

RECREATIONAL TRAILS PROGR
62S-2, F.A.C.
Department of Environmental Protection
Office of Greenways & Trails

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62S-2.070 DEFINITIONS

The terms used in this part are defined as follows:

(1) “Cash” means money paid by a grantee to purchase goods and services from private and independent sources for accomplishment of a Recreational Trails Program project. In-kind service costs are not considered cash.

(2) “Capital Improvement Plan” means that portion of an applicant’s adopted local comprehensive plan which indicates a schedule of capital improvement projects, including estimated costs and target dates for completion.

(3) “Corridor” means an area of real property suitable for development as a recreational trail.

(4) “Designated Greenway or Trail” means those greenways and trails designated as part of the Florida Greenways and Trails System pursuant to Section 62S-1, F.A.C.

(5) "Development" means the act of physically improving an outdoor recreation area, trail facility or project site to increase its ability or capacity to serve as a public outdoor recreation trail.

(6) "Equipment" means tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit and used specifically for trail construction or maintenance.

(7) "FDOT" means the Florida Department of Transportation.

(8) "Facility" means a component which provides or assists in providing outdoor recreation trail opportunities.

(9) "FHWA" means the Federal Highway Administration of the U.S. Department of Transportation.

(10) "Fiscal Year" means the State fiscal year, July 1 - June 30.

(11) "Funding Cycle" means the interval of time between the start of a RTP application submission period and the allocation of project funds by DEP.

(12) "Grantee" means an eligible entity receiving RTP funds pursuant to an approved RTP application.

(13) "Greenways and Trails Plan" means the document entitled "Connecting Florida's Communities with Greenways and Trails."

(14) "Guidance" means the FHWA Recreational Trails Program Interim Guidance manual, dated April 1, 1999. The manual is available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850) 488-3701.

(15) “In-kind Service Costs” means in-house expenses incurred by a grantee for labor or materials, or use of grantee-owned and maintained equipment for accomplishment of an approved RTP project.

(16) “Local Government Comprehensive Plan” means a plan adopted pursuant to Chapter 163, Florida Statutes.

(17) “Match” means the provision of cash or in-kind service costs in the ratio required by this rule to be added to RTP funds by the grantee for the project cost.

(18) “Motorized Trail” means a trail specifically for off-road recreational motorized vehicular activities, including all-terrain vehicle riding, motorcycling, use of off-road light trucks, e-bikes, or other off-road motorized vehicles.

(19) “Mixed-Use Trail” means a trail or corridor designated for more than one use, including motorized or nonmotorized uses.

(20) “Needs” means a deficiency in or a necessity to carry out a predetermined level of recreational trail service.

(21) “NEPA” means the National Environmental Policy Act.

(22) “New Construction” means building of new facilities not previously in existence.

(23) “Nonmotorized Trail” means a trail designated for foot, bicycle, canoe/kayak, equestrian traffic, or other nonmotorized uses.

(24) “Office of Greenways and Trails” means the Office of Greenways and Trails of the Florida Department of Environmental Protection.

(25) “Open Space” means an outdoor area the purpose of which is to provide a source of recreation and contribute to environmental harmony through the enrichment of flora, fauna and geological, cultural, or historic features.

(26) "PD&E" means the Project Development and Environment Process developed by the Florida Department of Transportation (FDOT) to serve as a guide for compliance with state and federal environmental policy.

(27) "Plan" means the State Comprehensive Outdoor Recreation Plan, Local Government Comprehensive Plan or Land Management Plan, adopted under Section 253.034, F.S.

(28) "Pre-agreement Expenses" means expenses incurred by a grantee for accomplishment of an eligible RTP project prior to full execution of a project agreement.

(29) "Priority List" means a list that contains all eligible applications which will meet or exceed the minimum point score as required by subsection 62S-2.072(6), F.A.C.

(30) "Program" means the Recreational Trails Program.

(31) "Program Amount" means the amount of RTP funds allocated by the FHWA for the fiscal year.

(32) "Project" means the planned undertaking in which all actions or activities have a clear-cut identity and a well-defined, common outdoor recreation objective that has been planned to the point of definite implementation.

(33) "Project Agreement" means an executed contract between the Department and a grantee setting forth mutual obligations regarding an approved RTP project.

(34) "Project Cost" means the total amount of a RTP grant award and required match.

(35) "Project Element" means an identified facility within a project.

(36) "Project Period" means the period of time set forth in a project agreement during which eligible project costs may be incurred and charged to the grant.

(37) "Project Site" means the specific land area as specifically identified by a survey and a legal description, for which RTP funds are used.

(38) "Real Property" means land and improvements attached or affixed to the land.

(39) "Recreational Trail" means a thoroughfare or track across land or water, used for recreational purposes such as bicycling, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, roller skating, in-line skating, running, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive, all terrain off-road vehicles or dune buggies.

(40) "RTP" means the Recreational Trails Program.

(41) "RTP Advisory Committee" means a committee established by the Florida Greenways and Trails Council appointed pursuant to s. 260.0142(5), F.S. for the purpose of developing the RTP Priority List.

(42) "Renovation" means repair, replacement, or restoration of a trail or trail facilities to an improved condition suitable for public use, which trail and/or facilities have deteriorated due to visitor use to the point where their usefulness is impaired.

(43) "Secretary" means the Secretary of the Florida Department of Environmental Protection.

(44) "SCORP" means the State Comprehensive Outdoor Recreation Plan for the State of Florida prepared under Section 375.021, F.S. A copy of the SCORP may be obtained from the Office of Park Planning, Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 525, Tallahassee, Florida 32399-3000.

(45) "TEA-21" means the federal Transportation Equity Act for the 21st Century, (Pub. L. 105-178, June 9, 1998, as amended by Pub. L. 105-206).

(46) "Qualified Youth Conservation or Service Corps" means the Urban Youth Corps established under 42 U.S.C. 12656 or a qualified full-time, year-round youth corps program or full-time summer youth corps program as defined in 42 U.S.C. 12572.

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.

62S-2.071 GENERAL REQUIREMENTS.

The following constitutes the general requirements for the eligibility for and administration of the program.

(1) Distribution of Program Funds. The Department shall distribute RTP funds as reimbursement grants to applicants eligible under this rule. The Department's performance and obligation to award program grants are contingent upon an annual allocation by the FHWA and appropriation by the Florida Legislature.

(2) Application Submission Period. The Department shall accept program applications only during the application submission period. Applications must be postmarked on or before the last day of the application submission period. The Department shall publish the dates of the application submission period and other pertinent application information in the Florida Administrative Weekly.

(3) Maximum Grant Request. The Department shall announce the maximum funds that an applicant may request in an RTP application in the Florida Administrative Weekly.

(4) Match Requirements. Match requirements for RTP grants are set forth below:

(a) Matching Basis. RTP assistance is provided on a maximum 80:20 (program:grantee) matching basis, except as provided in (d), below.

(b) Eligible Match Types. A grantee may utilize the following types of match sources for the grantee share: Cash, or in-kind service costs allowable by this rule and the Guidance.

(c) Ineligible Match Sources. Value of real property or inmate labor.

(d) Federal Agency Project Sponsors. Federal agency project sponsors may provide their own funds toward RTP projects as additional federal share up to 95 percent of the project cost.

(5) Grant Award. The Secretary shall determine the final application priority list, based on a review of the RTP Advisory Committee's recommended priority list and considering the estimated program amount, and shall submit the list to the FHWA for final funding approval.

(6) Program Amount Allocation. The program amount shall be divided into three categories: mixed-use, motorized, and nonmotorized. The percentage of the program amount that is allocated to each category, after the Department's seven (7) percent for administrative costs and five (5) percent for education costs have been subtracted from the total allocation, shall be as follows:

(a) Mixed-use shall receive 40 percent of the allocation.

(b) Motorized shall receive 30 percent of the allocation.

(c) Nonmotorized shall receive 30 percent of the allocation.

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.

62S-2.072 APPLICATION REQUIREMENTS AND PROCESSING.

The Department shall approve applications for program grants in order of priority until all program funds are depleted under the following standards and criteria:

(1) Eligible Applicants. All local governmental entities and state or federal agencies, federally or state recognized Indian tribal governments which have the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public, and organizations registered as active Florida nonprofit corporations which have an agreement with a governmental agency to develop public lands, are eligible to submit RTP applications.

(2) Project Eligibility.

(a) Purpose: RTP grants shall only be awarded to grantees for projects that are for the primary purpose of providing recreational trails for the public. Projects must be designed to comply with paragraph 260.016(1)(e), F.S., and the Guidance.

(b) Eligible Site: The site of a proposed RTP project shall be on public lands. The site shall be owned by the applicant or government on or before the closing date of the application submission period. A site not owned by the applicant or government shall be under the applicant's or government's control by a 99-year lease or similar control, such that the applicant has the legal ability to dedicate and manage the site for public recreational trail use pursuant to subsections 62S-2.076(1) and (2), F.A.C. School board property used primarily for educational or school related purposes is not eligible. In addition, nonprofit corporations must provide a letter from the land owner or managing agency stating that it supports the project and will abide by the compliance requirements of this rule, and the Guidance.

(c) Number of applications: The maximum number of applications an applicant may submit shall be as follows: local governments may submit one (1); consolidated city-

county government may submit two (2); nonprofit corporations may submit one (1); state and federal agencies may submit one (1) per district.

(d) Active Projects: A grantee with two incomplete RTP projects by the closing date of an application submission period shall not be eligible to apply.

(e) Duplicate Projects: RTP funds shall not be approved for completion of an incomplete RTP project.

(3) Permissible Uses of Funds.

(a) Maintenance or renovation of existing trails.

(b) Development or renovation of trailside or trailhead facilities or trail linkages.

(c) Purchase of trail construction or maintenance equipment.

(d) Construction of new trails on local and state lands.

(e) Construction of new trails crossing federal lands, must be

1. Permissible under other law;

2. Necessary and required by the SCORP that is required by the Land and Water Conservation Fund Act of 1965 and Chapter 375, F.S. and that is in effect; and

3. Approved by each federal agency having jurisdiction over the affected lands under such terms and conditions as the head, or designee, of the federal agency determines to be appropriate; except that the approval shall be contingent upon compliance by the federal agency with all applicable laws.

(f) Operation of educational programs to promote safety and environmental protection which specifically relate to the uses of recreational trails, to the extent the Department has not chosen to use the educational funds in whole or in part, to further a statewide goal of the Greenways and Trails Plan. Any unused funds will be made available to applicants in that funding year's grant submission cycle.

(4) Prohibited Uses.

(a) Condemnation of real property.

(b) Construction of recreational trails for motorized use on U.S. Forest Service land unless the land is designated for motorized use and such construction is consistent with the approved U.S. Forest Service land resource management plan, a copy of which may be obtained from the U.S. Forest Service, 325 John Knox Road, Tallahassee, Florida 32303.

(c) Facilitating motorized trails on otherwise nonmotorized trail areas.

(d) Construction or expansion of existing trails for motorized vehicles on state owned property unless such use is consistent with the land management plan required by Section 253.034, F.S. for the site.

(e) Trail planning, except when performed by the Department using the administrative funds portion of the State's allocation.

(f) 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.

(5) Eligibility Determination. Following closure of the application submission period, Department staff shall review and determine the eligibility of each applicant based on the following:

(a) Deficiency Documentation: The applicant may retain eligibility by submitting all documentation missing from or not clear in the application within fifteen working days from the date of the Department's written notification which identifies each missing or unclear item.

(b) Ineligibility: An application, in whole or in part, may be declared ineligible by the Department or the RTP Advisory Committee pursuant to paragraphs 62S-2.073(2)(a)-(l), (3)(a)-(b) and (4)(a)-(b), F.A.C. If a portion of the project application is determined to be ineligible, the applicant will be notified and given 15 working days to revise the ineligible portion. If the ineligible portion still does not meet the subparagraphs stated herein, the ineligible portion shall be severed or, if not severable, the application shall be rejected.

(6) Application Evaluation. Each eligible application shall be evaluated on the basis of the information provided in the application in accordance with this part. Each application shall be assigned a total point score pursuant to subsection 62S-2.072(7), F.A.C. A project site or facility would not be considered viable if the project does not receive a minimum number of 55 points for motorized projects, 55 points for nonmotorized projects, 61 points for mixed-use projects, and 61 points for education projects, as awarded under Section 62S-2.073, F.A.C. An application with fewer than the required minimum points will not be recommended for funding.

(7) Priority Lists. A total point score shall be assigned to each application upon evaluation of each project under Section 62S-2.073, F.A.C. The RTP Advisory Committee shall prepare one priority list for each category. Applications shall be ranked on the priority list according to assigned point scores. The application with the highest score will receive the highest rank. The funds used for the project shall reduce that particular category's allocation accordingly. The remaining applications will be arranged in descending order according to their assigned point scores. Applications scoring below the minimum, established pursuant to subsection 62S-2.072(6), F.A.C., shall not be placed on the priority list. The priority list shall include recommendations for distribution of available program funds. In the event there are insufficient applications to account for all program funds

assigned to motorized or nonmotorized category, the RTP Advisory Committee may vote to move funds from one category to another. In order to determine whether or not to move funds between motorized and nonmotorized categories, the RTP Advisory Committee shall meet and shall make a determination that there are insufficient applications to use all funds available in that category for that year, and that there is a likelihood that there will be an insufficient amount of applications expected for the next submission cycle.

(8) Tie-Breaker System. If two or more applications receive the same score, the following tie-breaker system will be used to decide the priority ranking among them. Tied applications will be evaluated according to the tie-breaker system in order and will be assigned their priority accordingly.

Funding History. An order of priority among those applications with equal scores shall be established based on the amount of funds previously received by the applicant through RTP during the previous five fiscal years. This includes funds received under the program's previous name of National Recreational Trails Funding Program. The application from the applicant which received the lowest amount of program funds receives the highest priority. Other tied applications will be arranged in descending order related inversely to the amount of program funds each has received.

(9) Unsettled Claims. The Department shall deny or suspend program eligibility to any applicant or grantee against which the Department has an unsettled financial claim related to noncompliance with terms or conditions of an RTP or other DEP outdoor recreation grant.

(10) Unfunded and Ineligible Applications. Any unfunded or ineligible applications shall be returned to the applicant upon written request from the applicant. If no such

request is made within 30 days after notification of grant awards, unfunded applications shall be discarded by staff.

(11) Application Form. The Recreational Trails Program Application Form, OGT-10, effective date May 1, 2001, which shall be used for all applications, is hereby incorporated by reference and is available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.

62S-2.073 EVALUATION CRITERIA.

Pursuant to subsection 62S-2.072(7), F.A.C., a total point score shall be assigned to each eligible application after an evaluation according to the application criteria which follows:

(1) Project Type.

(a) Construction of new trails on federal, state, county or municipal lands where recreational needs for such construction is shown: 30 points

(b) Development and rehabilitation of trailside and trailhead facilities and trail linkages: 25 points

(c) Maintenance and restoration of existing trails: 20 points

(d) Purchase of trail construction or maintenance equipment: 15 points

(2) General Criteria.

(a) The project implements the applicant's adopted local comprehensive plan (city or county); or the land management or recreation or trail plan of a state or federal agency such as those referenced in paragraphs 62S-2.072(4)(b) and (d), F.A.C., SCORP, and

Section 253.034, F.S., and other similar plans and; is included in their Capital Improvement Plan (CIP) or similar plan during the current year or one of the next three (3) fiscal years: 10 points

or

is included as part of the plan through a resolution or agency commitment committing the applicant to amend their CIP or similar plan to include the project should the applicant receive program funds: 5 points

(b) The project addresses one or more issues or goals as identified in the SCORP: 5 points

(c) The project addresses one or more issues or goals as identified in the State's Greenways and Trails Plan: 5 points

(d) The project facilitates the access and use of trails by persons with disabilities: 5 points

(e) The project includes a written letter of commitment between the applicant and a recognized youth conservation or service corps in which the corps agrees to supply a stated amount of labor: 5 points

(f) The project provides access to or between:
Public parks or other recreational lands or facilities: 5 points

Features or areas of historic, cultural, biological or archaeological significance: 5 points

Existing trail systems: 5 points

Residential or public thoroughfare: 5 points

(g) The applicant obtained public involvement through the following methods:
Presentation at an advertised public meeting held solely for the discussion of the proposed project: 15 points

Presentation at a regularly scheduled meeting of an advisory board, with duties related to park, recreation and leisure service activities: 10 points

Presentation to community organizations or neighborhood associations, or taking of written opinion surveys: 5 points

(h) Project is located on or connects with a National Scenic Trail or National Recreation Trail: 3 points

(i) Project is located on or connects with a State of Florida Designated Greenway or Trail: 3 points

(j) Matching Ratio (federal grant amount : grantee's cash and/or in-kind services)

50:50 5 points

60:40 3 points

80:20 1 point

(k) The specific trail design demonstrates that the project will support recreational trail opportunities for both motorized and nonmotorized use through innovative techniques such as multiple trails sharing a single corridor, or time sharing of trails or trailhead facilities: 5 points

(l) The specific trail design demonstrates that the project will support mixed-use recreational trail opportunities, either motorized or nonmotorized, through innovative techniques: 3 points

(3) Specific Criteria for Motorized Trail Projects.

(a) The motorized trail project will: (select only one)

Develop new motorized trails: 10 points

Repair or restore designated motorized trails impacted by normal use: 8 points

Develop motorized trail facilities on existing motorized recreational trail corridors:

6 points

(b) The project will support compatible recreational trail use for the greatest number of the following:

Off-Road Motorcycles: 3 points

All-Terrain Vehicles: 3 points

Off-Highway Vehicles (high clearance vehicles): 3 points

Other Motorized Recreational Trail Use: 3 points

(4) Specific Criteria for Nonmotorized Trail Projects.

(a) The nonmotorized trail project will: (select only one)

Develop nonmotorized recreational trail facilities on new corridors: 10 points

Develop nonmotorized recreational trail facilities on existing corridors: 8 points

Improve or repair existing nonmotorized recreational trail and/or facilities: 6 points

(b) The project will support compatible recreational trail use for the greatest number of the following:

Bicycling: 3 points

Skating: 3 points

Day Hiking: 3 points

Equestrian Activities: 3 points

Fitness Activities: 3 points

Overnight or Long Distance Backpacking: 3 points

Aquatic Activity: 3 points

Other Nonmotorized Recreational Trail Use: 3 points

(5) Specific Criteria for Motorized and Nonmotorized Mixed-Use Project.

(a) The motorized/nonmotorized mixed-use project will: (select only one)

Develop new mixed-use trails: 10 points

Repair or restore designated mixed-use trails impacted by normal use: 8 points

Develop mixed-use trail facilities on existing motorized recreational trail corridors:
6 points

(b) The project will support compatible recreational trail use for the greatest number of the following:

Off-Road Motorcycles: 3 points

All-Terrain Vehicles: 3 points

Off-Highway Vehicles (high clearance vehicles): 3 points

Other Motorized Recreational Trail Use: 3 points

Bicycling: 3 points

Skating: 3 points

Day Hiking: 3 points

Equestrian Activities: 3 points

Fitness Activities: 3 points

Overnight or Long Distance Backpacking: 3 points

Aquatic Activity: 3 points

Other Nonmotorized Recreational Trail Use: 3 points

(6) Specific Criteria for Educational Project.

(a) The educational project will:

Improve trail user safety: 3 points

Reduce trail user impacts upon the resources: 3 points

- Reduce trail user conflicts: 3 points
- Increase public awareness of trail opportunities: 3 points
- (b) The program has well defined goals and objectives: 6 points
- (c) The program is sponsored by a coalition of at least two trail interest groups: 8 points
- (d) The program is targeted towards a variety of recreational trail users and potential trail users, both motorized and nonmotorized: 8 points
- (e) The program has a well developed evaluation method: 6 points

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.

62S-2.074 FEDERAL APPROVAL.

(1) Compliance and Assurances. Projects receiving federal funding must comply with the NEPA and Guidance standards for preconstruction, construction and post-completion compliance. The Grantee’s compliance with the FDOT’s PD&E constitutes compliance. The Department shall ensure the Grantee’s compliance with all requirements of FHWA.

(2) Application. The Department shall submit state approved Recreational Trails Program applications to FHWA for federal approval.

(3) Transportation Planning. The Department shall submit a list of all projects to be funded to the FDOT for inclusion in the appropriate Statewide Transportation Improvement Program (STIP) or Metropolitan Planning Organization’s Transportation Improvement Program (TIP).

(4) Approval. FHWA shall review all such applications. Once all projects are included in the approved STIP or TIP, FHWA and the Department shall enter into a project agreement to implement approved grant projects.

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.

62S-2.075 GRANT ADMINISTRATION.

The following constitutes procedures for administration of program grants:

(1) Project Agreement. Following FHWA approval of Department submitted applications, the Department and grantee shall enter into a project agreement which sets forth the responsibilities and duties of each regarding administration of the approved project. The project agreement shall contain terms and conditions particular to each project.

(2) PD&E Process. All approved projects are required by FHWA to complete the PD&E Process. This is accomplished by the applicant's submittal of the PD&E Data Survey, OGT-15, effective date May 1, 2001, hereby incorporated by reference and available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701. Upon final Class of Action Determination and Department approval of the commencement documentation, the Department shall notify the grantee to proceed with project construction. Grantee may not proceed without such notification.

(3) Payment Basis. Grantees shall be paid program funds by the Department subject to the following conditions:

(a) Project Costs. Payment of project costs shall be reimbursed as provided for in this rule and in the project agreement. Costs must be incurred between the effective date of, and the project completion date identified in, the project agreement except for pre-agreement costs. Costs for surveys (boundary and topographic), title searches, and project signs are eligible project expenses. If the total cost of the project exceeds the grant amount and the required match, the grantee shall pay the excess cost.

(b) Cost Limits. Project planning expenses, such as application preparation, architectural and engineering fees, permitting fees, project inspection, and other similar fees are eligible project costs provided that such costs do not exceed fifteen percent of the total project cost.

(c) Retention. The Department shall retain ten percent of the grant until the grantee completes the project and the Department approves the completion documentation as set forth in subsection 62S-2.075(5), F.A.C.

(4) Accountability. Each grantee shall maintain an accounting system which meets generally accepted accounting principles and shall maintain financial records to properly account for all program and matching funds.

(5) Project Completion Certification. When the Project is completed, the grantee shall submit to the Department a Project Completion Certificate, OGT-14, effective date May 1, 2001, hereby incorporated by reference and available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

(6) Reverted Project Funds. RTP funds remaining after termination of a grant award or completion of project shall revert to the State's program funds under the provisions of TEA-21. If any funds awarded during a funding cycle are not accepted by the

grantee or become available before termination of the fiscal year for which the funds were appropriated, the Department shall offer the funds to unfunded applicants in order of priority.

(7) Development Projects. The following constitute the specific procedures for administration of development projects.

(a) Grant Period. The grantee will have two years from the effective date of the project agreement to complete the project. At the written request of the grantee, Department staff will extend this period for good cause such as financial hardship, public controversy, material shortage, unexpected weather conditions, or other major factors beyond grantee's control. Only two one-year extensions shall be allowed. After four years all funds not paid revert to FHWA.

(b) Procurement of Goods and Services. The grantee shall secure all goods and services for accomplishment of the project according to its adopted procurement procedures and applicable federal requirements identified in the FHWA Recreational Trails Guidance manual.

(c) Project Development & Environment Process. The grantee shall provide all information and appropriate documentation as required by OGT-15, referenced in subsection (2) of this section. The Department shall complete the process on the grantee's behalf.

(d) Commencement Documentation. Prior to commencement of project construction, the grantee shall submit for approval the documentation described in the Recreational Trails Program Project Commencement Documentation Form, OGT-11, effective date May 1, 2001, hereby incorporated by reference and available from the

Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

1. Project Preconstruction Certification. The grantee shall submit to the Department a Project Preconstruction Certificate, OGT-12, effective date May 1, 2001, hereby incorporated by reference and available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

2. Survey. For all projects, the grantee shall submit to the Department a survey and legal description of the project site. The survey must provide a legal description, and show the site's boundaries, all known easements, and all encroachments, if any.

3. Commencement Documentation Time Period. The Department shall terminate the project agreement if the Commencement Documentation is not received and approved by the Department within twelve months of the project agreement's execution. This time period may be extended by the Department for good cause, such as natural disaster.

(e) Completion Documentation. Upon completion of the project and prior to release of the final payment, the grantee shall submit all documentation described in the Recreational Trails Program Project Completion Documentation Form, OGT-13, effective date May 1, 2001, incorporated by reference and available from Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

(f) Inspections. The Department shall perform an on-site inspection of the project site to ensure compliance with the project agreement prior to release of the final grant payment. Any deficiencies must be corrected by Grantee prior to disbursement of final payment.

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.

62S-2.076 COMPLIANCE RESPONSIBILITIES.

The following constitute the general requirements for program compliance:

(1) Site Dedication. Land owned by the grantee, or, in the case of a nonprofit grantee a governmental entity, which is developed or acquired with RTP funds, shall be dedicated for ninety-nine (99) years as an outdoor recreational site for the use and benefit of the general public. Land under control other than by ownership of the grantee such as by lease, shall be dedicated as an outdoor recreation area for the use and benefit of the general public for a minimum of twenty-five (25) years from the completion date set forth in the project completion certificate. The lease must not be revocable at will; must extend for twenty-five (25) years after project completion date; and must contain a clause which enables the grantee to dedicate the land for the twenty-five (25) year period. The dedication must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner.

(a) Continuing Recreational Use. At the option of the Grantee, the project site may be afforded Section 6(f)(3) protection of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460l-8(f)(3)]. The Grantee must have sufficient control and tenure of the project site as specified in the LWCF Manual in order to provide reasonable assurance that a conversion will not occur without approval of the National Park Service. The Grantee shall notify the Department that it requests Section 6(f)(3) protection prior to the FHWA authorizing the project.

(b) Equipment. All equipment purchased with RTP funds is to be used for trail maintenance and construction purposes on those trails indicated in the project application. The equipment shall be stored and maintained per the manufacturer's recommendations. The equipment shall be available for inspection by Department staff.

1. On July 1 of each year, the Grantee will submit proof of insurance for the current fiscal year, and an annual report indicating the previous year's operating and maintenance schedule.

2. All equipment whose value is in excess of \$5,000 remains property of FHWA and shall be surplused in accordance with their Guidance. All equipment whose value has depreciated to less than \$5,000 but greater than zero will be surplused in accordance with DEP Directive 320. A copy of the directive may be obtained from the Division of Administration, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Should the equipment be lost or stolen, it is the Grantee's responsibility to replace the equipment at its current value, as determined by the Department.

(2) Management of Project Sites. Grantees shall ensure by site inspections that facilities on project sites developed with RTP funds are being operated and maintained for public outdoor recreational purposes for a period of twenty-five (25) years from the completion date set forth in the project completion certificate. All project sites shall be open at reasonable times and shall be managed in a safe and attractive manner.

(3) Conversion. Should a grantee, within the periods set forth in subsections 62S-2.076 (1) and (2), F.A.C., convert all or part of the project site to other than public outdoor recreational uses, the grantee shall replace the area, facilities, resource, or site at its own expense with a project of comparable scope and quality.

(4) Non-Compliance. The Department shall terminate a project agreement and demand return of the program funds (including interest) for non-compliance by a grantee with the terms stated in the project agreement or this rule. If grantee fails to comply with the provisions of this part or the project agreement, the Department shall declare the grantee ineligible for further participation in RTP until such time as compliance has been obtained.

(5) Public Accessibility. All facilities shall be accessible to the public on a non-exclusive basis without regard to age, gender, race, religion, residence, or ability level.

(6) Entrance Fees. Grantees may charge user fees for the project area, as described in the Guidance. Reasonable differences in entrance fees for program projects may be maintained on the basis of residence, but only if the grantee can clearly show that the difference in entrance fees reflects, and is substantially related to, all economic factors related to park management, and is not simply related to the amount of tax dollars spent by the residents for the park; and that a definite burden on the grantee in park maintenance costs clearly justifies a higher fee for nonresidents.

(7) Native Plantings. In developing a project area with program funds, a grantee shall primarily use vegetation native to the area, except for lawn grasses.

(8) Post Completion Inspections. Department staff shall periodically inspect completed program sites to ensure compliance with program requirements as stated in subsections (4)-(7) of this section.

Specific Authority 260.016(1)(h) FS.

Law Implemented 260.016(1)(d), (f), (h), (2)(a)2. FS.

History – May 1, 2001.