

INTRODUCTION:

The Maryland Department of Transportation's State Highway Administration, is pleased to present the *Sponsor Guidelines Manual* for the policies and procedures for projects funded through the Recreational Trails Program.

The US Congress first authorized the Recreational Trails Program in the Intermodal Surface Transportation Efficiency Act of 1991. It was reauthorized in 1998 under the Transportation Equity Act for the 21st Century (TEA-21). The Recreational Trails Program provides funds to states to develop and maintain recreational trails and trail-related facilities for motorized and non-motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, canoeing, kayaking, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving and other off-road motorized vehicles.

SHA encourages non-profit organizations and government agencies to utilize Recreational Trails Program to fund trail related projects. This information provides a broad overview of project reporting and financial management requirements. Minor adjustments and refinements may be made to address specific project needs. Please contact Terry Maxwell at tmaxwell@sha.state.md.us with any questions.

How much funding is available? MAP-21 Federal Transportation Authorization legislation provides Maryland an average of \$1,000,000 per year to the Recreational Trails Program.

Activities eligible for funding within this Program include:

- Maintaining and restoring existing recreational trails.
- Developing and rehabilitating trailside and trailhead facilities and trail linkages.
- Purchasing and leasing trail construction equipment.
- Constructing new recreational trails (there are restrictions on new trails on Federal land).
- Acquiring easements or property for recreational trails or recreational trail corridors.
- Providing educational/interpretive programs as those objectives relate to the use of recreational trails.

All states must use a certain percentage of their funds in a fiscal year for diverse recreational trail uses, motorized recreation and non-motorized recreation.

Federal and State Requirements

Recreational Trails projects must conform to all applicable federal and State requirements, metropolitan and statewide planning processes and public involvement activities, including, but not limited to:

- United States Code (USC)
- Code of Federal Regulations (CFR) Title 23
- Uniform Relocation Assistance
- Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and provide for under 49 CFR Part 24, and 23 CFR Subchapter H Part 710
- National Environmental Policy Act (NEPA)
- National Historic Preservation Act-Section 106
- Endangered Species Act-Section 7
- Metropolitan Planning Organizations (MPO)

The SHA is responsible for managing the program and assuring that all appropriate regulations are followed. SHA screens all applications and awards funding.

PROJECT REQUIREMENTS

Memorandum of Understanding: SHA and the sponsor will then execute a Memorandum of Understanding (MOU). The MOU defines the project, award amount, and roles of each party. Once MOU is executed, the sponsor can proceed with seeking approval regarding the National Environmental Policy Act (NEPA) requirements.

NEPA Requirements: All federally funded Recreational Trails projects must conform to the laws that ensure the environment is both protected and enhanced. Laws ensuring environmental protection include, but are not limited to:

- National Environmental Policy Act
- National Historic Preservation Act-Section 106.

Notice to Proceed: When the MOU is fully executed, NEPA requirements and procurement requirements are fulfilled, SHA will then issue a written Notice to Proceed (NTP). In addition to the above requirements, property acquisitions must acquire certified cost estimates and federal approval before an NTP is issued. Only then should the sponsor proceed to spend money anticipated for reimbursement by the Recreational Trails Program.

The Recreational Trails Program is federally funded and is administered on a **reimbursement** basis and is not to be considered a grant. Therefore, after the procurement is complete and paid for by the sponsors, invoicing for reimbursement can begin.

Please Note:

*Recreational Trail Projects that will be incorporated into Transportation Enhancement (TE) Projects must follow the TE Program project requirements. Please contact the TE Coordinator (RIPD), for more information.

*All bridge construction activities should be coordinated with the Pedestrian Bridge Coordinator (OBD). Please see Appendix C for contact information.

GENERAL POLICIES

SHA will make every effort to distribute the funds throughout the state in a variety of project categories. Preference will be given to projects that have broad-based community support, provide linkage to or complete existing regional trails, provide improvements to a trail in order to benefit or mitigate impacts to the environment. Preference will also be given to applications which demonstrate context sensitivity for all improvements, including signs, interpretive panels, parking lots, bridges, etc.. If desired, staff from SHA's Office of Environmental Design (OED) will offer design concept guidance to project sponsors.

ACTIVITIES REIMBURSABLE BY NRT PROGRAM FUNDS

Activities eligible for funding within this Program include:

- Maintaining and restoring existing recreational trails;
- Developing and rehabilitating trailside and trailhead facilities and trail linkages;
- Purchasing/leasing recreational trail construction/maintenance equipment or vehicles
(Vehicle purchases required to be manufactured/assembled in America);
- Constructing new recreational trails (there are restrictions on new trails on Federal lands);
- Acquiring easements or property for recreational trails or recreational trail corridors; and

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- Providing educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails.

All states must use 30 percent of their funds in a fiscal year for motorized trail uses, 30 percent for non-motorized trail uses, and 40 percent for diverse trail uses. Diverse motorized projects (such as motorboat and motorcycle) or diverse non-motorized projects (such as pedestrian and equestrian) may satisfy two of these categories at the same time. States are encouraged to consider projects that benefit both motorized and non-motorized users, such as common trailhead facilities. SHA will give extra credit in their selection criteria to projects that benefit multiple trail uses.

SPONSOR MATCHING OBLIGATIONS

Matching obligations consists of a minimum of 20 percent of the project cost. The purpose of requiring the sponsor to provide matching the funds is to use the funds available through the Program to leverage additional funds. Matching sources that the sponsor elects to secure shall be documented in detail within the application.

20% Match Calculation:

Award Request (80% Project Cost) X 1.25 = Total Project Cost (100% of Total Project Cost)
Total Project Cost – Award Request = 20% Match Required

Match can be in the form of:

- Appraised value of donated rights-of-way;
- Past property acquisitions (more than two years prior to project application submission are not eligible). Property acquisitions undertaken as part of the current project (less than two years prior to, but not after the project application submission) may be used toward the match. After the submission, no further acquisition activities that depend upon Recreational Trail funds may occur until after the NTP;
- Design and direct project development activities that are not eligible for reimbursement, or are not funded, are eligible to be used as matching funds;
- Construction services;
- Construction inspection services;
- In-kind contributions (if you wish to use staff time and/or materials, please see Appendix D);
- Materials;
- Private cash;
- Funds from other federal or State agencies; and
- Work performed that is directly related to the project, provided it is accurately documented and a value can be established.

SPONSOR RESPONSIBILITIES

Most governmental agencies and non-profits are eligible candidates to sponsor Recreational Trail projects. In general, a project sponsor shall be responsible for:

- Applying for Program funds (Appendix A);
- Signing an MOU with SHA stipulating that Program funds shall be spent in accordance with all applicable Program requirements, as well as state and federal laws (Appendix B);
- Obtaining Environmental Approvals (Appendix C);

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- Preparing competitive bid procurement package and awarding for construction projects or preparing small purchase procurement package for purchase of materials/or equipment (Appendix D);
- Providing SHA with all necessary documentation when requesting Program funds for reimbursement of project expenses (Appendix E);
- Providing a match value of a minimum of 20 percent (20%) of the project costs, as well as contributing any costs beyond the approved award amount necessary to complete the project (Appendix F);
- Providing all necessary documentation when SHA requests information for project status reports;
- Taking ownership of the project through a sustainable maintenance program.

There are many more funding requests submitted than there are Recreational Trails Program funds available. Therefore, SHA has established an application process to ensure that all projects are evaluated competitively by their merit. This section explains the Application process for Recreational Trails Program funds. For additional information, please phone the RTP contact(s) referenced in Appendix E.

APPLICATION PROCESS

Project sponsors must complete a Recreational Trail Application (located at <http://www.roads.maryland.gov/Index.aspx?PageId=98>) for each project. The required information includes scope of work, funds requested, and matching funds to be provided.

SHA requires that the maximum federal share for each project from Recreational Trails Program funds is 80 percent. In other words, a maximum of 80 percent of the total project costs can be reimbursed by Recreational Trail Program funds; the remaining 20 percent will be covered by sponsor matching resources/funds. Matching resources/funds, such as cash, property value, design, construction, construction inspection, in-kind services and materials should be included as part of the total project costs.

Funds requested per project cannot exceed \$40,000 for trail construction and \$30,000 for non-construction. Applications will be accepted throughout the year with an annual deadline of July 1, and will be received by:

Terry Maxwell
Maryland Scenic Byways / Recreational Trails Program
Maryland State Highway Administration
707 N. Calvert Street, MS C-303
Baltimore, MD 21202
tmaxwell@sha.state.md.us

Project applications will be reviewed for eligibility and adherence to Program criteria. Applications that are incomplete, do not have reasonable cost estimates, or do not have sufficient design detail, will likely not be considered for approval. Project sponsors will be notified and receive award letters, during the fall season.

Please note: No activity is to be undertaken until SHA gives written notification to sponsors that they may proceed in fulfilling project requirements. The letter of award does **not** serve this purpose. Any advertisement for construction contracts, purchase of materials, equipment or supplies, or any other activity approved within the executed MOU but conducted prior to receiving written approval from SHA will make part or the entire project ineligible for reimbursement.

APPLICATION FORMS

Please see Appendix A or visit <http://www.roads.maryland.gov/Index.aspx?PageId=98> for a blank application form. Every project application shall include the following:

- Project Description: Name, location, and limits, project map and what the project entails;
- Project Status: Describe project development done to date or give background on work efforts;
- Project Costs: Detailed breakdown of costs such as, real estate, planning, design, construction, utility adjustments, relocations and traffic related costs and total cost estimate;
- Project Sponsor's Contributions and Match: Cost sharing proposal identify project sponsor's contributions and source of match to the project;
- Qualifications: Describe how this project fits one of the six qualified activities and provides a direct link to transportation, if that is the case;
- Community Support: Describe what community support this project has obtained and how the community has been informed about or has participated in the project;

Applications will be accepted throughout the year and should be sent to:

Recreational Trails Program

SHA's Office of Environmental Design (OED) will be available to assist sponsors with the identification of potential projects and completion of the application. OED staff can advise on prospective projects, suggest potential partnerships and co-sponsors, advise on design format, instruct on construction requirements, and evaluate the accuracy of the cost estimate.

ADVISORY COMMITTEE REVIEW

Eligible projects with applications that contain complete and concise information will be reviewed by the Recreational Trails Advisory Committee, which consists of representatives from the MDOT, SHA, Department of Natural Resources (DNR), Office of Tourism Development (OTD), Maryland Department of Planning (MDP), as well as representatives of Motorized and Non-motorized trail-user organizations in Maryland.

Eligibility Criteria: SHA uses the following criteria to determine the eligibility of a project for funding:

- Complete project scope and other application requirements.
- Matching funds committed and documented.
- Must be located on property that has a permanent easement or owned by sponsor.
- If property acquisition is to be used as matching funds, the project sponsor should conduct a title search and supply current appraisals.
- Negotiations should be underway if property and/or easement purchases are needed.
- Non-profit status should be in good standing.

Preference will be to projects which:

- Livability: benefit to environment and the quality of life within communities. Contributes to Statewide goals related to Transportation, Environment, Economic Development and Public Health (see page 3 of brochure: *Maryland Trails: A Greener Way to Go*)
- Local support for the project;
- Ability to take ownership and responsibility for long-term maintenance of the project;

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- Have broad-based community support;
- Provide linkages to, complete or maintain existing transportation trails;
- Provide at least 30% of the design;
- Provide improvements to a trail in order to benefit or mitigate impacts to the natural environment;
- Will be accomplished with youth conservation or service groups to perform construction and maintenance; and
- The project should have the potential to improve the trail-user experience through direct benefits by filling a critical void or need such as facilities or interpretive elements where none are available.
- Describes benefit to Intermodal Transportation, that is any of the various alternate modes of transportation.
- Consistent with other transportation plans/projects; and
- Consistent with MPO plans.

Upon review, the Advisory Committee will forward its recommendations for funding to the Secretary of Transportation for concurrence.

NOTICE OF AWARD

Sponsors of projects that are approved by the Advisory Committee for funding will receive a letter of award. After the Letter of Award is issued, SHA will contact the project sponsor to schedule a Project Kick-Off Meeting, which will involve a discussion of the program requirements and details. This exchange of information will provide both of the parties a detailed understanding of the project implementation process.

Please note: Notice of Award is not a Notice to Proceed.

Because the Recreational Trails Program is federally funded, each project must meet certain State and federal requirements before authorization to spend allocated funds will be permitted. This section is intended to help sponsors meet these requirements.

MEMORANDUM OF UNDERSTANDING (MOU)

SHA will prepare an MOU for each project, outlining the responsibilities of both SHA and the project sponsor. It will cover a general project description, amount of funds awarded, activities for which funds will be reimbursed, matching obligations, SHA's and the project sponsor's responsibilities. Please see the sample MOU in Appendix B.

A draft MOU will be prepared and circulated to the project sponsor and within SHA for review prior to circulation for signatures and execution. If the sponsor has reviewed the MOU and has no comments, the sponsor may sign two originals as well as provide a Federal I.D. number and then mail both originals to SHA for signatures. Once SHA signs both, one executed original will be sent back to the sponsor. The MOU will contain a provision that will require project procurement to be underway within three years from the date of the signed MOU. If procurement has not occurred within three years of execution, funding may be withdrawn by the Administration.

Please note: The MOU must be executed (signed by all parties) before any federal funds can be authorized for spending. Sponsors are encouraged to call the Program Coordinator with any questions or concerns pertaining to the MOU. The Program Coordinator's contact

ENVIRONMENTAL APPROVAL (EA)

All federally funded Recreational Trails projects must conform to the laws that ensure all natural, cultural and historical resources are both protected and enhanced. Sponsors must contact the SHA Environmental Manager to obtain a EA package. These laws ensure environmental protection:

- National Environmental Policy Act,
- National Historic Preservation Act-Section 106,
- Endangered Species Act-Section 7, and
- Wetland/Waterway/Floodplain/Erosion & Sediment Control Permits.

The Environmental Requirements Coordinator of the Office of Planning and Preliminary Engineering (OPPE) will provide technical assistance and guidance in meeting these requirements.

Please note: Sponsors are encouraged to call the Environmental Manager (OPPE) with any questions or concerns pertaining to the Environmental Approval (EA) requirements. The EA Guidelines is attached in Appendix C. The contact information can be found in Appendix E.

National Environmental Policy Act (NEPA): Although the Recreational Trails Program is administered by states, it is federally funded and as a result is subject to NEPA regulations. NEPA requires that every federal agency prepare a detailed report evaluating both environmental impacts and alternative designs prior to approving any plan or project which could significantly affect the environment. This report is circulated for comments among government agencies. Adverse effects must be addressed before the project can be approved. However, considering the nature of Recreational Trail projects, most projects can be approved through a streamlined process.

National Historic Preservation Act-Section 106: Sponsors are required to consult with the Maryland Historical Trust (MHT) prior to commencing work on any proposed project which may affect historic properties, including architectural structures and archeological resources. Consultation early in the process will help ensure that historic resources receive appropriate consideration and treatment. In addition, MHT will be able to recommend measures to avoid, reduce, or mitigate any potential adverse effects on historic properties. The sponsor is responsible for identifying significant historic resources, which are defined as those listed on or eligible for listing on the National Register of Historic Places. The sponsor is also responsible for obtaining concurrence from MHT on the effect determination of the project with respect to significant historic properties, prior to advertising for construction services. Concurrence is sought by preparing and submitting a formal consultation letter to MHT, which includes a project description, identification of any significant historic properties within the vicinity of the project, and the effect determination. SHA will provide technical assistance and guidance in meeting these requirements.

Department of Transportation Act-Section 4(f): Section 4(f) is a federal land use law requiring all projects funded by the Federal Highway Administration, to avoid all use of parks, historic resources, recreational areas and wildlife refuges unless there is no prudent and feasible alternative. However, in 1998 with the passage of the transportation bill TEA-21, the Program became legislatively exempt from the requirements of Section 4(f). SHA still promotes the conservation of parkland and design of trail projects should carefully consider impacts to resources and features that are important to the parkland.

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Endangered Species Act-Section 7: Section 7 of the Endangered Species Act requires that federally-assisted actions do not jeopardize the continued existence of any threatened or endangered species or adversely modify the habitat of such species. Sponsors are to consult with the US Fish and Wildlife Service and the Maryland Department of Natural Resources (DNR), Wildlife and Heritage Service for information regarding the presence of any federally or state listed (or proposed) rare, threatened and endangered species that may be present within the vicinity of the project area. Sponsors must additionally consult with the DNR, Environmental Review Unit for information regarding the presence of anadromous finfish and other fish species that may be present in drainages within the vicinity of the project area. If there are documented species present within the vicinity of the project area that are rare, threatened, endangered or of special concern, the sponsor may be required to conduct a habitat assessment and species survey. Avoidance or mitigation may also be required.

Permits: The sponsor is responsible for obtaining all required permits. The permits need to be included as part of any bid package and are therefore required prior to advertising the project for construction bids.

The permits include, but are not limited to:

- Wetland permit/waiver (Army Corps of Engineers), if impacts to wetlands or wetland buffers will occur;
- Floodplain permits;
- Waterway Construction Permits if the project involves a bridge (hydrology/hydraulic studies and a scour study are required for this);
- Coordination with the Federal Emergency Management Agency (FEMA), if the project involves a bridge in a FEMA flood plain; and
- Sediment and Erosion Control and Stormwater Management approvals (Maryland Department of Environment).

Environmental Documentation: Once the necessary coordination is completed by the Sponsor, the Environmental Manager (OPPE) will complete the environmental documentation. Typically, RT projects are classified as Categorical Exclusions (CE) or Programmatic Categorical Exclusions (PCE). CE's are approved by FHWA while PCE's are certified by SHA.

Please note: Project Sponsors will not be reimbursed for any project activities undertaken prior to receiving an Environmental Approval (EA), and other necessary federal approvals. These approvals are also required before an advertising package, small purchase procurement or acquisition of property is reviewed and written approval from the Environmental Requirements Coordinator (OPPE) .

Please note: Design requirements for trail bridges shall be in accordance with the latest American Association of State Highway and Transportation Officials (AASHTO) Guide Specifications. Please contact:
AASHTO
444 N Capital Street, NW
Washington, DC 20001
(202) 625-5800 www.aashto.org

PROPERTY ACQUISITION REQUIREMENTS

When sponsors propose to acquire property or property easements for Recreational Trail projects, the acquisition of real property interests related to trail projects must conform to governing state and federal laws. No state or federal funds may be used to improve private property or property not dedicated to public use.

Acquisition of land or easements for Recreational Trail Projects is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). The Uniform Act provides for fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects financed with Federal Funds.

Please note: the project sponsor must contact SHA's Office of Real Estate for guidelines regarding compliance certification and documentation regarding right-of-way and property acquisitions. Please see Appendix C for the contact information.

Please note: The sponsor shall be responsible for providing verifiable documentation evidencing compliance for any real property that may have previously been acquired for the project, which is to serve as the project match.

PROCUREMENT

There are two types of procurement methods for Recreational Trails projects:

- Small Procurement for purchases
- Competitive Bid for construction and/or maintenance services

1) Small Procurement: this often includes projects such as the purchase of:

- Equipment/vehicles for maintenance of existing trail systems
(Vehicle purchases required to be manufactured/assembled in America);
- Interpretive outdoor sign exhibits,
- Materials to construct new trail systems,
- Trail markers and signs for trails, and
- Trail user promotional/educational information.

Steps to Follow:

1. Sponsor develops Procurement Package, consisting of: bid solicitation sheet, bid submittal form, a list of potential bidders, an independent cost estimate, an Environmental Permit Certification form, a Right-of-Way Certification form, NEPA concurrence letter and a copy of the project Memorandum of Understanding (MOU).
2. Procurement package is submitted to SHA for review and approval.
3. A **Notice to Solicit** is given to project Sponsor.
4. Sponsor posts solicitation on website or (bid board) for a minimum of three (3) working days before the bids are due and opened.
5. Sponsor receives solicitations and documents prices.
6. Sponsor selects a recommended vendor based on lowest responsive and responsible bid. A written and signed bid form is to be submitted with the recommendation for concurrence.
7. Sponsor submits recommendation with documentation of solicitations to SHA for concurrence.
8. SHA issues **Notice to Proceed** to Sponsor.

Please Note:

Under certain circumstances, sponsors will be permitted to make a one-time purchase from a chosen vendor without procurement approval, provided that the total amount remains under \$500.00.

2. Competitive Bid: these projects involve construction of new trail systems, rehabilitation and/or maintenance of existing trail systems.

Steps to follow:

1. Prepare an Invitation for Bids package, to be publicly advertised for the selection of a contractor, consisting of a bid advertisement sheet, bid submittal form, a list of potential bidders, an independent cost estimate, an Environmental Permit Certification form, a Right-of-Way Certification form, NEPA concurrence letter and a copy of the project Memorandum of Understanding (MOU).
2. The IFB documents are submitted to SHA for review and approval.
3. A **Notice Solicit** is given to project Sponsor.
4. Sponsor advertises for construction bids, once the ADMINISTRATION issues a Written Notice of Approval.
5. Sponsor posts solicitation on website or (bid board) for a minimum of three (3) working days before the bids are due and opened.
6. Sponsor receives solicitations and documents prices (with witness)
7. Sponsor selects a recommended contractor based on lowest responsive and responsible bid. A written and signed bid form is to be submitted with the recommendation for concurrence.
8. SHA issues a **Notice to Proceed** to Sponsor

Please Note:

***Recreational Trails Projects that will be incorporated into Transportation Enhancement (TE) Projects must follow the TE Program project requirements. Please contact the TE Coordinator (RIPD), for more information.**

***All bridge construction activities should be coordinated with the Pedestrian Bridge Coordinator (OBD).**

Please see Appendix C for contact information.

INVOICING FOR REIMBURSEMENT/PROJECT CLOSE-OUT

The following procedure shall be used for reimbursement to the sponsor:

- An invoice submitted by the contractor and/or vendor to the sponsor shall be paid by the sponsor.
- The sponsor shall submit to the Program Coordinator (OED) a copy of the invoice along with a copy of the check in which payment was made. Please follow format shown in Appendix E. The invoice shall include:
 - Project Title
 - Project Description
 - Sponsor
 - OED Project Number
 - Federal ID Number
 - Amount of Funds Awarded
 - Amount Requested
 - Status of Project
 - Documentation that will satisfy the match requirement.
- Final invoice for reimbursement will include a certification signed by the project sponsor:
I/We certify that the subject project was completed in reasonable conformance to the advertised plans and specifications, using materials of equal or greater quality specified in the advertised documents. I/we also certify to the workmanship of the project and that all advertised activities have been accomplished, unless written approval for modifications have been requested of and received from SHA. As of the date of this certification, any additional work and or maintenance on this project will be the sole responsibility of the project sponsor, or other entity as specified in the Memorandum of Understanding.
- The Program Coordinator (OED) will process the final payment.
- The Program Coordinator (OED) will visit project site for inspection to certify project completion.
- PROJECT IS CLOSED – NO FURTHER SHA INPUT OR REIMBURSEMENT
- This procedure shall be followed for all reimbursements, or as defined in the MOU.

Please note: When there are multiple expenditures shown on an invoice, please highlight those expenditures that pertain to the present amount requested for reimbursement. Also, be sure to document and highlight line items concerning the match.

2015 NATIONAL RECREATIONAL TRAILS FUNDING APPLICATION

1. Project Sponsor (Applicant): _____

Please provide contact information for entity and project manager.

Government / non-profit entity:

Name of project manager:

Title:

Organization:

Address:

Phone:

Fax:

E-mail:

2. Project name:

3. Project location

Describe the limits of the project, including City and County; include a detailed location map.

4. Trail Type

May check more than one.

Motorized Trail

Diversified Trail

Non-motorized Trail

Transportation Trail (*diversified trail designed for bicyclists and pedestrians to connect destinations. Go to <http://www.mdot.maryland.gov/Planning/Trails/trails.html> for more information*)

5. Project Type

Construction

Construction of new trail or facilities Maintenance of trail or facilities (with ground disturbance)

Non-Construction

Purchase or lease of equipment Maintenance of trail or facilities (without ground disturbance)

Acquisition of easements Interpretive/educational programs/facilities

6. Abstract Project description

Complete the sentence "This project will..." before adding remaining information.

Complete the sentence "This project benefits the recreational trail user by..." before adding remaining information.

Appendix A

7. Project Summary

Completely describe all the major elements of your proposed project in a concise but complete summary. Other points that should be covered include:

- How much planning and design has been completed;
- If project is or is not within proximity to any environmentally sensitive areas;
- If project is potentially a part of the State Transportation Trail network (go to <http://www.mdot.maryland.gov/Planning/Trails/trails.html> for more information);
- If project enhances heritage, nature, eco-tourism opportunities. Is it along a byway, heritage area, Chesapeake Gateway, etc...

8. Project property ownership

Project must be constructed on property owned by and/or on permanent easements held by the Project Sponsor.

9. Project length

Please include linear feet of trail, width of trail, whether new or reconstructed and proposed surface material of trail.

10. Prior Projects

Describe the status of any previously funded National Recreational Trail funded projects. Include the year that it was funded or RT#. If there are delays with prior projects, please explain why. Describe any relationship between this project and previously funded National Recreational Trail Program projects. In addition, discuss how the proposed work relates to any multi-year work or comprehensive plans that may have been developed.

11. Work Plan

Although program does not cover, please include planning and design, if not completed yet.

Milestone/ Task	Start Date	Duration	Responsible Party	Justification

12. Budget (For the FY13 solicitation, we will consider lifting the \$40K cap for construction projects that score exceedingly high with our criteria)

Cost Breakdown for Federal Funds Requested (80%)

#	Description	Total	Cost	Requested Match

Matching Funds (20%)

Source	Type	Description	Amount

13. Submission

Applications should be submitted to the Scenic Byway / Recreational Trails Program at the Maryland State Highway Administration (SHA) by **2 p.m. on July 1st, 2014**. In early August, the Recreational Trail Advisory Committee will meet to review projects. Applicants will be notified concerning awards during the fall of 2014.

Options for Submission include:

Internet/E-mail

- Complete the form on your computer and save the file on your computer.
- Email the file as an attachment to: Terry Maxwell, tmaxwell@sha.state.md.us

U.S. Mail

- Complete the form by hand OR complete it on your computer and print out a hard copy.
- Mail printed form to Terry Maxwell at Maryland Scenic Byways / Recreational Trails Program, State Highway Administration, 707 N Calvert Street, Baltimore, MD 21202.

Fax

- Complete the form by hand OR complete it on your computer and print out a hard copy and then
- Fax the sheet to 410-209-5003 with a cover sheet directing it to Terry Maxwell.

Hand-Deliver

- Complete the form by hand OR complete it on your computer and print out a hard copy and deliver.

**MEMORANDUM OF UNDERSTANDING
FOR
NATIONAL RECREATIONAL TRAILS PROGRAM
«Project_Title» Project**

THIS MEMORANDUM OF UNDERSTANDING (MOU) executed in duplicate, effective this _____ day, in the month of _____ of the year _____, by and between the State Highway Administration of the Maryland Department of Transportation, acting for and on behalf of the State of Maryland, hereinafter called the “**ADMINISTRATION**”, and the «Project_Sponsor», located in «County», «State», hereinafter called the “**PROJECT SPONSOR**”.

WHEREAS, certain funds have been set aside in the National Recreational Trails Program, under the Federal Highway Reauthorization, for the purpose of providing funding for the development and maintenance of recreational trails and trail related projects, hereinafter called “**NRT FUNDING**”; and

WHEREAS, the ADMINISTRATION, pursuant to Map-21, is authorized to distribute NRT FUNDING to agencies or organizations within the state of Maryland, hereinafter called the “**AWARD**”, provided the PROJECT is constructed on property owned by and/or on permanent easements held by the PROJECT SPONSOR; NRT FUNDING is used to reimburse a PROJECT SPONSOR for expenses they have paid relating to the PROJECT; and the PROJECT SPONSOR is partially responsible for expenses relating to the PROJECT; and

WHEREAS, the ADMINISTRATION has authorized a disbursement of NRT FUNDING to the PROJECT SPONSOR up to the maximum amount of «**Award Amount**», to be used for the «Project_Title» located in «Project_City», which includes «Project_Description», hereinafter called the “**PROJECT**” as further described in **Exhibit “A”**, the National Recreational Trails Funding Application of the PROJECT SPONSOR, attached hereto and made a part hereof; and

WHEREAS, the PROJECT SPONSOR has agreed to co-finance the PROJECT in an amount equal to at least twenty percent (20%) of the PROJECT expenses, hereinafter called the MATCH; and

WHEREAS, the ADMINISTRATION and the PROJECT SPONSOR hereby agree that the PROJECT will be a benefit to all parties of this MOU and would promote the safety, health and general welfare of the citizens of the State.

NOW, THEREFORE, in consideration of the mutual promises between the ADMINISTRATION and the PROJECT SPONSOR, as set forth herein, the adequacy of which is hereby acknowledged, the parties hereby agree to the following:

exception of the final invoice). However, for projects with an award of more than \$10,000, if actual costs incurred by the PROJECT SPONSOR during any one month do not amount to at least Five Thousand Dollars (\$5,000.00), the PROJECT SPONSOR shall withhold its claim for payment until \$5,000.00 or more of actual incurred costs can be invoiced (with the exception of the final invoice). Each invoice shall be accompanied by sufficient documentation, in the sole discretion of the ADMINISTRATION, to evidence actual costs incurred. The final invoice for reimbursement shall include a certification signed by the project sponsor indicating that the project was completed in reasonable conformance to the advertised plans and specifications and that all advertised activities have been accomplished.

- G. Prior to the PROJECT SPONSOR submitting their final invoice to SHA for payment of the AWARD, the PROJECT SPONSOR shall certify in writing that the MATCH has been satisfied. Value of MATCH shall be in the form of cash and in kind services.
- H. Maintain the PROJECT both during and after completion of the PROJECT work

III. THE ADMINISTRATION SHALL:

- A. Provide timely review and comment of the PROJECT design plans, specifications and estimates submitted by the PROJECT SPONSOR.
- B. Following receipt of the required PROJECT documents from the PROJECT SPONSOR, provide PROJECT certification of acceptance in accordance with United States Code, Title 23 federal requirements.
- C. Provide oversight inspection and review of the PROJECT to assure all obligations are being met.
- D. Coordinate monetary reimbursements to the PROJECT SPONSOR associated with the terms of this MOU.
- E. Reimburse the PROJECT SPONSOR within thirty (30) days following the receipt by the ADMINISTRATION of each PROJECT invoice. Invoices will not be reimbursed unless, and until, all three of the following circumstances are met:
 - 1. Request for reimbursement contains all necessary information for processing, including documentation that the PROJECT SPONSOR has met or exceeded their MATCH requirement for the invoice; and
 - 2. No charges are disputed by the ADMINISTRATION; and
 - 3. The invoice does not cause the maximum AWARD amount of \$23,987.19 to be exceeded.

IV. GENERAL

- A. The AWARD for the PROJECT shall be used for the repair of a bridge deck along trail and the production of a new visitor guide with an updated map, the stated purpose of this MOU. The AWARD shall not be redirected by the PROJECT SPONSOR for any other purpose.
- B. Any excess AWARD not needed for the PROJECT shall revert to the ADMINISTRATION for redistribution to other programmed projects at the sole discretion of the ADMINISTRATION. In addition, the funds for this PROJECT shall revert to the ADMINISTRATION if the PROJECT does not move forward within two (2) years of the date of this MOU.
- C. The parties hereto agree to cooperate with each other to accomplish the terms and conditions of this MOU.
- D. This MOU shall inure to and be binding upon the parties hereto, their agents, successors, and assigns. However, the PROJECT SPONSOR shall not assign its interests in this MOU without prior written consent of the ADMINISTRATION, which may be reasonably withheld.
- E. This MOU and the rights and liabilities of the parties hereto shall be governed in accordance with Maryland law.
- F. The PROJECT SPONSOR shall document and certify to the ADMINISTRATION that all PROJECT activities associated with the AWARD have been accomplished in accordance with federal law.

Appendix B

- G. All PROJECT documents and records are subject to audit and shall be retained by the ADMINISTRATION and PROJECT SPONSOR for a minimum of three (3) years after final acceptance of the PROJECT by the ADMINISTRATION.
- H. The PROJECT activities covered by this MOU must be completed within four (4) years of the MOU execution date.
- I. All publications, exhibits, and final products that use these funds must utilize the National Recreational Trails and State Highway Administration logos for recognition purposes.

Appendix B

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their respective duly authorized officers.

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

MARYLAND STATE HIGHWAY ADMINISTRATION

Assistant Attorney General

Douglas H. Simmons
Deputy Administrator/Chief Engineer
For Planning, Engineering, Real Estate and
Environment

Lisa B. Conners, Director
Office of Finance

Sonal Sanghavi, Director
Office of Environmental Design

«Project_Sponsor»,

Tax ID: _____

Witness

By: _____ (Seal)

Name: _____

Title: _____

Date: _____

Environmental Approval Process for the National Recreational Trails (NRT) Program Introduction

The National Environmental Policy Act (NEPA) requires projects receiving federal funds to consider natural, cultural and socio-economic factors using a systematic, interdisciplinary approach before committing to a project. The NRT Program is a *federally funded* program, and projects under this funding program must comply with federal and state laws and regulations including NEPA, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 and the Chesapeake and Atlantic Coastal Bay Critical Areas Act, among others. *Environmental approval is required for all projects regardless of the scope of work.* The level of environmental coordination and documentation for a NRT project is commensurate with the potential natural and cultural resource impacts. For example, projects that are non-construction related will not require the same level of coordination as new trail construction.

Environmental Coordination and Documentation

Project Sponsors are the *lead* in coordinating with resources agencies, obtaining permits, and completing draft environmental documentation. The Maryland State Highway Administration (SHA) is responsible for providing guidance to Sponsors and for obtaining final approval of the environmental document. SHA will provide template letters to the Project Sponsor for coordination with the Maryland Historical Trust (MHT), U.S. Fish and Wildlife Service (USFWS) and the Maryland Department of Natural Resources (DNR).

When Project Sponsors send letters to resources agencies, it's important to include as many details as possible. Please include a detailed description of the proposed work and include a clear location map. If the project includes extensive construction work, plans and photos are helpful but not necessary.

The following outline provides guidance on the NEPA process for NRT projects.

I. Once the NRT grant has been approved by SHA, the Project Sponsor should contact the NRT Environmental Coordinator and provide a project description.

II. The NRT Environmental Coordinator will provide the Project Sponsor with the following checklist and agency template letters so that the Project Sponsor can begin coordination with the resource agencies.

III. The Project Sponsor should coordinate with MHT on all NRT projects to determine if historic resources are present and whether the project will have an effect on those resources (Note, some minor projects have been programmatically exempted from review)

IV. If the NRT project consists of new construction or reconstruction or results in ground disturbance or vegetation removal then the Project Sponsor should contact the USFWS and DNR Wildlife and Heritage Services (WHS) regarding potential impacts to federally and state listed rare, threatened, and endangered plant and wildlife species.

V. If the project is within 50 feet of a stream then the Project Sponsor will need to coordinate with DNR Integrated Policy and Review Unit (IPRU) regarding potential impacts to anadromous fish species and other aquatic resources.

VI. If the NRT project results in impacts to non-tidal and/or tidal wetlands, waterways, or floodplains, the Project Sponsor should coordinate with the Maryland Department of the Environment (MDE) and obtain a joint MDE and Army Corps of Engineer (AOE) permit for impacts to those resources.

VII. Chesapeake Bay and Atlantic Coastal Bay Critical Area occurs in all Maryland counties except for Carroll, Howard, Frederick, Montgomery, Washington, Allegany, and Garrett. If the project falls outside of these counties and occurs near tidal waters, than impacts to Critical Area may need to be considered. Please notify the NRT Environmental Coordinator to determine whether impacts may occur and if so, guidance on the coordination process.

VIII. The Project Sponsor should ensure that the NRT project complies with all county and local ordinances.

IX. After all coordination is complete, the Project Sponsor should send a completed checklist and electronic copies of all responses from the resource agencies to the NRT Environmental Coordinator.

X. The NRT Environmental Coordinator will incorporate all of the responses from the resource agencies and generate the necessary NEPA environmental document.

Agency Contact Information

Maryland State Highway Administration:

Caryn G. Brookman, NRT Environmental Coordinator
Environmental Planning Division
707 N. Calvert Street
Mail Stop C-301
Baltimore, MD 21201
cbrookman@sha.state.md.us
(410) 545-8698

Maryland Historical Trust:

Mr. J. Rodney Little, State Historic Preservation Officer (Letter should be sent directly to Mr. Little)
100 Community Place
Crownsville, Maryland 21032-2023

Ms. Beth Cole, Administrator,
Project Review Division
beth.cole@maryland.gov
(410) 514-7631

Maryland Department of Environment (Coordinate with MDE ONLY if impacts may occur)

(Stream, Wetland, Floodplain Permitting)
Ms. Amanda Sigillito, Division Chief
Non-tidal Wetlands Division

Amanda.sigillito@maryland.gov
(410) 537-3766

Mr. Robert Tabisz, Division Chief
Tidal Wetlands Division

robert.tabisz@maryland.gov
(410) 537-3838

US Fish and Wildlife Service (FWS is no longer accepting letters, please use the online coordination tool) Mr. Trevor Clark (federal listed rare, threatened or endangered species)
Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401
trevor_clark@fws.gov

Maryland Department of Natural Resources

Ms. Lori Byrne (state listed rare, threatened or endangered species)
Wildlife and Heritage Division
580 Taylor Avenue
Tawes Office Building E-1
Annapolis, MD 21401
lbyrne@dnr.state.md.us

Mr. Gregory Golden (anadromous fish species and important aquatic species)
Integrated Policy and Review Unit
580 Taylor Avenue
Tawes Office Building B-3
Annapolis, MD 21401
ggolden@dnr.state.md.us

Proposed Procurement Process for Recreational Trails Projects

Small Purchase or Competitive Bid (for Construction)

Recreational Trails Projects (RTP) are divided into two **procurement** categories:

1. Competitive bid (construction/maintenance projects): sponsors must prepare an Invitation for Bids package, to be publicly advertised for the selection of a contractor, consisting of a bid advertisement sheet,
2. Small purchase (equipment/material purchases): sponsors prepare a detailed description with all applicable specifications of what exact services are to be provided by the perspective vendor and an estimate of the total cost anticipated.

Both categories follow the COMAR Small Procurement policy which divides the procurement process into three **cost** categories, based on the cost of the particular procurement:

Category I

Small Purchase & Competitive Bid (Construction) projects up to \$2,500.00

LIST of STEPS for Approval

Note: No formal advertisement is required under this category.

1. Sponsor develops Procurement Package, consisting of: bid solicitation sheet, bid submittal form, a list of potential bidders, an independent cost estimate, an Environmental Permit Certification form, a Right-of-Way Certification form, NEPA concurrence letter and a copy of the project Memorandum of Understanding (MOU).
2. Procurement package is submitted to SHA for review and approval.
3. A **Notice to Solicit** is given to project Sponsor.
4. Sponsor solicits to at least two (2) vendors.
Solicitations can be oral, by telephone or in writing.
5. Sponsor receives solicitations and documents prices.
6. Sponsor selects a recommended vendor
7. Sponsor submits recommendation with documentation of solicitations to SHA for concurrence.
8. SHA issues **Notice to Proceed** to Sponsor

Category II

Small Purchase & Construction projects \$2,501.00 to \$14,999.00

LIST of STEPS for Approval

Note: No formal advertisement is required under this category. However, a written and signed bid form is required to be submitted with the recommendation for concurrence.

1. Sponsor develops Procurement Package, consisting of: bid solicitation sheet, bid submittal form, a list of potential bidders, an independent cost estimate, an Environmental Permit Certification form, a Right-of-Way Certification form, NEPA concurrence letter and a copy of the project Memorandum of Understanding (MOU).
2. Procurement package is submitted to SHA for review and approval.
3. A **Notice to Solicit** is given to project Sponsor.
4. Sponsor solicits to at least two (2) vendors.
Solicitations must be in writing.
5. Sponsor receives bids and documents prices.
6. Sponsor selects a recommended vendor based on lowest responsive and responsible bid.
7. Sponsor submits recommendation with documentation of solicitations and bids to SHA for concurrence.
8. SHA issues **Notice to Proceed** to Sponsor

Category III

Small Purchase & Construction projects \$15,000.00 to \$25,000.00

LIST of STEPS for Approval

9. Sponsor develops Procurement Package, consisting of: bid solicitation sheet, bid submittal form, a list of potential bidders, an independent cost estimate, an Environmental Permit Certification form, a Right-of-Way Certification form, NEPA concurrence letter and a copy of the project Memorandum of Understanding (MOU).
10. Procurement package is submitted to SHA for review and approval.
11. A **Notice to Solicit** is given to project Sponsor.
12. **Sponsor posts solicitation on website or (bid board) for a minimum of three (3) working days before the bids are due and opened.**
13. Sponsor receives solicitations and documents prices.
14. Sponsor selects a recommended vendor based on lowest responsive and responsible bid. A written and signed bid form is to be submitted with the recommendation for concurrence.
15. Sponsor submits recommendation with documentation of solicitations to SHA for concurrence.
16. SHA issues **Notice to Proceed** to Sponsor

For all categories, all necessary affirmative action steps shall be taken to assure that minority firms and women's business enterprises are used when possible. These steps shall include: placing qualified small and minority businesses and women's business enterprises on solicitation lists, assuring that small, minority businesses and women's business enterprises are solicited whenever there are potential sources.

Sponsor's Letterhead

DATE

Mr. Terry Maxwell
Office of Environmental Design
Maryland State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

RE: Name of Project
National Recreational Trails Program
State Highway Project Number: RT- - - -

Dear Mr. Maxwell:

This is to inform you that the (Name of Project) using (Funding Awarded) in Recreational Trails Funds has completed this percent of the work. (Sponsor) respectfully requests reimbursement in the amount of (\$) from the State Highway Administration for this project activity. Documentation required to support this request is attached on letterhead paper and consists of the following:

- Project title
- Project sponsor
- Federal ID number
- Total cost of project \$
- Recreational Trail Program Funds Awarded \$
- Recreational Trail Program Funds Requesting \$
- Sponsor match obligation \$
- Match documentation (cash contributions, in-kind services, property value, etc. highlighted) Note: In kind services documentation must include names, dates, hourly rate, and hours
- Copy of invoice from contractor/vendor to sponsor (with highlighted items referring to this invoice)
- Copy of cancelled check paid to contractor/vendor
- Subcontractors invoice, if applicable

Should you have any questions or need additional information, please contact me at (phone number).

Sincerely yours,

(Name)
(Title)

Value of Matching Staff Time and Materials

Project Name _____

Agency/Office _____

Name of Staff Person Contributing Donated Time _____

Title _____

DATE	TASK	TOTAL WORK HOURS	HOURLY RATE	VALUE (DONATED HOURS X RATE)
TOTAL VALUE OF DONATION:				

MILEAGE AND TOLLS:

TOTAL MILES _____ X MILEAGE RATE \$ _____ = VALUE
 \$ _____

TOLLS: (attach receipts) _____ = VALUE
 \$ _____

DONOR CERTIFICATION:

I swear and affirm that the above reported hours, mileage, and tolls have been donated towards the grant project goals and objectives outlined in the Memorandum of Understanding between the _____ and the Maryland State Highway Administration.

 Signature of Staff Person Donating Time

 Date

 Verifying Fiscal Officer's Signature

 Date

Appendix G

The following is a list of contacts for individual program requirements.

Program Coordinator	Terry Maxwell (SHA) (OED) 410-545-8637 tmaxwell@sha.state.md.us SHA Website: www.marylandroads.com/oed/trails.htm
Application Information	Terry Maxwell (SHA) (OED) 410-545-8637
Environmental Approval	Caryn Brookman SHA (Planning) 410-545-8698 cbrookman@sha.state.md.us
Construction Document Preparation	Sally Malena / Dave Gibson (Human & Rohde, Inc.) 410-825-3885 sally@humanandrohde.com dave@humanandrohde.com
Small Purchase Procurement Procedures/Approvals	Dave Gibson / Sally Malena (Human & Rohde, Inc.) 410-825-3885 dave@humanandrohde.com sally@humanandrohde.com
Property/Easement Acquisition	Gina Anthony (SHA) (ORE) 410-545-0021 ganthony@sha.state.md.us
Invoicing/Reimbursement Procedures	Terry Maxwell (SHA) (OED) 410-545-8637
Transportation Alternatives Program	Jessica Silwick(SHA) (RIPD) 410-545 5653 jsilwick@sha.state.md.us
Inspection/Monitoring	Dave Gibson / Sally Malena (Human & Rohde, Inc.)
Dept. of Natural Resources (DNR) Project Information	John Wilson (DNR) (410) 260-8412 jfwilson@dnr.state.md.us

Mailing Addresses:

Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Maryland Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Human & Rohde, Inc.
512 Virginia Ave.
Towson, MD 21286
410 825 3885
410 825 3887 fax

GLOSSARY

Architectural Accessibility Board - The State agency responsible for insuring that State owned, leased, and financed facilities are safely accessible to, and usable by, persons with physical disabilities.

Categorical Exclusion (CE) - Actions (projects) that do not individually or cumulatively result in significant environmental effects and are therefore excluded from the requirement to prepare an environmental document - either an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Consultant Selection Process - A competitive process governed by State code and the federal Brooks Act in which a design or engineering consultant is chosen on the basis of qualification as opposed to cost.

Determination of Effect - A determination of impacts to historic resources that may occur as the result of a project or action. For the purpose of determining effect, alterations to features of the property such as its location, setting, use, design, materials, workmanship, feeling or association may be considered. A project can result in "no effect," "no adverse effect" or "adverse effect" determinations.

Davis-Bacon Act and State Wage Rates - The Davis-Bacon Act establishes federal minimum prevailing wage rates for various classifications of work.

DNR - Department of Natural Resources.

Historical Significance (sometimes referred to as "level of significance") - Refers to whether a property possesses any of the characteristics (or meets the criteria), which makes it eligible for the National Register of Historic Places.

FEMA - The Federal Emergency Management Agency

FHWA - Federal Highway Administration

Matching Funds - Funds provided by the sponsor consisting of at least 20 percent of the total project cost.

MDOT - Maryland Department of Transportation.

MOU - Memorandum of Understanding.

MPO - Metropolitan Planning Organizations.

National Environmental Policy Act (NEPA) - A federal law, which requires that federal agencies consider natural, cultural, and socio-economic factors using a systematic interdisciplinary approach before committing to a project.

National Historic Preservation Act - A federal law that provides for the protection, rehabilitation, restoration and reconstruction of historic sites and objects significant in American architecture, archeology and culture. It also established the Advisory Council on Historic Preservation and established procedures to be followed if a federal action impacts significant historic sites.

Notice to Proceed (NTP) - A formal written notice from SHA that the sponsor may instruct contractor's work to begin.

OBD – Office of Bridge Development.

OED – Office of Environmental Design.

OEO – Office of Equal Opportunity.

OPPE –Office of Planning and Preliminary Engineering.

ORE –Office of Real Estate.

PCE – Programmatic Categorical Exclusion.

RIPD –Regional and Intermodal Planning Division.

Sponsor - The agency or organization responsible for managing project development and providing matching funds for the proposed project. This is usually, but not necessarily, the same agency that proposed the project, will manage the project and will be responsible for maintenance when complete. The project sponsor must be a public agency. If a private organization is interested in applying for funds, there must be co-sponsors, i.e. the private organization and an appropriate public agency must be partners in applying for funds.

SHA - State Highway Administration.

TAP - Transportation Alternatives Program

Uniform Relocation Assistance and Real Property Acquisition Policies Act (“Uniform Act”)

- State and federal legislation governing the acquisition of real property interests for the purpose of protecting the rights of property owners.