

---

# RECREATIONAL TRAILS PROGRAM MANUAL

---

FEBRUARY 2022



# RECREATIONAL TRAILS PROGRAM MANUAL

## TABLE OF CONTENTS

<b>I. INTRODUCTION .....</b>	<b>1</b>
A. Available Funding.....	1
B. Federal and State Requirements.....	1
C. Sponsor Responsibilities.....	2
D. Public Access Requirements.....	3
E. Americans with Disabilities Act (ADA) Compliance .....	3
<b>II. ELIGIBLE/INELIGIBLE PROJECT TYPES.....</b>	<b>4</b>
A. Eligible Project Types.....	4
B. Ineligible Project Types .....	4
<b>III. ELIGIBLE/INELIGIBLE COSTS .....</b>	<b>6</b>
<b>IV. MATCH REQUIREMENTS.....</b>	<b>7</b>
<b>V. Application .....</b>	<b>11</b>
<b>VI. WORKFLOW .....</b>	<b>12</b>
<b>VII. PROJECT INITIATION .....</b>	<b>13</b>
A. Notice of Award.....	13
B. Memorandum of Understanding (MOU).....	13
1. Preparation of an MOU .....	13
2. MOU Amendment Process.....	13
C. Environmental Approval.....	14
D. Permitting.....	16
<b>VIII. RIGHT-OF-WAY CERTIFICATION.....</b>	<b>17</b>
A. Right-of-Way Verification Letter .....	17
1. Sponsor Owns the Land .....	17
2. Sponsor Does Not Own the Land.....	17
B. Land Acquisition.....	17
<b>IX. PROCUREMENT .....</b>	<b>19</b>
A. Procurement Process.....	19
B. Other Types of Procurement.....	21
C. Buy America Provisions .....	21

# RECREATIONAL TRAILS PROGRAM MANUAL

---

<b>X. Construction.....</b>	<b>22</b>
A. Plan Approval .....	22
B. Meetings and Construction Schedule.....	22
C. Change Orders .....	22
D. Construction Oversight and Reports.....	22
<b>XI. PROJECT REPORTS AND INSPECTIONS.....</b>	<b>24</b>
A. Project Reports.....	24
B. Project Inspections .....	24
<b>XII. INVOICING FOR REIMBURSEMENT / PROJECT CLOSE-OUT.....</b>	<b>25</b>
A. Invoicing for Reimbursement .....	25
B. On-going Maintenance.....	26

## LIST OF TABLES

Table 1: Allowable Match Items.....	7
Table 2: Prohibited/Ineligible Match Items .....	9
Table 3: Allowable Wage Rates for Volunteer Match.....	9

All documents and templates referenced in this manual can be found on the Recreational Trails Program website at <https://www.roads.maryland.gov/Index.aspx?PageId=98>.

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 Maryland Department of Transportation State Highway Administration (MDOT 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. For questions, please contact the RTP Manager, Cheryl Ladota at 410-545-8552 or [cladota@mdot.maryland.gov](mailto:cladota@mdot.maryland.gov).

### A. Available Funding

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

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 (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 percent non-motorized requirement, and motorboat or personal watercraft trails may count toward a State's 30 percent 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](#);

## RECREATIONAL TRAILS PROGRAM MANUAL

---

- [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](#);
- Presidential Executive Orders on [Buy American](#) and [Hire American](#) (April 18, 2017, January 31, 2019 and July 15, 2019); and
- [Metropolitan and Statewide Transportation Planning Requirements](#)

The RTP is administered by the Regional and Intermodal Planning Division (RIPD) within the MDOT SHA's Office of Planning and Preliminary Engineering (OPPE). The MDOT 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 the expense for approved expenditures and is reimbursed by MDOT SHA after a submitted invoice is approved. The RTP may reimburse up to 80% of the project's total eligible costs.

The RTP funding is authorized for each project by FHWA. Expenses are only allowable after Federal authorization. Proceeding without Federal authorization may jeopardize Federal participation and result in non-payment by MDOT SHA.

### C. Sponsor Responsibilities

Most governmental agencies and IRS-approved non-profit organizations are eligible candidates to sponsor RTP projects. In general, a project sponsor shall be responsible for:

- Understanding all funding, program, and eligibility requirements;
- Applying for Program funds;
- Signing a Memorandum of Understanding (MOU) with the MDOT SHA, stipulating that Program funds shall be spent in accordance with all applicable Program requirements, as well as State and Federal laws;
- Obtaining environmental approvals (NEPA) and securing applicable permits;
- Obtaining Right-of-Way (ROW) certification from the MDOT SHA;
- Meeting all State and Federal procurement regulations;

## RECREATIONAL TRAILS PROGRAM MANUAL

---

- Providing the MDOT 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;
- Taking ownership and ongoing maintenance responsibility of the project; and
- Retaining program paperwork for a minimum of three years following project closeout.

### **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 involving paved shared-use paths 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 applicable state or local codes, where facilities are newly built or altered.

A woodland or motorized trail or trail facility must be constructed as accessible according to the applicable standards as outlined in the US Forest Service Trail Accessibility Guidelines, in compliance with all State and Federal requirements. Any new trail construction must be built as accessible to the extent feasible. Departures from specific accessibility guidelines are permitted 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;
- Require construction methods or materials that are prohibited by Federal, State, or local regulations or statutes; or
- Not be feasible due to terrain or the prevailing construction practices.

# RECREATIONAL TRAILS PROGRAM MANUAL

---

## II. ELIGIBLE/INELIGIBLE PROJECT TYPES

This section describes the types of projects that qualify for the 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;
- Lease of recreational trail construction and maintenance equipment;
- Construction of new recreational trails (with restrictions for 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 source; 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 crossing 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 managing agency;
- **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 must be followed for costs to be eligible for reimbursement. If any part of a project is within a Federal-aid highway ROW, the Davis-Bacon Act prevailing wage requirements apply. (<https://www.fhwa.dot.gov/construction/cqit/dbacon.cfm>).

- Construction;
- Materials;
- Leased 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 MDOT SHA logo);
- Supplies; and
- Land Acquisition.

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/](https://www.fhwa.dot.gov/environment/recreational_trails/legislation/).

- Employee salaries for maintenance not tied to a specific trail, trail system, or trail maintenance project;
- Salary or personnel expenses beyond the base hourly rate without detailed payroll verification that identifies each benefit amount (taxes, unemployment, insurance benefits, leave time, etc.);
- Research, planning, and design (except under limited preapproved circumstances);
- Grant management (including Sponsor administrative time with permitting, application development, procurement, invoicing, and NEPA coordination);
- Construction plans and specifications (except under limited preapproved circumstances);
- 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

The 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).

All matching sources that the Sponsor elects to secure must adhere to the requirements in the following sections and be documented in detail on the RTP Funding Application. 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 MOU execution 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, 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 the MOU execution 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 trail construction or maintenance project. These activities must occur within 18 months of the MOU execution date. This can be proof of payment to a licensed design professional or in-house staff time (see Wage Rates in <b>Table 3</b> ).
Construction costs	Construction costs over and above the award amount.
Materials	Materials donated by a third party or those purchased by the sponsor will be valued based on documented cost at the time of purchase.
Equipment	Equipment purchased or rented specifically for the subject project and not sought for reimbursement.
Donated funds	Donations specifically designated to the awarded project scope and identified to be used as match are allowed as a cash match. The source of these donations must be identified in the application. Copy of cancelled check must be included in records.
Work performed (directly related to the subject project)	Paid or volunteer work performed that is directly related to the project and/or project limits, provided it is accurately documented and a value can be established (see <b>Section IX: Invoicing for Reimbursement / Project Close-out</b> ). To be eligible, work must have occurred after the execution of the MOU.
Mileage and fuel	Mileage for vehicles being used to transport materials to and from a job site will require proper documentation and prior approval.
Employee or staff fringe benefit expenses <b>with</b> detailed payroll verification	Taxes, unemployment, insurance benefits, leave time, etc.

# RECREATIONAL TRAILS PROGRAM MANUAL

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

**Table 2: Prohibited/Ineligible Match Items**

<b>Prohibited/Ineligible Match Items</b>	<b>Description</b>
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 <b>without</b> 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 MDOT SHA will use the mean wage rates listed in **Table 3** for volunteer match for RTP projects. These rates are from the 2020 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**

<b>Labor Category</b>	<b>Hourly Rate</b>
General unskilled labor (BLS Occupation Code: 47-2061) <i>Trail construction, maintenance, mowing, landscaping/weeding, brush removal</i>	\$17.62
Skilled Labor (BLS Occupation Code: 47-2073)	\$25.10

## 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>	\$34.70
Professional Design <sup>1</sup> (BLS Occupation Code 17-3019) <i>Prepare detailed drawings of architectural and structural features of projects.</i>	\$36.83
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>	\$33.86

Source:

[https://www.bls.gov/oes/current/oes\\_md.htm](https://www.bls.gov/oes/current/oes_md.htm)

# RECREATIONAL TRAILS PROGRAM MANUAL

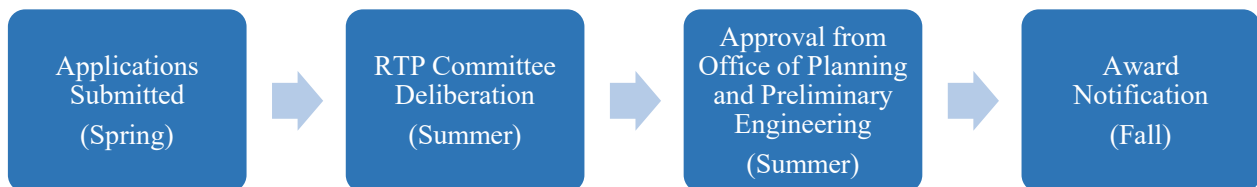
## V. APPLICATION

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 manager and the RTP advisory committee. Recommendations are made to the Director of the Office of Planning and Preliminary Engineering for final approval. Applicants receive written notification of award and denial by mail or 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. In addition, awarded funds may revert to the Program if the project remains idle and/or does not move forward within one year. The minimum award request is \$20,000 and the maximum request is \$100,000. Larger requests for new trail construction will be considered on a case-by-case basis. If you would like to submit an application above \$100,000, please contact the RTP Manager for approval prior to submitting the application.

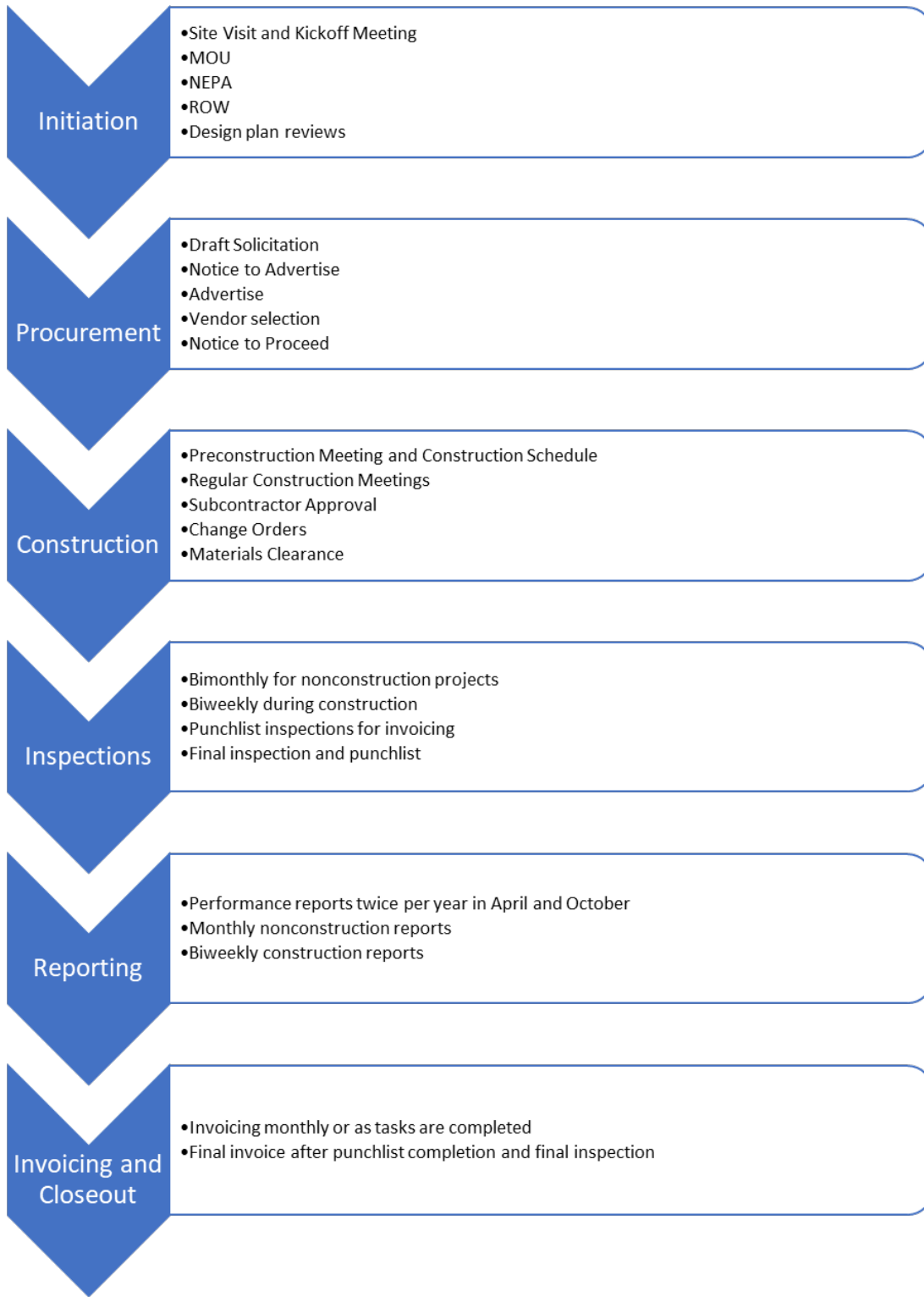
To defray the costs MDOT SHA incurs when administering RTP grants, MDOT SHA automatically will add five percent to the total RTP funds requested (not including the project sponsor’s matching funds) for all awards. These costs help cover the cost of MDOT SHA design plan review, regulatory compliance, and construction inspection and oversight. This allows MDOT 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 requested in advance of the final submission date; please contact the RTP Manager if you are interested.



# 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 certain 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 MDOT SHA for funding will receive a Notice of Award Letter. After this Letter is issued, MDOT SHA will contact the Project Sponsor to schedule a meeting to discuss program requirements. This exchange of information will provide both parties a detailed understanding of the project implementation process. The RTP manager may also complete a project initiation site visit.

#### B. Memorandum of Understanding (MOU)

##### 1. Preparation of an MOU

MDOT SHA will prepare an MOU 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 MDOT SHA and the Project Sponsor.

The Sponsor must sign two originals as well as provide a Federal I.D. number, and then mail both originals to the MDOT SHA for final signatures. Once the MDOT SHA signs both originals, one executed original will be returned to the Sponsor. The MOU will expire three 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 MDOT 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 and/or RTP application 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. An MOU amendment must be addressed and submitted to the OPPE Director for approval. If the amendment receives approval after it's reviewed by the OPPE Director, OPPE Deputy Director and the RTP Manager, it will be granted to the sponsor. Eligible MOU amendments are detailed below.



## RECREATIONAL TRAILS PROGRAM MANUAL

---

- 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 original RTP award is given 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.

### C. Environmental Approval

Although the RTP is administered by the MDOT 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 that ensure the environment is protected and enhanced. 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](#).

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 example, projects that do not involve construction will not require the same level of coordination as new trail construction.

## RECREATIONAL TRAILS PROGRAM MANUAL

---

For RTP projects, natural and cultural resource impacts are determined through coordination with resource agencies. The RTP Environmental Coordinator will facilitate coordination with the Maryland Historical Trust (MHT), Maryland Department of Natural Resources (DNR), and the United States Fish and Wildlife Service (USFWS). The Sponsor is responsible for 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 MDOT SHA, the Sponsor should contact the RTP Environmental Coordinator and provide a short, but detailed project description with a map of the exact location/LOD. This project description should align with what was provided in the RTP application, however if the project is part of a larger scope of work, that should be included in the description as well.
2. The RTP Environmental Coordinator 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, the RTP Environmental Coordinator will provide the Sponsor with this information and no further coordination is warranted. If the project requires further MHT coordination, the RTP Environmental Coordinator will coordinate with MHT via MDOT SHA Cultural Resources on the Sponsor's behalf.
3. If the 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. Obtaining a permit, is the responsibility of the Sponsor. The Sponsor should provide the RTP Environmental Coordinator with permit and impact information.
4. The RTP Environmental Coordinator will review the level of coordination necessary for USFWS and DNR. Minor activities may be programmatically excluded from review and the RTP Environmental Coordinator will inform the Project Sponsor if their project falls within this category. Otherwise, the RTP Environmental Coordinator, 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 Environmental Coordinator 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 Environmental Coordinator will forward all coordination with USFWS and DNR to the Project Sponsor.
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

## RECREATIONAL TRAILS PROGRAM MANUAL

---

Critical Area may be identified by DNR and further coordination with the Critical Area Commission (CAC) may be warranted. The RTP Environmental Coordinator will work with the Sponsor to determine if further coordination is deemed necessary.

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 Environmental Coordinator will draft the environmental document. The RTP Environmental Coordinator will then submit the environmental document for approval internally at the MDOT 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 advertised to avoid a delay in construction.

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 State ROW (refer to RTP Manager to provide contact information for MDOT 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.

## RECREATIONAL TRAILS PROGRAM MANUAL

---

### VIII. RIGHT-OF-WAY CERTIFICATION

All sponsors must coordinate with the RTP Manager to obtain ROW Certification which requires a ROW Verification Letter, NEPA approval and an executed MOU.

#### 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 MDOT 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 MDOT 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 governing State and Federal laws. MDOT 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 MDOT SHA Office of Real Estate

# RECREATIONAL TRAILS PROGRAM MANUAL

---

# 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.<sup>1</sup> Project sponsors must also adhere to the RTP Federal Construction Contract Requirements, including but not limited to 23 USC 313 Buy America provision and the 2017 Presidential Executive Order on Buy American and Hire American. Buy America requirements are found at 23 CFR 635.410.<sup>2</sup> In addition, when completing a small procurement, 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 will result in denial of reimbursement.

Small procurement includes three cost categories, based on the cost of the procurement.

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

Competitive Sealed Bidding is the procurement process that takes place when the procurement exceeds \$50,000. Large procurements or projects that are within the public highway right of way will require review and approval by the Federal Aid Programming Division of the MDOT 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 are available by request.

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

---

<sup>1</sup> [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](#)

<sup>2</sup> [Code of Federal Regulations, Title 23, Chapter I, Subchapter G, Part 635 – Construction and Maintenance – Subpart D – General Material Requirements, §635.410](#)

- Federal Form Packet (excluding solicitations for supplies, materials and signage).
- 2) The procurement package/IFB is submitted to the MDOT SHA RTP Manager for review and approval. 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 minority firms, disadvantaged business enterprises and women’s business enterprises 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.
  - 3) The MDOT SHA issues a signed Notice to Advertise (NTA).
  - 4) 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 an offer or issue a waiver.
  - 5) 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:

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

- 6) 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.
- 7) Sponsor selects a recommended vendor, based on lowest responsive and responsible bid.
- 8) Sponsor submits a request to the MDOT SHA for concurrence in award, with the bid tabulation, bid submittal sheets, and contractor qualifications (when applicable). All subcontractors must be approved by MDOT SHA.
- 9) The MDOT SHA issues a signed Notice to Proceed (NTP).

## **B. Other Types of Procurement**

When a project contains elements that fall under a blanket contract or a previously competitively bid construction procurement, NTP may be provided if the procurement process used is determined to have met all State and Federal requirements. Contact the RTP Manager for further instructions.

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

## **C. Buy America Provisions**

Projects that require the procurement of steel or items with steel must comply with [Buy America](#). Steel used in RTP projects must be American made unless:

- The steel is less than 0.1% of the total project's costs *or*
- Less than \$2,500.

Projects that must comply with Buy America will require additional documentation.



## RECREATIONAL TRAILS PROGRAM MANUAL

---

### X. CONSTRUCTION

Construction applies to all new trail construction, rerouting and restoration whether performed by a contractor, local forces, volunteers, or Corps members. All structures must be constructed by a contractor or paid staff. When a contractor is used for construction, volunteers may be used for corridor clearing and finish work.

The RTP Manager will provide guidance on which of the following steps apply to the specific project.

#### A. Plan Approval

Projects with design plans may be subject to review and approval from some or all of the following MDOT SHA offices: District office(s), Office of Structures, Office of Highway Development – Highway Hydraulics Division, Office of Highway Development – Innovative Contracting Division (for ADA). All structures, including bridges, puncheons, boardwalks, toilets, launches, kiosks must have engineer design plans that are reviewed and approved by the Office of Structures and/or the RTP Manager. This process will be facilitated through the RTP Manager. All approvals are required prior to procurement and/or construction.

#### B. Meetings and Construction Schedule

Construction projects require that the RTP Manager or designee attend the pre-bid and pre-construction meetings. A construction schedule must be submitted and approved by the RTP Manager prior to construction mobilization. The RTP 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 RTP Manager must be notified prior to the start of construction. The RTP Manager should be notified when there are changes to the construction schedule and/or if there are changes in contractors or subcontractors.

#### C. Change Orders

The Sponsor should begin discussing the potential of a change order and the circumstances involved (reasoning, timing, cost implications, design changes etc.) with the RTP Program Manager as soon as it becomes evident that one may be necessary. The RTP Program Manager will give the verbal consent to continue with the construction process impacted by the change order. Approval is necessary prior to executing any change order. Contact the RTP Manager for further instructions.

#### D. Construction Oversight and Reports

The Sponsor is responsible for providing adequate supervision and inspection during construction to ensure projects are completed in conformance with the construction contract documents, plans, and specifications. MDOT SHA may require materials clearance prior to and during construction.

The Sponsor is required to submit biweekly construction reports to the RTP Manager using the provided template. The reports should have a high level of detail and notify the RTP Manger 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.

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

## RECREATIONAL TRAILS PROGRAM MANUAL

---

### XI. PROJECT REPORTS AND INSPECTIONS

#### A. Project Reports

Sponsors are required to provide the RTP Manager with updates via project performance reports due on April 15 and October 15. Failure to provide the required updates could result in termination of funding.

Sponsors must immediately notify the RTP 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. Project Inspections

All project sites will receive periodic inspections by the RTP Manager. The frequency and type will be determined by the project scope. Inspection types include:

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

## 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, 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. 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 RTP manager. When requesting reimbursement of more than one item, include a summary table detailing reimbursable items.
2. When requesting reimbursement for labor costs, the Sponsor shall prepare an invoice cover letter and submit this, along with the Personnel Activity Report and payroll verification, to the RTP manager. 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.
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 MDOT 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 to final invoice submission ~~in order 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.