

CHAPTER 165
RECREATIONAL TRAILS PROGRAM

761—165.1(312) Definitions.

“*Authority*” means a state or local government agency, municipal corporation, county or nonprofit organization having authority and responsibility for a trail.

“*Recreational trails fund*” means the fund created for the acquisition, construction, and improvement of recreational trails pursuant to Iowa Code section 312.2.

761—165.2(312) Information and forms. Information, instructions and application forms may be obtained from: Office of Project Planning, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1225. All inquiries regarding the recreational trails program should be directed to this office.

761—165.3 and 165.4 Reserved.

761—165.5(312) Program administration.

165.5(1) Purpose. The recreational trails program provides funds to establish recreational trails in Iowa for the use, enjoyment and participation of the public. The department shall administer the recreational trails fund as a statewide program.

165.5(2) Funding.

a. The transportation commission is solely responsible for all funding commitments and shall determine the projects to be funded, subject to the availability of recreational trails funds. The commission may approve, modify, or deny an application. The commission may fund all or part of a project and may make funding conditional upon adherence to a time schedule or to fulfillment of an agreement.

b. The commission need not commit all funds available during a programming cycle. The commission may reserve unexpended or repaid funds for the next programming cycle or for anticipated present and future project needs and other contingencies.

c. Project costs that exceed the commission’s funding commitment shall not be eligible for reimbursement from the recreational trails fund. Reimbursement for project costs shall be limited to the percentage match approved by the commission and actual eligible project costs incurred.

761—165.6 to 165.8 Reserved.

761—165.9(312) Applicant eligibility.

165.9(1) A state or local government agency, a municipal corporation, a county or a nonprofit organization is eligible to apply for and receive funds from the recreational trails program.

165.9(2) A private business or developer is not eligible to apply directly for funds from the recreational trails program.

761—165.10 and 165.11 Reserved.

761—165.12(312) Project eligibility.

165.12(1) Public use. The recreational trails program is restricted to the acquisition, construction or improvement of recreational trails open for public use or trails which will be dedicated to public use upon completion. A private trail project or a project for a private purpose is not eligible for funding under this program.

165.12(2) Criteria. A proposed recreational trails project shall meet all of the following requirements:

a. The project must be part of a local, areawide, regional or statewide plan.

b. The trail route shall be designed to allow enjoyment of scenic views or points of historical interest and to maximize safety. The route may use existing roads, streets or parkways, if the normal

flow of motor vehicle traffic will not be hindered, abandoned railroad corridors, utility corridors, or new right-of-way as necessary.

c. The project shall include a contribution of at least 25 percent matching funds. Notwithstanding, at the discretion of the department, funds may be granted up to a maximum of 80 percent. Except as provided in subrule 165.22(3), matching funds shall be from sources other than the recreational trails program.

d. Matching funds shall not include other grants from state agencies or the provision of in-kind services. The value of donated land may be an eligible matching contribution if:

- (1) The land is donated after the commission's funding commitment, and
- (2) The value is based on a real estate appraisal acceptable to the department. The appraisal is subject to review and approval by the department after a funding commitment has been made.

761—165.13 and **165.14** Reserved.

761—165.15(312) Eligible project costs.

165.15(1) Land. Land acquisition costs including, but not limited to, appraisal costs, negotiation costs and the required cultural resources survey pursuant to Iowa Code chapter 305A are eligible project costs. Land may be acquired by lease, easement or fee simple. Except for primary road projects, the performance of land negotiation and acquisition activities shall not be the responsibility of the department although the department may provide advisory services.

165.15(2) Other eligible costs. Other project costs that are eligible for funding are limited to the following:

a. Trail surfacing, resurfacing, rehabilitation, modernization, upgrading and reconstruction, including pavement repairs and overlays and shoulder widening and stabilization; or initial trail construction including grading, drainage, paving and erosion control.

b. Bridge and culvert repair, modernization, replacement or initial construction.

c. Roadway intersection and interchange improvements, including warranted traffic signalization that is an integral part of the project.

d. Construction or improvement of rest areas, information centers, waysides, permanent interpretive displays, lighting and rest rooms, including the costs of utility connections that are an integral part of the project.

e. Design engineering and construction inspection costs directly associated with the project.

f. Storm drainage and storm sewer costs to the extent needed for draining the trail.

g. Utility relocation costs necessary for trail construction or improvement if the utility is not located on public right-of-way.

h. Trail signs, fencing, landscaping, parking areas, and walkways.

761—165.16 Reserved.

761—165.17(312) Ineligible project costs.

165.17(1) Before commission approval. Any and all costs incurred prior to commission approval of funding for a project are ineligible for funding under the recreational trails program.

165.17(2) Other ineligible costs. Other project costs that are ineligible for funding include, but are not limited to, the following:

a. Routine maintenance of a trail, bridge, culvert, fence or sign; winter maintenance of a trail or bridge, including snow plowing, sanding, and salting.

b. Overhead and operating costs associated with a project, such as auditing, legal and administrative costs.

c. Expenses associated with the preparation and submission of a project application.

d. Predesign engineering and planning expenses.

e. Utility costs other than those listed in rule 165.15(312).

- f.* Pavement markings, traffic signs, safety appurtenances or lighting except as an integral part of a trail project.
- g.* Purchases of office furnishings or equipment, construction equipment, or personal property.
- h.* Sanitary sewers or water mains except as necessary for rest room construction.
- i.* General government expenses and expenses associated with the provision of any public service that are not otherwise eligible for project funding.

761—165.18 Reserved.

761—165.19(312) Advance eligibility waivers. A potential applicant for recreational trails funding may request from the department a written waiver of specified costs. If granted, the waiver will permit a specified expenditure by the applicant without jeopardizing the project's eligibility for funding approval. Granting a waiver shall not imply or guarantee that the department will fund a subsequent application. An advance eligibility waiver must be requested and approved prior to the expenditure; any cost incurred before a written waiver is granted shall be ineligible for reimbursement.

165.19(1) Advance land acquisition. Notwithstanding subrule 165.17(1), if there is an extreme urgency involving land acquisition, a potential applicant may submit a written request for a waiver to acquire land immediately. The request for the advance eligibility waiver must include justification regarding the urgency of the acquisition, a description of the land to be acquired, and a county map showing its location.

165.19(2) Advance design costs. A potential applicant may submit a written request for preconstruction project planning design and development costs. The request for the advance eligibility waiver may be granted if the total design and development expenditure does not exceed 15 percent of the total construction costs for the project. Adequate documentation of eligible costs shall be required before funding reimbursement.

761—165.20 and **165.21** Reserved.

761—165.22(312) Application.

165.22(1) Submission. An eligible applicant shall complete and submit an original and four copies of a project application on a form prescribed by the department.

- a.* An eligible applicant may submit more than one application in a funding cycle.
- b.* Two or more eligible applicants may submit a joint application and are encouraged to do so when a project requires mutual action. A joint application shall designate a lead applicant to serve as the principal contact with the department.
- c.* The deadlines are January 2 and July 1 or the first workdays following those dates.
- d.* Applications shall be submitted to the office of project planning. To be considered in the current funding cycle, an application must be received by project planning by 4:30 p.m. on the day of the deadline.

165.22(2) Contents of application. Each application shall contain the following:

- a.* The applicant's name, mailing address and telephone number, and the contact person who will serve as liaison with the department.
- b.* A project concept statement including a location map, a cross section and a sketch of the project. The proposed project need not be designed before applying, but the concept must be reasonable from a transportation engineering standpoint and detailed enough to generate project cost estimates.
- c.* An itemized cost estimate for the total project showing for each item the cost and funding source.
- d.* A time schedule for the total trail project with the applicant's written assurance of project completion as scheduled. A time schedule adjustment may be approved by the department if the project involves unusually complex studies, extensive real estate negotiations, extensive analyses for environmental clearances, complex planning for associated developments, or another compelling reason.

e. An adequate justification for the recreational trails project based on the project eligibility criteria in subrule 165.12(2) and the evaluation criteria in subrule 165.26(2).

f. An official endorsement of the application from the responsible authority and written assurance from that authority that the total trail used to justify the project will be adequately maintained and made available for the intended public use for a minimum of 20 years after completion of the project except as approved by the commission.

165.22(3) *Funding requests.*

a. An applicant shall specify in the application the amount of the funding grant requested from the recreational trails fund and may offer a matching fund contribution larger than is required.

b. In lieu of a grant request, an applicant may request alternative funding, such as a loan at below market interest rate, a no-interest loan, or a partial repayment of principal.

c. If recreational trails funds are loaned as matching funds, the value of the loan repayments for matching fund purposes shall be based on net present value.

761—165.23(312) Application procedure.

165.23(1) An application may be submitted at any time and shall be dated when received in the office of project planning. Once an application has been submitted, no further information shall be accepted from the applicant unless specifically requested by the department.

165.23(2) If an application is incomplete, the department shall return the application to the applicant to be resubmitted when complete. A resubmitted application shall be dated when it is received in the office of project planning.

165.23(3) An application that is considered but not funded in one funding cycle may be resubmitted for consideration in the next cycle.

165.23(4) An applicant may withdraw an application at any time.

761—165.24 and 165.25 Reserved.

761—165.26(312) Evaluation and approval.

165.26(1) The department shall review each application, may verify the contents and may visit the trail site.

165.26(2) The department shall evaluate each complete application primarily on the basis of whether the predicted use of the trail justifies the construction and maintenance costs including, but not limited to, the following criteria:

- a.* Need, in terms of the population to be served and existing trails in the area (25 points).
- b.* Compatibility with local, areawide, regional or statewide plans (15 points).
- c.* Benefits of multiple uses and recreational opportunities (20 points).
- d.* Quality of the site (25 points).
- e.* Economic benefits to the local area (10 points).
- f.* Special facilities for the handicapped (5 points).

165.26(3) Completed applications shall be reviewed by a committee composed of one representative from each of these departments: natural resources, economic development, cultural affairs, and transportation. The committee shall recommend applications to the department by ranking them in order of funding priority.

165.26(4) The department shall prepare a list of applications and funding recommendations and present it to the commission for final approval and funding.

761—165.27 to 165.29 Reserved.

761—165.30(312) Project agreement.

165.30(1) After the commission has approved funding for a recreational trails project, the department and the applicant shall execute a project agreement.

a. The department shall administer a project located on a primary road; however, the department by agreement may delegate part or all of this responsibility.

b. For all other projects, the agreement shall specify the responsibilities for project planning, design, land acquisition, contracting, construction and materials inspection, and documentation and the criteria for each. The agreement shall also specify the overall funding level approved and contain an estimated budget for eligible work items.

165.30(2) The department shall reimburse the authority for actual eligible project costs incurred as specified in the agreement, not to exceed the amounts authorized by the project agreement.

165.30(3) Project expenditures incurred after the commission has made a funding commitment, but before execution of the agreement, may be eligible for reimbursement if prior written authorization is obtained from the department and a project agreement is subsequently executed. However, under no circumstances shall any reimbursement be paid until the project agreement has been executed.

165.30(4) The department may audit all project costs incurred for compliance with the agreement, including costs that are part of the matching contribution. All force account work performed by a county or city on the project shall be audited.

761—165.31 and 165.32 Reserved.

761—165.33(312) Noncompliance. The commission may revoke funding commitments, seek repayment of funds loaned or granted, or take both actions if:

165.33(1) The terms of the project agreement have not been fulfilled.

165.33(2) An agreement has not been signed within six months after the project sponsor receives the signature copy.

165.33(3) The department finds that the application contained inaccuracies, omissions, errors or misrepresentations.

165.33(4) The time schedule for project completion was misrepresented or has not been maintained.

165.33(5) The authority fails to comply with subrule 165.22(2), paragraph “f.”

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