



Texas Recreational
Trails Fund

Application Guide



Texas Parks and Wildlife
4200 Smith School Road
Austin, Texas 78744

UNIVERSITY OF TEXAS
AT ARLINGTON
LIBRARY

JUL 23 1998

TEXAS
DOCUMENT

GV
199.42
.T49
T496
1998

INTRODUCTION

The Symms National Recreational Trails Act, authorized by Congress and signed by the President in 1991 as part of the Intermodal Surface Transportation Efficiency Act, created a new federal trails assistance program. The recreational trails program receives its funding from a portion of federal gas taxes paid on fuel used in non-highway recreational vehicles. Funds can be spent to **construct new recreational trails, improve/maintain existing trails, develop/improve trailheads or trailside facilities, and acquire trail corridor/easements.**

The Texas Parks and Wildlife Department is administering the funds in Texas under the approval of the Federal Highway Administration (FHWA). Funding provided by this program is on a **cost reimbursement** basis. Project sponsors must initiate their approved projects with their own funds and be reimbursed up to **50 percent** of allowable costs after submitting documentation of expenses. Projects may range in total cost between \$5,000 and \$100,000. The Texas Trails Advisory Board, made up of both motorized and non-motorized trail representatives, assists in the selection of funded projects. Selected projects must comply with FHWA funding requirements and be in accordance with all federal laws and executive orders. The Texas Parks and Wildlife Commission authorizes funding for selected projects based on the recommendations of the Texas Trails Advisory Board.

ELIGIBLE PROJECT ACTIVITIES

The following activities are permitted under this trail funding program.

1. Construction of new recreational trails on public (federal, state, county, municipal, district, etc.) or private lands.
 - * To receive funding for trails on private lands, the sponsor must obtain a legally binding easement, lease, or license, satisfactory to TPWD, keeping the trail open to the public for a minimum of twenty (20) years. (See paragraph on page 5 on federal land restrictions.)
2. Trail restoration or rehabilitation
 - * Includes rerouting or repair of areas damaged by trail use, flooding, or erosion; rehabilitation of trail tread and facilities that have deteriorated over time.
3. Development of trail-side and trail-head facilities.

Eligible Facilities	Ineligible Facilities
Signs and displays Restrooms Parking areas Drinking water (water tanks, fountains, faucets) Horse-watering facilities Hitching posts/corrals Bike racks Benches Fencing or bollards	Facilities that support other recreation activities (e.g. picnic tables, camping areas, boat ramps, swimming areas, etc.) Landscaping Buildings (storage, fee booth, etc.)

4. Provision of features which facilitate access and use of trails by persons with disabilities.
5. Acquisition of easements for trails or trail corridors.
 - * Easements or other less than fee simple property interest must be secured for at least twenty (20) years.
6. Acquisition of property by fee simple title when acquisition cannot be accomplished by easement.
 - * Property acquired under this fund will be subject to continuing recreational use provision, Section 6(f)(3) of the Land and Water Conservation Fund Act.
7. Maintenance of existing recreational trails.
 - * The type of maintenance work that is done on a routine basis will receive a lower priority for funding than new development or rehabilitation/restoration.
8. Development of urban trail linkages near homes and workplaces, including trail linkages to schools, parks and existing trails.
 - * Sidewalks will not be eligible. Trails *must* have a recreational purpose.
9. Environmental mitigation
 - * Provide for trail redesign, reconstruction, non-routine maintenance or relocation to mitigate or minimize impact to the natural environment.
10. Educational signing to interpret natural and/or cultural resources or for proper trail etiquette.
 - * If sponsor prefers to provide educational/interpretive brochures or handouts rather than permanent signing, this program will allow printing costs of such materials as an allowable expense up to 10% of the total project cost. Research and development costs for these materials is not eligible for reimbursement.

USES NOT PERMITTED WITH TRTF FUNDS

Many of the non-permitted uses are specified in the federal act. Others have been added to the Texas program and may be changed in the future as priorities are revised.

1. Condemnation of any kind of interest in property.
2. Adding motorized uses to trails which were predominantly used by non-motorized trail users and on which motorized use was either prohibited or had not occurred, as of May 1, 1991.
3. Spending moneys on private land managed as a commercial enterprise.
 - * A trail project on private land which charges fees will be considered a commercial enterprise unless all revenues from its operation will be used only to offset the costs of its operation and maintenance.

4. Spending moneys on trails not open to the general public.
 - * Projects which are restricted to club members only or which are only open during scheduled events will not be eligible for funding.
 - * Requiring a nominal fee for trail use (when an amount equivalent to the collected fees goes back into the project for maintenance) does not constitute a trail closed to the general public.
5. Research and planning.
 - * This program is limited to spending on site-based trail projects (construction, maintenance, or acquisition). Some site planning, design, and engineering specifications can be funded as part of a project which results in completed trail work on the ground. Regional plans, jurisdictional plans, needs assessments, or plans for an entire park or recreational area are ineligible.
6. Sidewalks or trails that have only a transportation or access function.
 - * Trails must be of sufficient length to serve the recreational use for which they are proposed. A trail less than 1/2 mile long will not be eligible unless interpretation or disabled access is its recreation purpose. A path whose purpose is only to connect facilities in a park will not be considered a recreation trail.
7. Administrative costs of the sponsor.

ELIGIBLE SPONSORS

Applications for trail projects will be accepted from:

- City and county governments
- State agencies (including TPWD state parks and wildlife management areas)
- Other governmental bodies created under state law (e.g. river authorities, water districts, municipal utility districts)
- Federal land managers (e.g. units of the National Park system, U.S. Forest Service system, and Corps of Engineers properties)
- Private organizations (e.g. trail user groups, conservation clubs, "Friends of the Park")
 - * For purposes of implementing the Texas Recreational Trails Fund (TRTF), organizations must be incorporated with the Secretary of State or must have filed with the county to do business in Texas.

Only one entity will be considered the sponsor of any proposal. Even though projects are encouraged to be undertaken as partnerships, the sponsor for the project will be the one who signs the Project Agreement, is responsible to account for the costs incurred, and will receive the reimbursements. *If the land owner is different from the sponsor, application must include documentation of the owner's willingness to allow the trail.*

LIMITATIONS ON GRANT AWARDS

Size of Awards

Because of the relatively small size of the fund, the program limits the amount granted to any single sponsor in one application period to a maximum of \$50,000 (50 percent of a \$100,000 project). Due to the administrative costs of processing grant applications and processing the billings on selected projects, the minimum award per sponsor will be \$2,500 (50 percent of a \$5,000 project) in an application period.

- * **Motorized Trail Projects:** The Recreational Trails Act stipulated that 30% of available funds go toward the building and rehabilitation of motorized trails. Historically, there has been little demand for these funds. For this reason, there is no limit to the amount of funds for individual motorized trail projects. Interested sponsors of motorized trail projects should contact TPWD at 512/389-4737 for the amount of motorized funds available.

Number of Projects Per Sponsor

Applicants may submit more than one project per application period and may receive funding for more than one, but the total amount granted to a single sponsor may not exceed the ceiling (\$50,000). The sponsor is the applicant, not the partner who may be the land manager. The ceiling of \$50,000 applies to a single sponsor.

When one sponsor wishes to submit more than one project, separate applications should be submitted when projects are not located at the same site. For example, an equestrian club that wishes to construct trails at three different state parks would submit three applications. A city that proposes to rehabilitate a walking/jogging trail at one neighborhood park and construct a new mountain bike/motorcycle trail at the city reservoir would submit two applications.

An exception to this rule would involve the allowance of a single application for trail work of a similar nature on a system of trails in one jurisdiction. For example, a city may submit one application proposing to add crushed fines on all the trails in its area, even though the trails are not connected and are located at various sites around town.

30%-30%-40% Reserved Funds

The federal act outlines a recommended formula for state grant spending. At least 30 percent of the funds should be earmarked for motorized trail recreation, and at least 30 percent should be dedicated to non-motorized trail recreation. The remaining 40 percent is discretionary for "diversified" trail use. This category is designed for project proposals which (1) provide for the greatest number of compatible recreational trail purposes or (2) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use. Applicants need not suggest a category for their project as the staff and the Texas Trails Advisory Board will be responsible for fairly distributing selected projects among these categories based on information in the application.

OTHER CONSIDERATIONS

Match Vs. Reimbursable Costs

The following table shows the types of costs that may be included in a project and which ones are reimbursable. Donations from the private sector (land, materials, or labor) may only be attributed to the sponsor's match. Sponsors may not make a profit by being reimbursed beyond their out-of-pocket costs. Private donations which exceed the 50 percent share simply serve to reduce the overall cost of a project.

Allowable Costs for Reimbursement	Allowable Costs for Sponsor's Match
Acquisition of fee title land or easement	Appraised value of donated land or easement
Service contracts	Value of donated service contracts
Direct labor costs (hired workers, current staff, force account)	Value of volunteer labor (Use \$6.20/hr. unless working in a skilled capacity)
Materials (purchased)	Value of donated materials or contribution of materials on hand
Equipment rental	Rental value of donated equipment
Purchase of trail hand tools and equipment (up to 10% of project cost or \$1500)	Any of the reimbursable costs which are paid for by cash donations or sponsor's appropriations (to account for the required 50% match)
Design, engineering and architectural services (not to exceed 10% of total project costs)	
Natural and cultural resource site assessments (not to exceed 15% of total project costs)	

Projects on Federal Land

To date, projects on federal lands have been hampered because federal funds are generally not eligible to match other federal funds. In-kind labor of federal employees, or the value of federal equipment may not even be used as match for TRTF funds. Typically, the 50 percent non-federal share was provided through a partnership arrangement with a local government or non-profit group. **It appears that the new legislation reauthorizing this program will include provisions to permit federal contributions toward the match, up to 95% of the project cost.** As of this printing, this legislation is not finalized, please call us for the status of this provision. There are also restrictions of this funding program to protect wilderness lands or lands not designated for trail use (especially motorized use) in the site's land and resource management plans. If there are questions about projects involving federal lands or federal partners, please contact TPWD for clarification.

Design Standards

Trails and trailhead/trailside facilities should be attractive to the public and harmonious with the natural environment. In general, new development and improvements should be designed to avoid or minimize harm to the natural setting, accommodate the number and types of proposed uses, and be consistent with topographic limitations of the site. Emphasis should be

given to public health, safety, the natural environment, barrier-free access, and the protection of recreational and community values of the area.

Natural and Cultural Resource Review

Projects recommended for funding will be submitted to the Texas Historical Commission for a cultural resource review and to the TPWD resource staff for a natural resource review. If these reviews uncover sensitive resources at a proposed project site, the project applicant will immediately be notified as to the situation and what actions are necessary to mitigate the situation.

The review by the Texas Historical Commission focuses primarily on whether the project will impact known archeological sites or if the site's location and character are likely to contain archeological deposits. If the site contains, or likely contains, archeological deposits a field survey by a qualified archeologist is usually required. The review by the TPWD resource staff focuses primarily on whether the project site has known existence of animal and/or plant species listed as threatened or endangered. If this is the case, a field survey by a qualified biologist is required and the project's impact on the listed species is assessed. If the rare species is federally listed, the U.S. Fish and Wildlife Service must approve the project for it to proceed. If a site has not previously undergone natural and cultural resource surveys, we recommend budgeting funds in the project proposal for surveys of the trail route.

Applicants will be required to remedy all resource impact concerns prior to initiating work on the project. Sometimes a simple rerouting of the trail to avoid sensitive areas will allow a project to proceed, in other cases the remedy is much more time consuming and costly. If the remedy costs are too great (over 15% of total project costs), the sponsors will have the following options: a) cover the costs of the mitigation overruns themselves, b) relocate the project to a more suitable location, or c) withdraw their application.

Barrier Free Access

Sponsors are encouraged to make all elements proposed in the project accessible to users who are physically and/or mentally disabled. All trailhead parking facilities, trail bridges, and restrooms developed with grant assistance must be fully accessible. To the greatest extent possible, within reasonable cost, trails intended for use by pedestrians should be accessible to people using wheelchairs, whether manual or motorized. Projects in developed areas should place particular emphasis on accessibility. *Sponsors will need to justify why it is not feasible to make trails fully accessible.*

Sometimes physical limitations of the trail corridor site do not allow for total accessibility. However, land managers are encouraged to incorporate accessible features when they do not negatively impact the environment. When a sponsor proposes accessible facilities above and beyond that required by law, it will make the application more competitive and increase its potential for funding.

SUBMISSION, REVIEW, AND SELECTION OF PROJECTS

An overview of the application and selection process and timeframe is shown in the flow chart on the next page.

Submission

Project applicants shall submit an original and 12 copies of the Project Application and applicable support documentation, including one original 7.5 minute U.S.G.S quad map(s) with the trail project drawn, to the Texas Parks and Wildlife Department, Land Conservation Program, 4200 Smith School Road, Austin, Texas, 78744, **postmarked by July 1, 1998.**

Review and Evaluation Process

The project applications will be reviewed for completeness and eligibility prior to the being reviewed for quality. The Texas Trails Advisory Board will assist TPWD staff in selecting a slate of recommended projects to be presented to the Texas Parks and Wildlife Commission for final selection.

Project applicants will be notified in writing of their project's selection or disapproval after the Commission action. Projects receiving approval will be included in TPWD's application to the FHWA. The Federal Highway Administration must approved the Commission's selection of projects before any work can be undertaken.

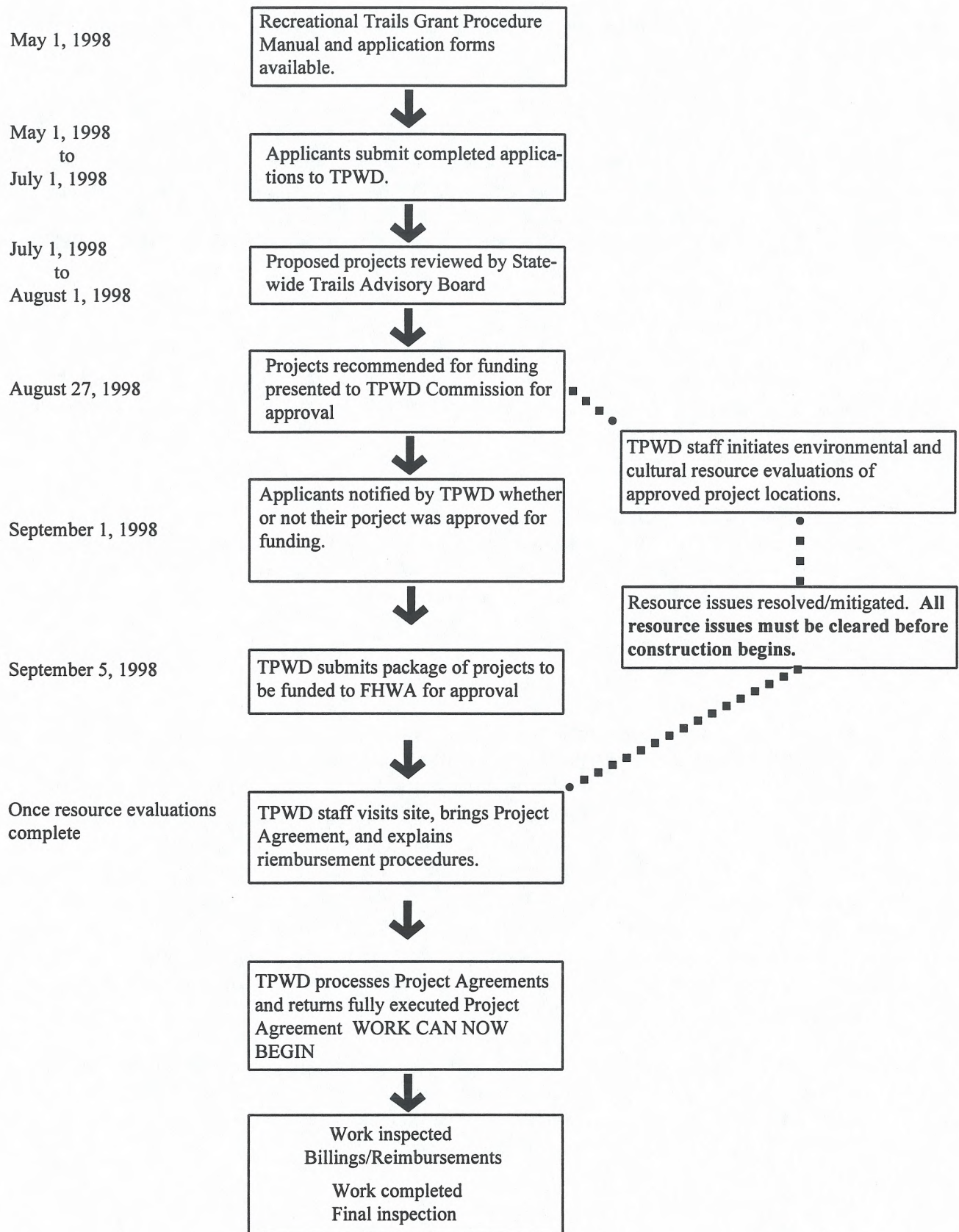
Criteria for Selecting Projects

The Texas Trails Advisory Board and staff will evaluate projects in terms of their overall quality, ability to serve recreational needs, cost-effectiveness, benefits, community support, innovation, geographic scope and distribution, and accommodation of barrier free access.

The cost-effectiveness criteria will reward those projects which accomplish a lot with a little amount of funding as well as those projects which propose a greater proportion of basic trail work as opposed to support facilities, design and engineering. Basic trail work includes tasks such as trail layout, vegetation clearing, bridges, work on the trail tread (shaping, drainage structures, surfacing, steps, and erosion control), retaining walls, and acquisition of trail corridor. Trailside and trailhead facilities are considered support facilities because they are not providing *direct* recreation opportunities.

Projects which serve multiple, compatible trail users will be given priority as well as have a better chance of being considered in more than one category in the 30% -30% -40% breakout for reserved funds. Projects undertaken with partnerships will be given preference due to their ability to build constituencies for trail projects.

Project Application Flow Chart



Resubmission

Sponsors whose projects are not selected and approved for funding may resubmit their proposals for consideration in the next cycle by notifying TPWD prior to the deadline which has been set for that cycle. Sponsors may wish to modify their proposals to give them a better chance of achieving a higher ranking. Sponsors must submit 13 total copies of the application and accompanying materials, even if resubmitting with no changes.

PUBLIC SUPPORT OR OPPOSITION TO A PROJECT

Documented public support or opposition to a project will be considered by the Trails Advisory Board during the evaluation of projects and recommendations for funding. Resolutions of support from local political entities are not required to submit a project proposal for funding or to receive funding. However, if opposition to a project arises to the extent that a political subdivision, within whose jurisdiction the project falls, passes a resolution opposing funding of the project, that will be sufficient cause to not select the project. A resolution of opposition would also be grounds to rescind funding for a previously funded project if the resolution is received prior to the start of construction.

PROJECT DEVELOPMENT

Approved Projects

The grant recipient may only initiate activities to undertake the approved scope of work *after* a Project Agreement is signed. This includes not taking title to lands or easements that are included in the project costs. The sponsor will not be reimbursed for project costs incurred prior to the date of the signed Agreement. Unlike the Texas Recreation and Parks Account grants, the TRTF does not allow application preparation, site design, and other pre-application costs to be recovered retroactively. For this reason, applicants need only develop project concepts well enough to have a reasonable budget.

The Project Agreement is the contract between TPWD and the sponsor setting forth the approved work, allowable costs, the sponsor's commitment to follow required procedures, and the time frame for completion (up to three years).

Compliance with Federal and State Requirements

During the application period, sponsors are *not* being asked to obtain all the necessary permits and clearances which the project ultimately will need. Projects approved to receive federal funds must meet any number of federal and state requirements. If selected, sponsors must be prepared to submit required federal forms; undergo a variety of environmental and design reviews and possibly prepare mitigation plans; obtain all permits and permissions; comply with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 and other acquisition requirements (if acquisition is involved); follow required procurement procedures, expect audits, and supply progress reports. *If you are not deterred by this, we look forward to being your partner in providing more recreational trail opportunities!*

Reimbursement Procedures

TPWD will reimburse the sponsor for 50 percent of the project's total cost provided:

- (a) The costs are for allowable expenditures as outlined in the sponsor's application and approved in the Project Agreement signed by TPWD and the sponsor, and
- (b) Sponsor supplies adequate documentation that fully accounts for both out-of-pocket expenditures and any donated labor, land, or materials, and certifies that the expenditures have been incurred on the project.
- (c) The amount of donated labor, land, or materials does not exceed 50 percent of the total project costs.

Sponsors may bill TPWD on an interim basis by submitting receipts and other documentation of expenditures and work undertaken provided the sum of the interim billing totals at least \$5,000. If the entire project cost is below \$5,000, only one final billing will be accepted. After processing the billing, TPWD will make a payment to the sponsor for 50 percent of the amount submitted. The last remaining \$5,000 of the grant amount will not be released until after the Department successfully completes an audit and inspection of the project site. It can take up to 60 days for reimbursement payments to reach sponsors.

CONTACTS

For further information or for questions regarding the Texas Recreational Trails Fund:

Land Conservation Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

PHONE: (512) 389-4868 FAX: (512) 389-4469

Andy Goldbloom, Program Administrator
Phone: (512) 389-4737

or

Kathryn Nichols, Project Manager
Phone: (512) 389-4735