
RECREATIONAL TRAILS PROGRAM MANUAL

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RECREATIONAL TRAILS PROGRAM MANUAL

TABLE OF CONTENTS

I. INTRODUCTION	1
A. Available Funding.....	1
B. Federal and State Requirements.....	2
C. Sponsor Responsibilities.....	3
D. Public Access Requirements.....	4
E. Americans with Disabilities Act (ADA) Compliance	4
F. MDOT Complete Streets Policy	5
II. ELIGIBLE/INELIGIBLE PROJECT TYPES.....	6
A. Eligible Project Types.....	6
B. Ineligible Project Types	6
III. ELIGIBLE/INELIGIBLE COSTS	8
IV. MATCH REQUIREMENTS.....	9
V. APPLICATION	14
VI. WORKFLOW	15
VII. PROJECT INITIATION	16
A. Notice of Award.....	16
B. Memorandum of Understanding (MOU).....	16
1. Preparation of an MOU	16
2. MOU Amendment Process.....	16
C. Environmental Approval.....	17
D. Permitting.....	19
E. Federal Authorization	19
F. Design Review and Plan Approval	20
VIII. RIGHT-OF-WAY CERTIFICATION	21
A. Right-of-Way Verification Letter	21
1. Sponsor Owns the Land	21
2. Sponsor Does Not Own the Land.....	21
B. Land Acquisition.....	21
IX. PROCUREMENT	22

RECREATIONAL TRAILS PROGRAM MANUAL

A. Procurement Process	22
B. Other Types of Procurement	24
C. Buy America Provisions	24
X. CONSTRUCTION.....	24
A. Meetings and Construction Schedule.....	24
B. Change Orders	25
C. Construction Oversight	25
XI. PROJECT REPORTS AND INSPECTIONS.....	26
A. Quarterly Project Reports	26
B. Construction Reports	26
C. Project Inspections	26
XII. INVOICING FOR REIMBURSEMENT / PROJECT CLOSE-OUT.....	27
A. Invoicing for Reimbursement	27
B. On-going Maintenance.....	28

LIST OF TABLES

Table 1: Allowable Match Items.....	9
Table 2: Prohibited/Ineligible Match Items	9
Table 3: Allowable Wage Rates for Volunteer Match.....	12

All documents and templates referenced in this manual are available by request.

Additional guidance for the development and implementation of Federal Aid projects can be found in the Development Guide for Local Public Agencies and Other Subrecipients of Federal Funds, which can be found at <https://www.roads.maryland.gov/mdotsha/pages/index.aspx?PageId=855>.

RECREATIONAL TRAILS PROGRAM MANUAL

I. INTRODUCTION

The US Congress created the National Recreational Trails Program (RTP) in the Intermodal Surface Transportation Efficiency Act of 1991. The Program was then reauthorized in 1998 under the Transportation Equity Act for the 21st Century (TEA-21); in 2005 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for All Users (SAFETEA-LU); in 2012 under Moving Ahead for Progress in the 21st Century Act (MAP-21); in 2016 under the Fixing America's Surface Transportation (FAST) Act; and in 2021 with the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58). The RTP provides federal funds to states to develop and maintain land and water-based recreational trails and trail-related facilities for motorized and non-motorized recreational trail uses. Some of these uses include pedestrian uses (hiking, running, wheelchair use), road/mountain biking, equestrian, cross-country skiing, snowmobiling, off-road motorcycling, off-highway vehicle riding, paddle sports, personal watercraft, and motorized boats.

The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as -

- (A) pedestrian activities, including wheelchair use;
- (B) skating or skateboarding;
- (C) equestrian activities, including carriage driving;
- (D) nonmotorized snow trail activities, including skiing;
- (E) bicycling or use of other human-powered vehicles;
- (F) aquatic or water activities; and
- (G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

The Maryland State Highway Administration (SHA) encourages non-profit organizations and government agencies to utilize the RTP to fund land and water-based recreational trail-related projects. This manual has been developed to provide a broad overview of project reporting and financial management requirements. Minor adjustments and refinements may be made to address specific project needs.

A. Available Funding

The Infrastructure Investment and Jobs Act legislation provides Maryland with approximately \$1,000,000 per year for the RTP.

All States must use 30% of their funds in a fiscal year for motorized trail uses, 30% for non-motorized trail uses, and 40% for diverse trail uses (motorized or non-motorized or both for multiple user groups). Diverse motorized projects (such as snowmobile and motorcycle) or diverse non-motorized projects (such as pedestrian and equestrian) may satisfy two of these categories at the same time. Canoe, kayak, or rowboat trails may count toward a State's 30%

RECREATIONAL TRAILS PROGRAM MANUAL

non-motorized requirement, and motorboat or personal watercraft trails may count toward a State's 30% motorized requirement. Trails that allow e-bikes are classified as diverse trail use.

B. Federal and State Requirements

RTP 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](#);
- [Code of Maryland Regulations \(COMAR\) Title 21](#);
- [Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended, and provided for under [49 CFR Part 24](#), and [23 CFR Subchapter H Part 710](#);
- [National Environmental Policy Act \(NEPA\)](#);
- [Section 106 of the National Historic Preservation Act \(Section 106\)](#);
- [Section 4\(f\) of the US DOT Act](#);
- [Section 7 of the Endangered Species Act \(Section 7\)](#);
- [Section 404 of the Clean Water Act](#);
- [Chesapeake and Atlantic Coastal Bays Critical Areas Act](#);
- <https://highways.dot.gov/fed-aid-essentials/federal-aid-essentials-local-public-agencies>;
- https://www.fhwa.dot.gov/environment/recreational_trails/;
- 40 U.S.C 3141-3148, The Davis-Bacon & Related Acts;
- 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as supplemented by 2 CFR Part 1201 for Awards by the U.S. Department of Transportation; and
- 2 CFR 1201.317
- [MDOT Complete Streets Policy](#)

*Note that the provisions under 23 USC 206, Recreational Trails Program, do not apply to discretionary programs or Community Project Funding/Congressionally Directed Spending projects (previously known as earmarks).

The RTP is administered by the Regional and Intermodal Planning Division (RIPD) within SHA's Office of Planning and Preliminary Engineering (OPPE). The SHA is responsible for managing the program from screening applications and awarding projects to final inspection and closeout.

The RTP is federally funded and administered on a **reimbursement basis**. The sponsor incurs and pays for approved expenditures and is reimbursed by SHA after a submitted invoice is approved. The RTP may reimburse up to 80% of the project's total eligible costs.

RECREATIONAL TRAILS PROGRAM MANUAL

The Federal Highway Administration (FHWA) is required to authorize all federally funded projects, including RTP projects. Expenses are only allowed after project authorization and obligation of funds. Proceeding without federal authorization will jeopardize federal participation and result in non-reimbursement by SHA.

The following are required for the obligation of federal funds:

1. The project authorization must reflect the federal funds needed based on an accurate cost estimate for the scope of work that is ready to proceed for an allowed purpose.
2. A reasonable period of performance needs to be established in which the recipient is to incur eligible costs on the project.
3. Projects must be monitored to ensure federal funds and project agreement estimates are reasonably aligned with current cost estimates and the performance schedule.
4. Obligations should be adjusted, and projects should be closed within a reasonable timeframe after all required work and applicable administrative actions (e.g., reporting and final invoiceing) have been completed.
5. The period of performance must be monitored to ensure costs are incurred during the authorized period and invoiced as provided in the regulations.
6. Records must be properly retained by the recipient or subrecipient in accordance with the regulations.

C. Sponsor Responsibilities

Governmental agencies and IRS-approved non-profit organizations are eligible candidates to sponsor RTP projects. A project sponsor shall be responsible for:

- Identifying an employee in responsible charge of the project, including projects that employ consultants. This must be a full-time employee of the Local Public Agency (LPA), although he or she does not have to be an engineer nor dedicated full time to a project. This person supervises all project administration activities and coordinates with SHA based on the assignment of responsibilities. This employee in responsible charge typically performs the following activities:
 - Maintains familiarity with day-to-day project operations, including safety issues
 - Approves contract changes based on approval from SHA
 - Performs field reviews with a frequency appropriate to the project size and complexity, including a final inspection to compare against the plans and specifications
 - Reviews project financials to ensure that safeguards are in place to minimize fraud, waste, and abuse
 - Directs staff to carry out project administration and ensure it is done satisfactorily
- Understanding all funding, program, and eligibility requirements;
- Applying for program funds;

RECREATIONAL TRAILS PROGRAM MANUAL

- Signing a Memorandum of Understanding (MOU) with SHA, stipulating that program funds shall be spent in accordance with all applicable program requirements, State and Federal laws;
- Obtaining environmental approvals (NEPA) and securing applicable permits as required for final design, right of way (ROW) and Construction authorizations;
- Obtaining ROW certification from SHA for construction authorizations;
- Meeting all State and Federal procurement regulations;
- Providing SHA with all necessary documentation when requesting RTP funds for reimbursement of project expenses;
- Providing a match value of a minimum of 20% of the **total project costs**, as well as contributing any costs beyond the approved award amount necessary to complete the project;
- Completing the entire project scope as defined in the MOU;
- Providing all necessary documentation and project status reports;
- Attending all project update and construction meetings;
- Inspecting all work for completion to meet applicable design requirements and to meet contract obligations or requirements prior to requesting reimbursement;
- Taking ownership and ongoing maintenance responsibility of the project; and
- Retaining program paperwork for a minimum of three years after the date SHA requests to close the FMIS project (per 2 CFR 200.334).

The processes and guidance provided in this manual reflect the federal and state requirements set at the time of publication. The sponsor is responsible for ensuring that they meet the most current regulatory requirements.

D. Public Access Requirements

All RTP projects must be legally and physically accessible to the public. The preference for federal-aid investments is that the public interest in, and access to, the trail or trail amenity should be in perpetuity. The typical life expectancy and minimum term of public access is 20 years.

E. Americans with Disabilities Act (ADA) Compliance

RTP projects within the federal aid highway right-of-way must comply with the ADA. The design standards issued under the ADA by the Department of Justice and the Department of Transportation ensure access to the built environment for people with disabilities. The ADA Standards apply nationwide, in addition to any SHA and other applicable state or local codes, where facilities are newly built or altered. Any project off the highway right-of-way that states that it will be ADA compliant shall comply with all ADA requirements.

A trail or trail facility (e.g. rest rooms, water sources, picnic tables, shelters, etc.) outside of the federal aid highway right-of-way must be accessible according to the applicable standards as

RECREATIONAL TRAILS PROGRAM MANUAL

outlined in the US Forest Service Trail Accessibility Guidelines, FSTAG 2013, and in compliance with all State and Federal requirements. Any new trail construction, trail alteration and trail amenity must be built accessible to the extent feasible. Departures from specific accessibility guidelines are required to request an exception for any portion of the trail where compliance would:

- Cause substantial harm to cultural, historic, religious, or significant natural features or characteristics;
- Substantially alter the nature of the setting or purpose;
- Not be feasible due to terrain or the prevailing construction practices.

F. MDOT Complete Streets Policy

RTP projects that are within MDOT right-of-way are subject to the MDOT Complete Streets Policy. Complete Streets focuses on creating a safe environment for all users including those who employ human-powered means of travel, which includes walking and bicycling with or without the use of mobility aids and may also include using other human-scaled or micro-mobility devices that may be electric-powered or electric-assisted, such as e-bikes and e-scooters.

Projects that are subject to the MDOT Complete Streets Policy shall establish a Complete Streets Objective Statement that addresses safe access for all users. This Objective Statement will articulate the transportation problem being addressed and what is needed to solve that problem. These statements will prioritize multimodal options, improved accessibility, and the application of Complete Streets design features.

RECREATIONAL TRAILS PROGRAM MANUAL

II. ELIGIBLE/INELIGIBLE PROJECT TYPES

This section describes the types of projects that qualify for RTP and specifies the types of activities and project components that are eligible to receive funding through the program. All projects that are awarded funds must be available for public use prior to the project being considered complete and eligible for final reimbursement.

A. Eligible Project Types

- Maintenance and restoration of existing recreational trails, including signage, bridges and boardwalks;
- Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;
 - If the primary purpose of the trailhead is trail use, it is fully eligible.
 - If the primary purpose is to serve the park, it is not eligible.
 - If the purpose is mixed, then it could be funded proportionally based on usage.
- Lease and purchase of recreational trail construction and maintenance equipment;
- Construction of new recreational trails (with restrictions on new trails and trail crossings on federal lands);
- Acquisition of easements and property for recreational trails or recreational trail corridors;
- Assessment of trail conditions for accessibility and maintenance;
- Development and dissemination of publications and operation of educational programs to promote safety and environmental protection related to the use of recreational trails.

B. Ineligible Project Types

- Condemnation of any kind of interest in property.
- Construction of any recreational trail on National Forest System land for any motorized use unless
 - the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and
 - the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;
- Construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land
 - has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and
 - the construction is otherwise consistent with the management direction in the approved management plan;

- Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.
- Condemned Land as Matching Value: An RTP project may be located on land condemned with funds from other sources; however, it is not permissible to use the value of condemned land toward the match requirement for an RTP project;
- Law Enforcement;
- Railroads: RTP projects should not be approved on railroad right-of-way on which the railroad tracks are in place, if trail users will traverse on or between the railroad tracks, except for providing railroad crossings in coordination with the railroad owner, operator, or State agency with jurisdiction over railroads;
- Roads: RTP funds may not be used for improvements to roads and/or bridges intended to be generally accessible by low clearance passenger vehicles (regular passenger cars), unless those roads/bridges are specifically designed for recreational use by the management agency;
- Park amenities: visitor centers, whole park restrooms, picnic pavilions, campgrounds, ball fields, etc.
- Play areas, spray areas, swimming pools, marinas, etc.
- School facilities: running tracks, sports fields, bleachers, parking areas, field lighting, etc.
- Sidewalks unless needed to complete a missing link between other recreational trails.

RECREATIONAL TRAILS PROGRAM MANUAL

III. ELIGIBLE/INELIGIBLE COSTS

Project costs that may be eligible for funding reimbursement are listed below. To be eligible for reimbursement these costs must be included in the executed MOU or an executed MOU amendment. Proper procurement processes as described in the Procurement section of this manual must be followed for costs to be eligible for reimbursement or match. If any part of a project is within a federal-aid highway right of way (ROW), the Davis-Bacon Act prevailing wage and additional requirements apply.

(<https://www.fhwa.dot.gov/construction/cqit/dbacon.cfm>).

- Construction;
- Materials;
- Leased or purchased equipment;
- Salary or personnel expenses including taxes and fringe benefits provided that they are accompanied by detailed payroll verification (state and local minimum and living wage requirements apply);
- Signage (design must include SHA logo);
- Supplies;
- Land acquisition;
- In-house design costs; and
- Design consultants procured following RTP regulations for preliminary and final design services.

Project costs that do not qualify for funding reimbursement are listed below. However, some of these items may be eligible as allowable match items (see **Table 1**). For a complete list of ineligible items, see https://www.fhwa.dot.gov/environment/recreational_trails/legislation/.

- Employee salaries for time and/or work not tied to a specific trail, trail system, or trail maintenance project as described in the project MOU or NEPA document;
- Salary or personnel expenses beyond the base hourly rate without detailed payroll verification that identifies each benefit amount (taxes, unemployment, insurance benefits, etc.);
- Trail research and planning; project management (including sponsor administrative time with permitting, application development, procurement and invoicing);
- Staff or volunteer time and mileage to and from the jobsite;
- Equipment not solely used for the construction or maintenance of the trail project;
- Food, beverages, lodging, or entertainment;
- Rental cars, transit, and other transportation-related expenses such as fuel, tolls, parking fees, etc.; and
- Business operation and overhead expenses such as general accounting, insurance policies, etc.

RECREATIONAL TRAILS PROGRAM MANUAL

IV. MATCH REQUIREMENTS

RTP will reimburse a grantee for up to 80% of the **total eligible project costs** up to the approved funding amount. At a minimum, a local match is required for 20% of the total eligible project costs. Matching (or cost sharing) is defined as the portion of project or program costs not borne by the Federal Government (2 CFR 200). **Note: Certain federally eligible items may not be eligible under the Maryland RTP Program guidelines.**

The RTP funds may be matched with funds available under other Federal funding programs if the project also is eligible for funding under the other federal program. Federal funds received by any project sponsor from another federal program may be credited as if they were the non-federal share (match).

RTP allows for both cash and in-kind match. Qualified in-kind match categories can be found in Table 1.

All matching sources that the sponsor elects to secure must adhere to the requirements in the following sections and be documented in detail in the MOU and any subsequent MOU amendments. Match items are required to follow proper procurement procedures to be eligible. Changes to the sponsor match made after the issuance of the MOU will require an amendment to the MOU. All changes must be coordinated with the RTP Manager (see **Section IV: Project Initiation**).

Table 1 summarizes the allowable match items and provides applicable details and/or examples.

Table 1: Allowable Match Items

Allowable Match Items	Detailed Description
Donated right-of-way (ROW)	Appraised value of ROW is acceptable if both the donation of the ROW and the appraisal were completed within 18 months of federal authorization date. The deed and the plat must be submitted to the RTP Manager for review.
Past property acquisitions	Property acquisitions undertaken as part of the current project (less than 18 months prior to federal construction authorization date, but not after the project application submission) may be used toward the match. The deed and the plat must be submitted to the RTP Manager for review. The value of the match will be determined as the appraised value within 18 months of federal construction authorization date. For the property acquisitions to be considered a match, the sponsor must have followed the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

RECREATIONAL TRAILS PROGRAM MANUAL

Allowable Match Items	Detailed Description
Design and direct project development activities	Design and project development activities that are directly tied to the planning of the specific project. These activities must occur within 18 months of federal authorization of funding. If the activities occur after the federal authorization date, procurement must meet state regulations. This can be proof of payment to a licensed design professional or in-house staff time (see Wage Rates in Table 3).
Construction costs	Construction costs over and above the award amount.
Materials	<p>Materials donated by a third party or those purchased by the sponsor will be valued based on fair market value of materials legally acquired in the past. Fair market value must be established within 18 months of federal construction authorization date.</p> <p>The value of materials used as match for other federal-aid projects or materials acquired under other federal-aid projects are not eligible as match.</p>
Equipment	<p>Equipment purchased or rented specifically for the subject project and not sought for reimbursement.</p> <p>Value of equipment is based on fair market value of equipment legally acquired in the past. Fair market value must be established within 18 months of Federal construction authorization date.</p> <p>Cannot count the value of equipment used as match for other federal-aid projects or for equipment acquired under other federal-aid projects.</p>
Donated funds	Donations specifically designated to the awarded project scope and identified to be used as match. Copy of cancelled check must be submitted before or with the invoice.
Work performed (directly related to the subject project)	Paid or volunteer work performed that is directly related to the awarded project provided it is accurately documented and a value can be established (see Section IX: Invoicing for Reimbursement / Project Close-out). To be eligible, work must take place less than 18 months prior to, or after federal authorization of funding. Match verification documentation must be submitted monthly to be eligible.

RECREATIONAL TRAILS PROGRAM MANUAL

Allowable Match Items	Detailed Description
Mileage and fuel	Mileage for vehicles being used to transport materials to and from a job site will require proper documentation and prior approval and take place less than 18 months prior to, or after federal authorization of funding.
Employee or staff fringe benefit expenses with detailed payroll verification	Taxes, unemployment, insurance benefits, leave time, etc. Activities must be related to the awarded project and take place less than 18 months prior to, or after federal authorization of funding.

RECREATIONAL TRAILS PROGRAM MANUAL

Table 2 summarizes the prohibited Match items and provides applicable details and/or examples.

Table 2: Prohibited/Ineligible Match Items

Prohibited/Ineligible Match Items	Description
Mileage or rental vehicles	Mileage for employees or volunteers traveling to and from the job site.
Meals/food/beverages/entertainment / lodging expenses	Meals, food, beverages, entertainment, and lodging expenses.
Employee or staff fringe benefit expenses without detailed payroll verification	Taxes, unemployment, insurance benefits, leave time, etc.
Value of equipment or tools	The value of equipment or tools not purchased or rented solely for the project.
Donated equipment or tools	Value of donated equipment or tools.
Previously completed work	Any work completed prior to the date of the executed MOU and/or any work completed that is outside of the scope of work and/or project limits as noted in the MOU or MOU amendment..
Business and overhead expenses	Business operation and overhead expenses such as general accounting, insurance policies, application development, and grant management (such as invoicing, MOU, correspondence, procurement, etc.).
Equipment repairs	Equipment repairs for items not solely used for the project.
On-going maintenance activities	Maintenance activities after project completion.

The SHA will use the median wage rates listed in **Table 3** for volunteer match for RTP projects. These rates are from the 2022 Bureau of Labor Statistics (BLS) for Maryland. For anyone serving in multiple roles, time performed per activity must be documented with the corresponding wage rate. If an employee's time is used for match, documentation must be submitted (pay stubs or payroll records) to verify that rate.

Table 3: Allowable Wage Rates for Volunteer Match

Labor Category	Hourly Rate
General unskilled labor (BLS Occupation Code: 47-2061) <i>Trail construction, maintenance, mowing, landscaping/weeding, brush removal</i>	\$20.49
Skilled Labor (BLS Occupation Code: 47-2073)	\$27.14

RECREATIONAL TRAILS PROGRAM MANUAL

Labor Category	Hourly Rate
<i>Operating engineers and other construction equipment operators. If an employee of the sponsor is providing this type of labor, documentation demonstrating prior work experience and/or education is necessary.</i>	
Construction Supervisor (BLS Occupation Code: 47-1011) <i>Supervisors of unskilled and skilled labor</i>	\$36.13
Professional Design ¹ (BLS Occupation Code 17-3019) <i>Prepare detailed drawings of architectural and structural features of projects.</i>	\$34.00
Foresters (BLS Occupation Code 19-1032) <i>Manage public and private forested lands for economic, recreational, and conservation purposes. May determine how to conserve wildlife habitats, creek beds, water quality, and soil stability, and how best to comply with environmental regulations.</i>	\$35.89

Source:

https://www.bls.gov/oes/current/oes_md.htm

RECREATIONAL TRAILS PROGRAM MANUAL

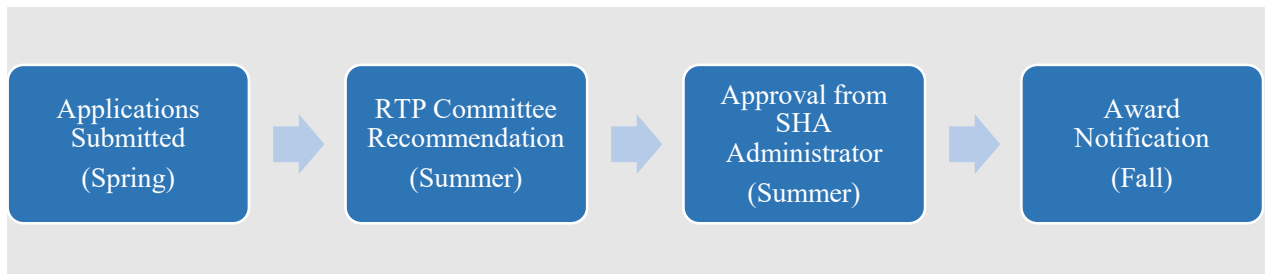
V. APPLICATION

The RTP Application can be found on [Maryland OneStop](#). Applications are typically submitted in the spring, to be awarded in the fall. All applications are reviewed by the RTP staff and the RTP advisory committee. Recommendations are made to the SHA Administrator for final approval. Applicants receive written notification of award and denial by email.

Shovel-ready projects with a complete scope of work and 30% design plans will be more competitive than those that are still in the conceptual phase. The RTP program places a priority on projects that enhance safety and approve accessibility for all. The minimum award request is \$25,000

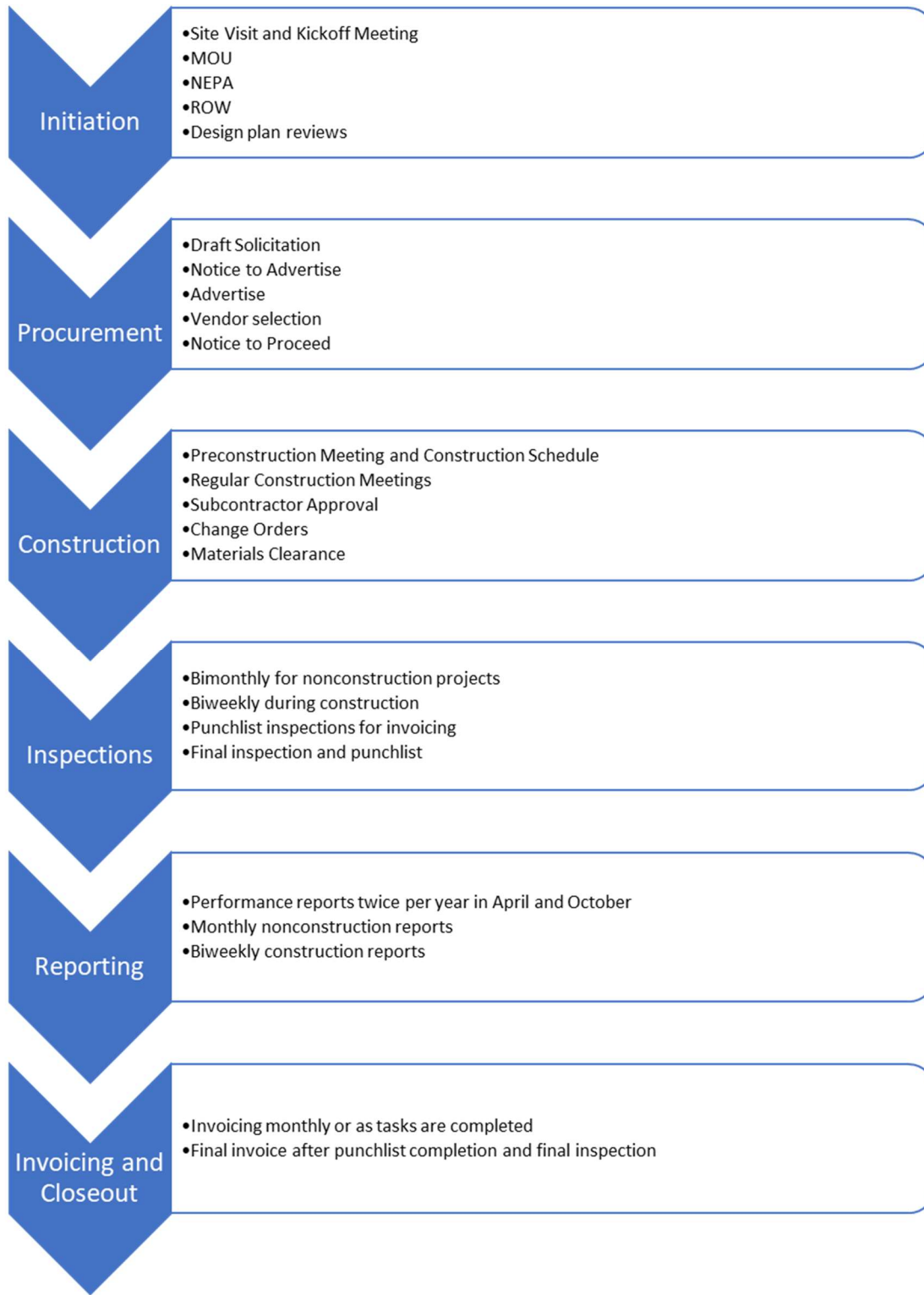
To defray the costs SHA incurs when administering RTP grants, SHA will add ten% to the total RTP funds requested (not including the project sponsor's matching funds) for all awards. These costs help cover the cost of SHA design plan review, regulatory compliance, materials clearance and construction inspection and oversight. This allows SHA to use RTP funding to reduce the burden of these costs on the sponsor. The sponsor will be responsible for the additional match associated with these costs.

Applicants can receive feedback on project applications if submitted during the completeness review period. The dates will be posted on [Maryland OneStop](#).



RECREATIONAL TRAILS PROGRAM MANUAL

VI. WORKFLOW



RECREATIONAL TRAILS PROGRAM MANUAL

VII. PROJECT INITIATION

Since the RTP is Federally funded, each sponsor is required to meet State and Federal requirements before allocated funds can be authorized for spending. This section is intended to help sponsors meet these requirements.

A. Notice of Award

Sponsors of projects that are approved by the SHA for funding will receive a Notice of Award Letter. After this Letter is issued, SHA will contact the project sponsor to schedule a kickoff meeting to discuss program requirements. This exchange of information will provide both parties with a detailed understanding of the project implementation process. The RTP staff may also complete a project initiation site visit.

B. Memorandum of Understanding (MOU)

1. *Preparation of an MOU*

SHA will prepare an MOU, or a supplemental agreement when a master agreement is in place, for each awarded project, outlining the project description, amount of funds awarded, activities for which funds will be reimbursed, matching obligations, and responsibilities of the SHA and the project sponsor. The project sponsor can request updates to the scope of work and amend any attachments, which will be considered on a case-by-case basis.

The sponsor must sign the original electronically, as well as provide a Federal I.D. number, and then email the MOU to SHA for final signatures. Once the SHA signs the MOU, the executed MOU will be sent to the sponsor via email. The MOU will expire five years from the date of execution.

The MOU will contain a provision that if the project does not move forward within one year of the date of the executed MOU, the funds for the project may be withdrawn by the SHA. The sponsor can demonstrate moving forward by working toward NEPA and right-of-way certification, completing design plans and/or developing a procurement package. Any work started prior to **Federal Authorization** for the project will not be eligible for reimbursement.

2. *MOU Amendment Process*

Any changes to the project as described in the MOU must be coordinated with the RTP Manager and additional environmental approvals may be required for certain MOU amendments. MOU amendments will be considered on a case-by-case basis. The Program Manager will provide the MOU Amendment document to the sponsor to sign however all supporting materials for the MOU Amendment must be provided by the

RECREATIONAL TRAILS PROGRAM MANUAL

sponsor. The MOU Amendment will be executed after it receives final signatures from SHA. Eligible MOU amendments are detailed below.

- a) **Minor Location Change:** A minor change in location means expanding or relocating the Limits of Disturbance (LOD) of an existing project, which will require additional environmental review. The location must be within the same project site.
- b) **Scope Change:** Any change in project scope requires an MOU amendment with justification, along with an updated work plan, design plans and detailed budget. The new scope must be consistent with the original project scope and may require additional environmental review.
- c) **Funding Amount Increases:** If essential to the project, a sponsor may request additional RTP funding after the MOU is executed and before the project is awarded to a contractor. Requests for increases will require an amendment request with justification along with an updated work plan and detailed budget.
- d) **Budget Line Item or Match Changes:** If the amount or the type of match or budget line item changes, an MOU amendment is required prior to incurring the expenses.
- e) **MOU Extension:** If essential to project scope completion, an MOU expiration extension will be considered.

Minor amendments to the project MOU that do not impact the validity of the existing MOU and any Amendment(s) may be processed via a Letter of Approval.

C. Environmental Approval

Although the RTP is administered by the SHA, it is a Federally-funded program and, as a result, is subject to the National Environmental Policy Act (NEPA) and other Federal and State environmental regulations to consider the potential impacts on the environment by the proposed actions. Laws ensuring environmental protection include, but are not limited to:

- [NEPA](#);
- [Section 106 of the National Historic Preservation Act](#);
- [Section 4\(f\) of the US DOT Act](#);
- [Section 404 of the Clean Water Act](#);
- [Section 7 of the Endangered Species Act](#);
- Wetland/Waterway/Floodplain/Erosion & Sediment Control Permits; and
- [Chesapeake and Atlantic Coastal Bays Critical Areas Act](#).

RECREATIONAL TRAILS PROGRAM MANUAL

For projects that receive notice of federal funding, NEPA requires sponsors to consider natural, cultural, and socioeconomic factors, and use a systematic, interdisciplinary approach before committing to a project. Environmental approval is required for all projects regardless of the scope of work. The level of environmental coordination and documentation for an RTP project is commensurate with the potential natural and cultural resource impacts.

For RTP projects, natural and cultural resource impacts are determined through coordination with resource agencies. The RTP Environmental Coordinator (EC) will facilitate coordination with the Maryland Historical Trust (MHT), Maryland Department of Natural Resources (DNR), and the United States Fish and Wildlife Service (USFWS) on behalf of the sponsor. The sponsor is responsible for identifying and obtaining any permits associated with the project.

Guidance on the NEPA process is outlined below:

1. Once the RTP funding has been approved by the SHA, the sponsor should contact the RTP EC and provide a detailed project description with a map of the exact location/LOD. The location should be provided as a shapefile, .KML, .GPX or GPS coordinates. This project description should align with what was provided in the RTP application and MOU.
2. The RTP EC will review the level of coordination necessary for MHT. MHT has programmatically excluded some minor activities from individual MHT review. If the project is programmatically excluded, RTP EC will provide the sponsor with this information and no further coordination is warranted. If the project requires further MHT coordination, the RTP EC will coordinate with MHT via SHA Cultural Resources on the sponsor's behalf.
3. If RTP 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 US Army Corps of Engineers (USACE) permit for impacts to those resources if that is determined by MDE. Obtaining permits is the responsibility of the sponsor. The sponsor should provide RTP EC with permit and impact information.
4. The RTP EC will review the level of coordination necessary for USFWS and DNR. Minor activities may be programmatically excluded from review and the RTP EC will inform the project sponsor if their project falls within this category. Otherwise, the RTP EC, will use online tools to coordinate with USFWS and DNR to determine if Federally- or State-listed rare, threatened, or endangered species may occur within the project area. If a species is identified, the RTP EC will work with USFWS and/or DNR to determine if time of year restrictions or other requirements are needed to complete the project. The RTP EC will forward all coordination with USFWS and DNR to the project sponsor.

RECREATIONAL TRAILS PROGRAM MANUAL

5. Chesapeake Bay and Atlantic Coastal Bay Critical Areas exist in all Maryland counties except for Carroll, Howard, Frederick, Montgomery, Washington, Allegany, and Garrett. If the project falls outside of these counties and is located near tidal waters, impacts to the Critical Area may be identified by DNR and further coordination with the Critical Area Commission (CAC) may be warranted. The RTP EC will work with the sponsor to determine if further coordination is deemed necessary however the CAC coordination must be conducted by the sponsor.
6. The project sponsor should ensure that the RTP project complies with all County and local ordinances.
7. After all coordination is complete, the RTP EC will draft the environmental document. The RTP EC will then submit the environmental document for approval internally at the SHA. This process typically takes two weeks. The sponsor will be copied on the approved environmental document and a copy will also be sent to the sponsor via email.

D. Permitting

The sponsor is responsible for obtaining all required permits. The permits need to be identified as part of any procurement package and it is recommended that they be obtained prior to advertisement to avoid a delay in construction. All permits must be obtained prior to issuing notice to proceed to any contractor(s) and/or starting any work. Any additional project cost resulting from non-availability of environmental permits will be non-participating.

The permits include, but are not limited to:

- Wetland permit/waiver (USACE, MDE) if impacts to wetlands or wetland buffers will occur;
- Waterway Construction Permits if the project involves a bridge (hydrology/hydraulic studies and a scour study are required for this) (MDE);
- Access permit for work within SHA ROW (refer to RTP Manager to provide contact information for SHA District Regional Engineers);
- Floodplain permits (MDE);
- Coordination with the Federal Emergency Management Agency (FEMA), if the project involves a bridge in a FEMA flood plain;
- Sediment and Erosion Control and Stormwater Management approvals (MDE); and
- All other State and Local required permits.

E. Federal Authorization

RECREATIONAL TRAILS PROGRAM MANUAL

Federal funding requires the RTP Program Manager to submit each project individually for Federal Authorization upon execution of the MOU (including any amendments), NEPA clearance, and ROW Certification (for construction only). Procurement of goods and services for reimbursement cannot take place until the project funding is authorized. See Match Requirements to determine what match items are eligible up to 18 months prior to federal authorization approval date.

F. Design Review and Plan Approval

Projects may be reviewed by various offices within SHA depending on the complexity and permitting requirements. All structures, including bridges, puncheons, boardwalks, toilets, launches, and kiosks must have engineered design plans that are reviewed and approved by SHA. This process will be facilitated through RTP staff. All approvals are required prior to procurement and/or construction. All projects within Federal Aid highway ROW will require design review regardless of the scale of the project. SHA offices that may provide design comments include:

- Office of Structures (OOS): all bridges, boardwalks, and other large structures;
- Office of Highway Development Highway Hydraulics Division (HHD): projects that require stormwater management facilities;
- Office of Highway Development Design Technical Services Division: projects seeking ADA compliance or non-natural surface trail projects and comprehensive plan review
- District Office: Projects within Federal Aid highway ROW

RECREATIONAL TRAILS PROGRAM MANUAL

VIII. RIGHT-OF-WAY CERTIFICATION

All sponsors must coordinate with RTP staff to obtain ROW Certification which is necessary prior to requesting Federal Authorization for construction.

A. Right-of-Way Verification Letter

1. *Sponsor Owns the Land*

If a sponsor already owns the land, a ROW Verification Letter must be submitted to the SHA RTP Manager indicating this and verifying responsibility for ongoing maintenance of the project.

Land owned by a sponsor that is under an easement or leased must follow the process below.

2. *Sponsor Does Not Own the Land*

If a sponsor does not own the land, the sponsor must coordinate with the landowner, the RTP Manager, and the SHA Office of Real Estate to determine requirements for ROW certification. This process must also identify who is performing the work and who is responsible for future maintenance of the project.

B. Land Acquisition

When sponsors propose to acquire property or property easements for RTP projects, the acquisition of real property interests related to trail projects must conform to the Uniform Relocation Act and other governing State and Federal laws. SHA will aid in the process. No State or Federal funds may be used to improve private property or property not dedicated to public use.

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. Required documentation includes:

- Right of Way Plans/Plats with areas listed
- Appraisal, including letter to owners stating that they are encouraged to walk through the property with the Appraiser (especially if they need to point out features such as septic, drain fields, etc.)
- Appraisal Review (it can be done independently or by SHA Reviewers, if available)
- Title Search
- Written Offer letter (based on Appraisal) **
- Certified Record of Negotiations
- Signed and Approved Option Contract
- Waivers (if donation or dedication of property by owners)
- Relocation (if needed)
- Administrative Settlement Letter signed by SHA Office of Real Estate

RECREATIONAL TRAILS PROGRAM MANUAL

IX. PROCUREMENT

RTP project sponsors are expected to adhere to all applicable Federal, State, local and tribal laws and regulations, in accordance with 2 CFR 200.318.¹ All steel, iron, manufactured products, and construction materials used in the PROJECT shall be produced in the United States, in accordance with FHWA Buy America provision (23 USC 313 and 23 CFR 635.410) and Build America, Buy America (BABA) Act (2 CFR 184). In addition, project sponsors must follow [COMAR Title 21](#). All items purchased for the project and/or any contracted work must go through the RTP procurement process. This may mean that a given project goes through the procurement process more than once. Failure to follow required procurement procedures shall result in denial of reimbursement.

Small procurement includes three cost categories, based on the cost of the procurement (COMAR 21.05.07.04).

- Category I <\$5,000
- Category II \$5,000 to \$14,999
- Category III \$15,000 to \$50,000

Procurements over the Category III Small Procurement threshold in COMAR or projects that are within the Federal Aid highway right of way will require review and approval by the Federal Aid Programming Division of the SHA's Office of Finance.

A. Procurement Process

Details on the general requirements and process to follow for procurement is provided below. All referenced documents will be provided to the sponsor and are available by request.

- 1) Sponsor develops the Procurement Package or Invitation for Bids (IFB). The RTP Manager will provide templates for both small procurement and competitive sealed bidding.
 - Each package must include the following items:
 - Independent cost estimate;
 - IFB;
 - Project scope and specifications;
 - Vendor minimum qualifications;
 - Final design plans (when applicable);
 - Bid submittal form;
 - Preferred vendor disclosure form;
 - List of potential bidders;

¹ [Code of Federal Regulations, Title 2, Subtitle B, Chapter XII, Part 1201 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – §1201.317](#)

- Environmental Permit Certification form; and
 - Federal Form Packet (excluding solicitations for supplies, materials and signage).
- 2) Sponsor reviews NEPA document and any NEPA reevaluations to confirm that the scope of work, limits of disturbance, and reported permits and impact amounts are accurate and still valid. If not, sponsor must contact the Environmental Manager to determine if a reevaluation is needed.
 - 3) The procurement package/IFB is submitted to the RTP Manager for review and approval. The sponsor determines whether the solicitation must be sent to a Preferred Vendor.
 - State preferred vendors must be given the opportunity to fulfill project needs for those items in the vendor catalog. Preferred vendors include Maryland Correctional Enterprises, Maryland Blind Industries, and Maryland Works. Additional guidance will be provided when the sponsor enters the procurement phase.
 - All necessary affirmative action steps must be taken to assure that disadvantaged business enterprises (DBE), are used whenever possible. These steps shall include placing qualified businesses on solicitation lists and assuring that these businesses are solicited whenever there are potential sources. When a procurement is over \$50,000 a DBE goal for the contract will be assigned by SHA to be included in the IFB.
 - 4) The SHA issues a signed Notice to Advertise (NTA).
 - 5) If sponsor has determined that the solicitation must be sent to a Preferred Vendor, the sponsor must contact the Preferred Vendor with the solicitation. The Preferred Vendor will either provide a quote or issue a waiver.
 - 6) If the sponsor determines the solicitation does not need to be sent to a Preferred Vendor or if the Preferred Vendor issues a waiver the sponsor can solicit the bid following the requirements outlined below:

Category I <\$5,000	No formal advertisement required.	Sponsor solicits at least two (2) vendors. Offers can be oral or in writing; however, documentation is required
Category II \$5,000 to \$14,999	No formal advertisement required.	Sponsor solicits at least three (3) vendors. Solicitations must be in writing.
Category III \$15,000 to \$50,000	Formal advertisement is required	Sponsor posts solicitation on eMaryland Marketplace Advantage (eMMA) for a minimum of three (3) working days before the bids are due and opened.
Competitive Sealed Bidding > \$50,000	Formal advertisement is required	Sponsor posts solicitations on eMMA for a minimum of 28 days before bids are due and opened.

For category I verbal solicitations, the sponsor must document the solicitation and verbal offers. The tabulation must include the date and time of the call, the name and address of the vendor, the name of the person providing the bid and the amount of the bid. The tabulation must be signed and dated.

For Category I and II, written solicitations will be sent directly to vendors via email. The email will act as documentation that the request for bids went to multiple vendors.

For Category III and Competitive Sealed Bidding, the Invitation for Bids (IFB) must be posted on eMMA either by the sponsor if they are a government entity, or by SHA, and can additionally be posted on a bid board, a newspaper or on the sponsor website. These bids must be sealed and opened at a time specified in the IFB.

- 7) Sponsor receives acceptable offers/bids and documents prices (at least two acceptable offers must be received to qualify). If only a single bid is received, contact RTP Manager for guidance on how to proceed.
- 8) Sponsor selects a vendor based on the lowest responsive and responsible bid.
- 9) Sponsor submits a request to SHA for concurrence in award, with the bid tabulation, bid submittal sheets, and contractor qualifications (when applicable). All subcontractors must be approved by SHA.
- 10) The SHA issues a signed Notice to Proceed (NTP).

B. Other Types of Procurement

Projects that are awarded for Architectural and Engineering Services, including design and assessment, will follow a distinct procurement process that includes a Request for Proposals (RFP) rather than an IFB. Detailed guidance will be provided by the RTP Manager.

C. Buy America Provisions

All steel, iron, manufactured products, and construction materials used in the PROJECT shall be produced in the United States, in accordance with FHWA Buy America provision (23 USC 313 and 23 CFR 635.410) and Build America, Buy America (BABA) Act (2 CFR 184).

X. CONSTRUCTION

In this context, construction applies to trail construction, rerouting, resurfacing and restoration as well as trail structures, trailheads and trailside amenity work. This is the case whether performed by a contractor, volunteers, or Conservation Corps members. All structures must be constructed by a contractor or qualified paid staff. When a contractor is used for construction, volunteers may be used for corridor clearing only.

A. Meetings and Construction Schedule

Construction projects require that the RTP project manager attend the pre-bid and pre-construction meetings. A construction schedule must be submitted and approved by the project manager prior to construction mobilization. The project manager will perform scheduled and unscheduled inspections and should be invited to all progress meetings held either virtually or on-site. When structures are included in the project scope, the project manager must be notified prior to the start of construction of the structure. The project manager must be notified when there are changes to the construction schedule and/or if there are changes in contractors or subcontractors.

B. Change Orders

The sponsor should begin discussing the potential of a change order and the circumstances involved (reasoning, timing, cost implications, design changes, eligibility, etc.) with the RTP project manager as soon as it becomes evident that one may be necessary. The RTP Program Manager may give verbal consent to continue with the construction process impacted by the change order. Approval is necessary prior to executing any change order. Failure to receive prior approval will result in the work being deemed ineligible for reimbursement. Contact the RTP Manager for further instructions.

C. Construction Oversight

The sponsor is responsible for providing adequate and documented oversight during construction to ensure projects are completed in conformance with the construction contract documents, plans, and specifications. The construction inspections may be performed by a consultant or by the sponsor. SHA may require materials clearance prior to and during construction.

The project must be completed to the approved design plans and/or project scope to receive reimbursement. This will be verified by the RTP project manager. Any items failing inspection will need to be addressed at the sponsor's expense.

RECREATIONAL TRAILS PROGRAM MANUAL

XI. PROJECT REPORTS AND INSPECTIONS

A. Quarterly Project Reports

Sponsors are required to provide the project manager with updates via monthly project performance reports.

Sponsors must immediately notify the project manager of any developments that have a significant impact on the award-supported activities, and/or any problems, delays, or conditions which prohibit the grantee from meeting the objectives of the award.

B. Construction Reports

The sponsor is required to submit biweekly construction reports to the project manager using the provided template. The reports should have a high level of detail and notify the project manager if there are any issues during construction or if a delay in construction completion is anticipated. The report should also include any photos and/or maps of the construction status.

C. Project Inspections

All project sites will receive periodic inspections by the RTP project manager or designee. When a project is in construction, there will be bi-weekly inspections. For maintenance projects, the inspections will be every four to six weeks. Inspection types include:

- Project initiation;
- Pre-construction;
- Project mapping;
- Maintenance verification;
- Construction
- Structure(s);
- Invoice verification; and
- Closeout verification

Any inspection findings must be addressed before seeking reimbursement for work completed.

RECREATIONAL TRAILS PROGRAM MANUAL

XII. INVOICING FOR REIMBURSEMENT / PROJECT CLOSE-OUT

A. Invoicing for Reimbursement

Project sponsors will not be reimbursed for any project activities undertaken prior to execution of the MOU, NEPA approval, ROW certification (required for construction authorizations), and federal authorization. Any items not detailed in the MOU and application are not eligible for reimbursement. Failure to follow required procurement procedures will result in denial of reimbursement.

Project sponsors are responsible for submitting, at minimum, quarterly invoices for projects incurring expenses unless a separate invoicing process is agreed upon by the sponsor and RTP manager.

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

1. When requesting reimbursement for services or materials, the sponsor shall prepare the invoice cover letter and submit this, along with a copy of the vendor receipt/contractor invoice and payment verification, to the project manager. When requesting reimbursement of more than one item, include a summary table detailing reimbursable items.
2. When requesting reimbursement or match for labor costs, the sponsor shall prepare an invoice cover letter and submit this, along with the Personnel Activity Report (PAR) and payroll verification, to the project manager. The PAR must include a level of detail to justify the number of hours being claimed. When multiple employees are included in the invoice, include a summary table.
3. In addition to the invoice, the sponsor shall submit documentation for the matching funds corresponding to the reimbursement request amount. Include a summary table detailing the match items along with the documentation described for reimbursements.
4. Sponsor's final invoice for reimbursement will include the following 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.
5. A project site inspection for invoice verification or to certify project completion will be conducted prior to reimbursement.

6. Project must be open to the public prior invoice submission to receive final reimbursement.
7. The final payment will be processed, and the project closed.

B. On-going Maintenance

Funding allocated under this Program comes with the long-term obligation to maintain and protect the project area after a project is complete. Adequate maintenance procedures must be developed and followed to maintain the property and the equipment. The RTP Manager may make routine follow-up visits to ensure compliance with this requirement.