. Indirect costs such as overhead and utilities are not accepted. A project sponsor will also need to provide the approximate number of hours each employee will work on this project and provide a total for this matching item. Timesheets of the employees will be required and on the timesheet it must specifically indicate what is being worked on in regards to the trail.

For equipment usage, the **sponsor** will contact their NDOR district office to determine the **FHWA** rental rates of each piece of equipment the sponsor plans to use, as well as the approximate number of hours each piece of equipment will be used. A copy of the information received from NDOR should be forwarded to NGPC with the application as proof that the numbers are NDOR's approved rates. Prior to utilizing Forced Account Labor as a portion of the match, the sponsor must provide the committee proof in the application as to why it is better to use forced account labor as compared to contracting the work out. If the community has questions regarding this they should contact NGPC and the staff will assist them.

FHWA allows certain pre-construction costs as eligible as matching items. These include preliminary/design engineering, cultural surveys, wetland delineations, wetland mitigation plans and appraisals. NGPC strongly recommends sponsors use preliminary/design engineering as part of their match to move the project forward quickly following grant approval by NGPC. State procurement procedures apply to engineering services (see page 7). Sponsors are encouraged to contact NGPC staff with questions on eligible matching items.

Federal applicants may use other federal funds to match the project, but 5% of the match must be given by a partner of the project (i.e. non-profit organization, community or county), as required by FHWA regulations. Only certain other federal funds may be allowed to be used as a match in funding. RTP will not be used to match TE funds. Contact NGPC if more information is needed.

It is important to provide documentation and proof of the match that is on hand. The match cannot be raised after awarding the grant and if NGPC staff determines the project sponsor misled the Committee, the funds will be given to another project. Bank account statements, a letter from the community Clerk or Chief Financial Officer certifying the money is available, and/or letters of intent from individuals or groups on donations count as proof. It is also noted that the sponsor must have costs paid prior to being reimbursed through RTP. It is important to move the project forward quickly and if the sponsor is still working on the match, NGPC will request that they come back to the program when their match is in hand.

Signage

Regulatory signage and other traffic control devices must conform to the Manual on Uniform Traffic Control Devices (MUTCD) and the Standard Highway Signs regulations of the State for non-motorized trails and regulatory signage for motorized trails will meet

the United State Forest Service's December 2005 EM 7100-15, Sign and Poster Guide for the U.S. Forest Service (Chapters 5, 7, 9, 10, 11, & 12). Contact NGPC staff for guidance for regulatory signs. Regulatory signage is the **only type** of signage the RTP Committee will reimburse. All interpretive signing must be paid for by the political subdivision or applied for under RTP's educational grant process. In the narrative of the application, a description of the signage including the number, the type of regulatory signs and why they are necessary to the project should be addressed. Certain trails may necessitate numerous regulatory signs, but this must be shown in the application for reimbursement purposes as well as for the Committee's knowledge and understanding of the project. It is important for engineers to note that if possible, they need to combine messaging on the signs so the number can be decreased, if necessary, to a reasonable number. A sign will be required to recognize the federal funding source at the trail site. This is a requirement and cannot be reimbursed.

Types of Trails

The RTP Committee encourages different types of trails; including motorized, non-motorized and non-motorized water trails. The most important thing to note is that this fund is for trails that are **recreational in nature** as opposed to an alternative transportation mode. Trails along streets will not rank as high as trails that appear to be more aesthetically pleasing and meander in their route as opposed to a straight line.

Non-Motorized Trails

It is required within urban areas (defined as a Metropolitan Class Cities and First Class Cities) to provide at minimum, a ten-foot wide trail for non-motorized projects (pedestrian, bicycling...etc). It is required within rural areas (defined as Second Class Cities and Villages) that the trail be eight feet in width at a minimum for non-motorized projects. It is strongly encouraged that within larger metropolitan areas, non-motorized trails be twelve feet in width in built up areas. Trails may be on public property (such as lakes or parks), within Railroad ROW, on levees, and if necessary, next to public streets or within public right-of-way ... etc. "Sidewalk" trails, also known as "Side paths" (usually are wider than 6 feet) for non-motorized use are acceptable only when the "side path" is a "connector" linking two larger trails together. See page 9 for more information on design of non-motorized trails.

Motorized Trails

In regards to motorized trail widths, the width will be regulated by the recommendations that are listed in George Fogg's book, entitled, "Park Guidelines for OHVs," or other recommendations from proven experienced people/groups such as "Trail Planning, Design and Development Guidelines" of the Minnesota Department of Natural Resources or "Management Guidelines for OHV Recreation" by Tom Crimmins. The last two publications are available for downloading on the web. Contact the NGPC staff for standards. See page 9 for more information on design of motorized trails.

Surfaces of Trails

The RTP Committee does not recommend the type of surfacing a trail is required to have. It is suggested that the sponsor of the project be aware of the freeze-thaw cycle in

Nebraska and the costs to maintain the surface due to the freeze-thaw cycle. Acceptable surface types for non-motorized projects include but are not limited to wood chips, limestone, asphalt, concrete, and recyclable materials. Acceptable surface types for motorized trails include but are not limited to dirt, limestone or wood chips.

30/30/40% Minimums for Trail Projects

The RTP Committee is required to fund specific types of projects within its program. 30% of all funding will be used for single use non-motorized trails, 30% of all funding will be used for single use motorized trails, and 40% of all funding will be used for diversified use; including non-motorized diversified use (i.e. walking, biking, cross country skiing) and motorized diversified use (i.e. ATVs, motorcycles and Sand rails).

State Administrative Costs/Educational Costs

Each State is eligible to take 7% off of the top of RTP funding and utilize it for administration of the program. Each state is eligible to also take an additional 5% of the funds and use them for educational and safety projects. These funds must follow the 30/30/40 split of the program.

User Fees

It is the opinion of FHWA that user fees may be used on at any trail project funded by RTP. The RTP Committee deems user fees as an acceptable practice, only when fees are used for the maintenance, development and operation of the specific trail project as required by FHWA. The Committee supports mandatory user fees that are reasonable in the cases of motorized trails and if a non-motorized trail chooses to charge a fee, the Committee recommends a voluntary fee. If a fee is part of the proposed project, NGPC will negotiate with the sponsor what that fee will be for any trail. All fees collected must be reasonable and must go directly back into the project. Fees cannot be used to make a profit on the facility. Fees may be used for insurance, operation, expansion, renovation and maintenance for the project (see maintenance plan examples of what would be eligible to use the fees for). The project sponsor will provide proof each year of the life of the project that the fees charged went back into the project as required.

Rehabilitation/Renovation/Maintenance Projects (Both motorized and non-motorized)

Federal Highway Administration regulations state that “maintenance and restoration of existing trails,” is an acceptable use for RTP funds. Rehabilitation of existing trailside and trailhead facilities are also acceptable uses of RTP. These projects include major trail restoration (including surfacing upgrades, drainage, crossings, stabilization...etc), or relocation efforts and bridge repair. Please note that rehabilitation/renovation projects do not rank as high as construction of new trails. Contact NGPC staff if there are questions on if proposed project is reimbursable in the eyes of FHWA.

Water Trails

Non-motorized water trails, such as canoe or kayak trails, with the appropriate amenities/facilities are eligible for RTP funding. The water trails should be linear in nature and be located within a creek or river of Nebraska. The US Fish and Wildlife

Service offer funding for water recreation through the Wallop-Breaux Trust Fund. Although this funding is in place, most projects in Nebraska receiving funding are for motorized boat docks as opposed to canoe/kayak water trails/facilities. Water trail facilities include access points, picnic areas/shelters, restrooms, parking, and signage. The RTP Committee encourages applications for water trails that are linear and non-motorized in nature.

Construction Engineering, Planning, and Environmental Costs

These types of activities are reimbursable by the program, as long as they are incurred after FHWA has given Nebraska authorization for that particular project. **Planning** may be a small portion of the project, but cannot be the entire project (unless used for a Statewide plan). **Environmental Costs:** at this point, FHWA (Nebraska Office) states that the Section 106 Review by the State Historical Society, the Threatened and Endangered Species review by USFWS and the STIP/TIP inclusion must be done prior to authorization from FHWA. Therefore, if there are any findings that need to be explored by the community, these costs must be incurred by the community and should be used as part of the community's local match. Wetland delineation and/or mitigation plans, appraisals, Cultural Surveys and other additional documentation necessary are eligible to be used as part of the local match if incurred within 18 months of project authorization by FHWA. NGPC strongly recommends that the sponsor contact NGPC for questions regarding these types of costs and matching items before filling out the application.

Design/Construction Engineering may be reimbursed as long as it meets regulations. Procurement of an Engineer for design and construction must adhere to the State Statutes that outline the procedures for local political subdivisions. When procuring an Engineer, the political sponsor must write a letter to NGPC stating that they have followed all state guidelines when procuring their engineer and provide proof on the procurement procedure. For those projects that Sponsors believe the engineering will be under \$55,000 (for design and construction), the Sponsor may solicit quotes under the Small Purchase guidelines. If it will be over \$55,000, the sponsor must proceed with a Request for Proposals (RFP) process that is outlined in the State Statutes. If using design/preliminary engineering as part of the match, the sponsor still must go through state procedures. Most projects will fall under the 3 quotes guidelines because of the sizes of projects RTP is able to fund in Nebraska. It is highly encouraged that a Sponsor use design/preliminary engineering as part of the match for the project because it will move the project forward more quickly. Engineering fees can be **up to 20%** (10% preliminary engineering and 10% construction engineering) of the **eligible reimbursable costs** of the project. Remaining engineering fees will need to be covered at the expense of the political sponsor. Contact NGPC for guidance if necessary.

Project Deadline for Construction

From the date of FHWA authorization, the project sponsor will have two years to complete the project. Extension(s) may be granted, if requested, 30 days prior to the deadline set in the contract. The extension request must be in writing and must provide justification as to why it is needed. If the sponsor does not request an extension and they do not complete the project by the deadline set, a reduction in funding will occur and

potentially all funding could be pulled if the sponsor does not address the issue with NGPC.

Ranking Form for Project Applicants

The RTP Committee assisted NGPC in the creating of a ranking/scoring form that is used to rank the priorities of the Committee. This ranking form is a part of the overall policies of the Recreational Trails Program in Nebraska and is included on the website (www.ngpc.state.ne.us/parks/programs/grants/trailgrants.asp) for the knowledge of all grant applicants. Contact NGPC for a copy if access to the web is not available.

Membership of RTP Committee

The membership of the RTP Committee consists of 11 voting members and 4 non-voting members. The voting members of the Committee must represent both motorized and non-motorized trail users. These members represent the following organizations: 1) Nebraska Off Highway Vehicle Association, 2) Nebraska Snowmobile Association, 3) Nebraska Horse Council, 4) US Forest Service, 5) Natural Resources District (TPNRD), 6) Nebraska Trails Council, 7) Great Plains Trails Network, 8) City of Omaha (represents Metropolitan and First Class Cities), 9) Monument Valley Pathways representative (from Western Nebraska), 10) City of North Platte (represents smaller Cities and Villages) and 11) National Off Highway Vehicle Conservation Council. The non-voting members consist of: 1) ADA Compatibility Expert, 2) Nebraska State Historical Society, 3) Nebraska Department of Economic Development, and 4) Federal Highway Administration.

It is up to the group that is represented to provide a person and an alternate to serve on the committee. Each group being represented will supply an alternate to the committee in case the member cannot attend the meeting. The members will supply NGPC with the contact information for the alternate and contact their alternate if they cannot be in attendance of the meeting. It is the committee member's responsibility to get the necessary grant applications to the alternate, if they cannot attend the November ranking meeting. All other paperwork is sent via email and all alternates receive that information.

The committee is required to meet at least once per FHWA fiscal year (October 1-September 30) to be considered eligible for RTP funding. Historically Nebraska's committee meets twice a year; once in the fall to rank the grants and once in the spring to review application and policy changes. If a committee member does not make one meeting within two years of serving on the committee, NGPC will contact the group the person represents and ask them to assign someone else to the committee in a prompt manner. If no response is received, NGPC will replace the group with another trail interest group, similar in nature.

Progress Reports

NGPC requires that each sponsor submit a quarterly report every four months once contracts have been signed to keep track of the progress of the project. It will be the responsibility of the sponsor to supply this to NGPC without NGPC contacting them to request it. NGPC will, once the sponsor has received authorization to move forward with

the project supply the sponsor with estimated due dates of the reports. The date of the signed contract between NGPC and the sponsor will dictate the due dates of the quarterly reports and be listed in the contract. The quarterly report form is a part of the application and can be downloaded from the web at www.ngpc.state.ne.us/parks/programs/grants/trailgrants.asp. If a sponsor misses more than two reports in a row, they will be subject to reduced funding or potentially lose all funding for the project. This issue will be covered in the required individual training given to each sponsor.

Falsifying Grant Application

If the project sponsor falsifies information in the grant application, the project will be subject to reduced funding and potentially all funding could be pulled from the project. Examples of falsifying an application include, but are not limited to match not being on hand, inaccurate environmental information or land ownership issues not completely disclosed.

Training of Sponsors

Once NGPC notifies the recipient that they received funding, it will be the responsibility of the sponsor to set up an individual grant training to learn what will be expected of them. The sooner the sponsor sets up and attends the training, the sooner the project may move forward. NGPC does allow more than one person to attend on behalf of the project sponsor, but encourages just one point of contact throughout the grant process. If the person who is the contact for the project but is not the person in charge of the funds, it is encouraged that both attend the session.

Motorized Trail Design

Motorized trail design should be done by a professional trail designer who has the adequate and appropriate experience in designing these types of trails. The trailbuilder does not necessarily have to be a resident/business of Nebraska. All structures such as restrooms, trailheads, shelters, bridges...etc. will be designed and certified by a licensed engineer of Nebraska. When dealing with a federal agency sponsor, the plans/specifications must come from a registered, professional engineer of the agency who is sponsoring the project.

Non-Motorized Trail Design

Non-motorized trails will be designed and certified by a licensed engineer or landscape architect of Nebraska. All structures will be designed and certified by a licensed engineer of Nebraska. If using concrete, it is suggested that the design be 5" thick and 8 to 10 feet wide. If using asphalt, it is suggested that the design be 6" thick and 8 to 10 feet wide. If using limestone, it is suggested that the design be 6" thick and 8 to 10 feet wide and use quarter inch screenings. When dealing with a federal agency sponsor, the plans/specifications must come from a registered, professional engineer of the agency who is sponsoring the project.

Educational Grants

The minimum request that a political subdivision may request will be \$2,500 and the maximum request will be \$25,000. A political subdivision may request a waiver on the minimum or maximum level with justification within their application. Applications will be due on October 1 and be reviewed at the November RTP Committee meeting. If an application comes in at another time and it is time-sensitive, the RTP Committee will receive an electronic copy of the application and will vote via email to approve or deny the application. This will require 6 yes votes to approve the application.

Cost Estimates

All estimates must be adhered to after receiving the grant. If quantities change of material, NGPC must approve this prior to going to bid. It is recommended that the sponsor ensure that they have the most accurate estimate possible at application time because this estimate is provided to FHWA. NGPC understands that engineers will state it's difficult to come up with an exact estimate without surveying the land. However, the engineers should be able to look at historic data from past projects as well as actual costs. Every engineer should be well versed in construction methods and equipment and be able to provide an estimate that reflects all necessary costs. While the quantities may change, the items needed to construct the trail should not. If an engineer is unsure if an item is needed, it is better to put it in the cost estimate so it can be reimbursed because additional funding IS NOT available for projects and the sponsor will have to incur those costs. The estimate for the application should be within 10 percent of the low bid.

Assessing Competition for Bids

RTP requires sponsors to go through a competitive bid process for projects. Nebraska requires each project to obtain 3 bids. If only one bid is received and is at or below the engineer's estimate, it would be justifiable to accept the bid as long as adequate advertisement is shown. If only two bids are received and the low bid does not exceed 110% of the engineer's estimate and adequate advertisement is shown, the project sponsor may accept the low bid of the two. It is noted that NGPC does encourage sponsors to consider readvertisement if the sponsor receives less than 3 bids. The sponsor will be responsible to inform NGPC of how many firms take out a set of plans.