

City of Scottsbluff, Nebraska

Monday, August 30, 2021

Regular Meeting

Item Resolut.4

Council to consider Resolution approving the application for grant funds from the Recreational Trails Program and authorize the Mayor to sign the Resolution.

Staff Contact: Jordan Diedrich, Deputy Public Works Director

RESOLUTION NO. _____

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

WHEREAS, the City of Scottsbluff, Nebraska now proposes to apply for assistance from the Recreation Trails Program through the Federal Highway Administration Moving Ahead for Progress in the 21st Century Act. The purpose of applying for assistance is to provide recreational public trails and trail related developments along the Monument Valley Pathway to include trailheads and restrooms;

WHEREAS, the City of Scottsbluff, Nebraska has available the funds to finance the activity until reimbursed by the Recreational Trails Program, and the financial capability to operate, maintain, and manage the completed projects in a safe and attractive manner for public use; and,

WHEREAS, the proposed application and supporting documents were completed and will be considered public documents which will be reviewed and considered at a public meeting of the City of Scottsbluff, Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA that the City of Scottsbluff, Nebraska, by and through its governing body, supports the Application and Program, has the required matching funds on hand to allocate to this Program and fully supports the Recreational Trails Program for the purposes of providing recreational public trails and trail related developments such as trailheads and improvements along the Monument Valley Pathway.

Passed and approved this 30th day of August, 2021.

Jeanne McKerrigan, Mayor

ATTEST:

Kimberley Wright, City Clerk

NEBRASKA GAME AND PARKS COMMISSION

RECREATIONAL TRAILS PROGRAM

GENERAL INFORMATION

Background

The Recreational Trails Program (RTP) provides funds to the states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. This program is through the Federal Highway Administration (FHWA) Moving Ahead for Progress in the 21st Century Act (MAP-2). The program continues to be a 30-30-40 split, where 30% of funds go to motorized projects, 30% of funds go to non-motorized projects and the remaining 40% go to diversified projects, either motorized or non-motorized.

Program Intent

The purpose of financial assistance through RTP is to provide recreational public trails and trail-related development and restoration funding to political subdivisions in Nebraska. Private organizations, individuals, and corporations may assist the grant applicants on the project through their contributions of funding, but they CANNOT be the project sponsor or the financial pass-through. RTP is specifically to provide recreation trails, so transportation connections/commuter trails will be referred to Nebraska's Transportation Enhancement program.

Federal Share and Local Share

This is an 80/20 grant, where the federal share is 80% of the total allowable cost and the local matching share is 20%. The match may be derived from one or a combination of state, local, and sometimes federal or private funds. Cash, design engineering, environmental costs, and/or forced labor of political subdivisions are allowed as part of the local matching share. Project sponsors will be required to document the costs prior to obtaining reimbursement. At a minimum, **5%** of the match must be in cash. Volunteer labor does not count as part of the local match. Grant funds will only be awarded to sponsors who have the local match on hand at the application due date so the project can be completed in a timely manner. **You must provide a letter of commitment from the Chief Financial Officer that the sponsor has the required match on hand and allocated to this project. If the cash funds will be derived from individual organizations or foundations, please provide a letter of commitment from those that these funds are on hand to donate to the project when needed by the sponsor.** Forced account labor and equipment usage must also be documented. See page 5 of this application for more information.

FHWA has changed RTP regulations to allow local political subdivisions the ability to use design engineering, environmental costs such as wetland mitigation, cultural surveys, appraisals...etc. as part of the local match. A sponsor may only use costs incurred 18 months or less out from the date of authorization from FHWA. See ranking sheet for amount of points received for local match. Those that provide a higher percent cash match greater than 20%, receive more points when being ranked by the Committee.

Reimbursement of RTP Grant Funds

RTP is a reimbursement program, which means the grant sponsor first incurs the cost for the project and then is reimbursed up to 80% of the allowable costs or whatever percentage is in the signed contract between the political subdivision and NGPC. If political entity cannot afford to incur ALL costs of the project with a reimbursement turnaround of 45-60 days, it is recommended that they do not apply for RTP funds or modify the project to what they can afford.

All project business must be coordinated through the grant sponsor and payments to vendors for project items issued through the sponsor's regular checking account. NGPC will reimburse sponsors after major items have been completed. All requests must be substantial enough to warrant the paperwork process. Indirect cost rates (see 2 CFR Part 200) are not allowed to be charged to the project. **Reimbursement will not be permitted for costs incurred PRIOR (besides approved matching elements) to the date of federal approval. Grant staff will inform grant sponsors at the appropriate time when to proceed on the various stages of the project. DO NOT PROCEED WITH ANY PLANS AND/OR CONSTRUCTION UNLESS APPROVED BY GRANT STAFF FIRST IN WRITING OR BY E-MAIL.**

Assured Access to Funds and Diversified Trail Use

Program funds must be allocated in compliance with the RTP 30%-30%-40% minimums as an assurance of access to the funds for all potential trail uses. Not less than 30% for non-motorized projects such as hiking or biking trails; not less than 30% for motorized projects such as snowmobiles, 4-wheel drive or motorcycle trails; and not less than 40% for diversified projects, including combination of motorized and/or non-motorized projects.

Project Eligibility - Permissible uses

Projects must fall under the following categories to be eligible for funding:

- Maintenance and restoration of existing trails
- Development and rehabilitation of trailside and trailhead facilities and trail linkages
- Purchase and lease of trail construction and maintenance equipment
- Construction of new trails (with restriction for new trails on Federal lands)
- Acquisition of easements or property for trails
- Assessment of trail conditions for accessibility and maintenance

Assurance that the landowner is a willing seller will be part of the required documentation if acquiring land or an easement on land and must follow federal guidelines for acquisition. Non-motorized trails must be, at minimum, eight feet wide unless the application is for connector trails that connect two or more existing trails. See policies, page 5 on minimum width of trails.

Minimum/Maximum Grant Levels

The RTP Committee has set a limit on the amount of funding a political subdivision can receive. The minimum grant requirement is \$50,000 and the maximum grant amount that can be requested is \$250,000 for projects. The minimum or maximum grant amount request can be waived for applications if requested via letter, which includes justification as to why they are requesting the waiver. The Committee will determine if the waiver request is justifiable.

Planning Requirements

Proper planning ensures that trail objectives will be met and guarantees there are adequate funds to complete the project. Seek advice from experts, consult with landscape architects, architects (if buildings are involved), engineers, your attorney, volunteers, users, NGPC staff, and others and then develop a project scope and a work plan. Experience has shown that well thought out projects will prevent problems that later could delay or possibly cause the project to be withdrawn. NGPC is willing to review applications prior to the deadline and give recommendations on how to improve the application. **NGPC must receive the application at least 4 weeks prior to the deadline for time to review and get back to the political sponsor for additions and/or corrections by the sponsor.**

Nebraska Recreational Trails Program Committee

The RTP grant requires the establishment of an advisory committee before Nebraska may allocate funds for any project. Nebraska's committee consists of members who represent both non-motorized and motorized recreational trail uses. Other advisory members include the representative from FHWA assigned to manage Nebraska's RTP projects, a representative from

The State Historical Society, and a representative from Nebraska Tourism Commission. The committee normally meets twice a year; once to rank the applications received and once to make policy and application changes.

Design, Construction, Signage, and Accessibility Criteria

Preliminary engineering costs for initial project planning proposes can and should be used as match for the project (as long as included in the cost estimate). Design and construction standards should meet the American Association of State Highway and Transportation Officials (AASHTO) trail standards as published in the Guide for the Development of Bicycle Facilities as a development guide for non-motorized trails. The guide can be purchased from: AASHTO, 444 North Capitol St, NW, Suite 225, Washington, D.C. 20001. Specific disability accessibility technical standards have been finalized for recreational trails by the U.S. Architectural and Transportation Barriers Compliance Board (the Access Board), sponsors have statutory responsibilities to provide opportunities for people with disabilities. Project elements, where possible, should be provided in accord with current standards that are contained in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or in the Uniform Federal Access Standards (UFAS).

Signs and other traffic control devices must conform with the Manual on Uniform Traffic Control Devices (MUTCD) and Standard Highway Signs (these standards allow some smaller dimensions for signs on trails). These documents are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Signage for Motorized Trails will conform to the United States Forest Service's December 2005 EM 7100-15, Sign and Poster Guide for the US Forest Service (Chapters 5, 7, 9, 10, 11 & 12). Motorized trail design should follow the recommendations of "Park Guidelines for OHVs" by George Fogg, "Management Guidelines for OHV Recreation" by Tom M. Crimmins, and/or the "Trail Planning, Design & Development Guidelines" by the Minnesota Department of Natural Resources and/or federal agency design guidelines. Contact NGPC for more information on these guidelines.

Environmental Requirements

Generally, a sponsor's trail project will not have to comply with all of the requirements of the National Environmental Protection Act (NEPA) because most projects will qualify as a Categorical Exclusion (CE). Nevertheless **all** projects will be reviewed by both FHWA and NGPC staffs to ensure there will be no significant impacts on the environment. Included in the application is a short environmental form that must be completed and signed by the political subdivision. NGPC will then review the form and if funded, the sponsor will go through a more intensive form about the project. Additional reviews will need to take place by other state and federal agencies, so plan accordingly. The costs of the environmental reviews can and should be used as match for the project (as long as included in the cost estimate).

Projects in Partnership with Federal Agencies

RTP funds can be used on federal lands, and any federal land management agency may be a project sponsor. However, the non-federal share cannot include other federal funds, unless specific legislation allows the other federal funds to be used for a match. At least 5% of the 20% match must come from a partner to the Federal agency as cash. The remaining 15% can come from other "identified and approved" sources. Contact NGPC for more details.

Project Administration

Once a project sponsor has been contacted by NGPC regarding the success of the application, a grant administration training session will occur prior to the sponsor starting on the project. It is required that a sponsor goes through training prior to signing any agreement with NGPC. NGPC

staff will inform grant recipients when to initiate the required processes so that the project can flow in a logical manner and comply with all applicable state and federal laws, rules and regulations. The grant recipient should call NGPC staff any time there is a question on how to proceed with a project phase. The grant recipient should assign a staff member to administer the project who will have a good working knowledge of the project and with whom NGPC staff can make day-to-day contact as the need arises. We recommend only one person administer the grant on behalf of the recipient to alleviate miscommunications. If there is a need on the project sponsor's side to have more than one person involved, NGPC requests that these individuals coordinate with one another and have only one person as the liaison to NGPC to alleviate any miscommunication between parties.

Project Deadline

From the date of authorization of funds from Federal Highway Administration and contracts have been signed between NGPC and the Project Sponsor, the project will have two years to complete the project. Extension(s) may be granted, **IF** requested in writing 30 days prior to the deadline set in the **contract**. However, recent changes to federal Grant Implementation Guidance requires a set deadline in the federal Funding Request that may be different than the contract deadline but, once established, cannot be changed.

Donations

Forced Account Labor and Equipment

The NGPC staff will require the political subdivision to provide the appropriate forms to track forced account labor and equipment. Forced account refers to the grant sponsor's labor force and to sponsor-owned equipment. The allowable rate that may be charged to the project is the hourly or salaried rate he/she earns in the normal course of their employment. The wages include benefits but do not include overhead and indirect costs. The sponsor will provide a wage schedule of all employees working on the trail in the application, along with the estimated hours it will take to complete the tasks. Equipment may be charged to a project at the rate charged for similar work within the applicant(s) jurisdiction through NDOR. The sponsor must contact NDOR to provide the **FHWA rates** and NDOR's response must be included in the application, along with the estimated hours of use of the equipment. FEMA rates are not acceptable for the equipment. **DO NOT** rely on estimates from your engineers on equipment costs; the only acceptable rate is from NDOR. Donated land and/or easements are acceptable as part of the local match once a federal appraisal and review have been completed at the cost of the political subdivision. Contact NGPC staff for questions and assistance.

Land Acquisition

Land may be acquired **only** on a willing seller/willing buyer basis. *You may not, at application time, negotiate a price for the land with a landowner; you may only inquire if the land is for sale.* Later, at the direction of the NGPC staff, an appraisal report will be required utilizing the Uniform Standards of Professional Appraisal Practice and to the extent appropriate the Uniform Appraisal Standards for Federal Land Acquisitions, revised 1992. A general certified appraiser of Nebraska must complete the report. The project sponsor will be required to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P. L. 91-646, as amended, 42 U.S.C. ss 4601, et seq. and comply with 49 CFR Part 24, regarding appraisals. During the acquisition process, NGPC staff will provide guidance when and as needed. The sponsor will also be responsible for an appraisal review by a qualified General Certified Appraiser of Nebraska. See pages 7-9 of the policies for more information and guidance for this process. The appraisal is a cost that is reimbursable or can be used as part of the local match. This type of project will require more time for set up due to the appraisal and review period. Please expect the project to take at least **6 more months** than originally figured to deal with the appraisal process.

Easements

If the trail project requires an easement and the cost of acquiring the easement is not being requested for reimbursement, the easement paperwork should be included in the application. If the easement is a donation and is part of the local match for the application, the proper paperwork along with a federal appraisal and appraisal review meeting federal requirements **MUST** be completed prior to development. To determine the “Value of land” for the match, the sponsor will have to coordinate with its sources to provide a value. If this value is determined to be less than what was stated in the application, the sponsor will provide additional matching funds in the form of cash. If the easement is a donation then you must submit forms showing the owner was advised of their right to receive just compensation and follow NDOR’s Right-of-Way Acquisition Guide for Local Public Agencies, see page 8 of the policies for more information. These must accompany the application or be provided to NGPC within 3 months of receiving notification of approval of the grant. If the easement is a part of the request for reimbursement of the project, the applicant must provide a “Letter of Intent” from the landowner for the land in question. The paperwork and appraisal may be completed after the Nebraska Game and Parks Commission Board of Commissioners approve the project and NGPC has provided a letter stating the project can move forward with the appraisal process. If an applicant is unsure of how to proceed in this or has questions, they are encouraged to contact NGPC staff.

Maintenance Plan

In recent years, maintenance of trails has become an issue of concern. Therefore, it has been decided to **REQUIRE** that a project sponsor include a maintenance plan with the RTP application. The maintenance plan shall include on an annual basis, cost estimates of routine maintenance (fencing, repairs to surface, spraying for weeds, mowing, replacement of signage, snow removal...etc.), a maintenance schedule for the care of the project, what type of labor will be used to maintain the trail (Adopt-a-trail volunteer programs are highly recommended), and how the sponsor plans to pay for the maintenance during the life of the project (25 years for non-motorized, 10 years for motorized). If this maintenance plan is not included within the narrative of the application, the application will be ranked lower than other applications.

Progress Reports

Each project sponsor will be required to provide NGPC with progress reports regarding the progress of the project. These reports will be due every quarter after the contract has been signed between NGPC and the sponsor. This information will be covered in the training after notification of award. The project sponsor is responsible for supplying NGPC with the report **without** NGPC having to request the form, except for the first report. NGPC will remind sponsors for the first report, but no reminders will be sent after the initial report. If a sponsor misses more than two reports in a row, they will be subject to reduced funding or potentially lose all funding for the project.



308-632-4136
2525 Circle Drive
Scottsbluff, NE 69361

August 25, 2021

Recreational Trails Program
NE Game & Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503

RE: City of Scottsbluff, Nebraska

Dear Program Staff;

This letter confirms the City of Scottsbluff's financial commitment for the Recreational Trail Program. Should this project be funded by the Recreational Trails Program, we will provide a local match for the project. Our portion of the match will be up to \$62,500 (depending on the potential amount awarded) and we have the funding available to provide this match.

Over the past decade the City of Scottsbluff and the State of Nebraska have worked together to construct a pedestrian bridge over Highway 26 and approximately 7 miles of paved pathway within the city limits of Scottsbluff. The proposed trailheads and restroom additions to the pathway corridor will enhance the useability of the trail and provide necessary amenities to its users.

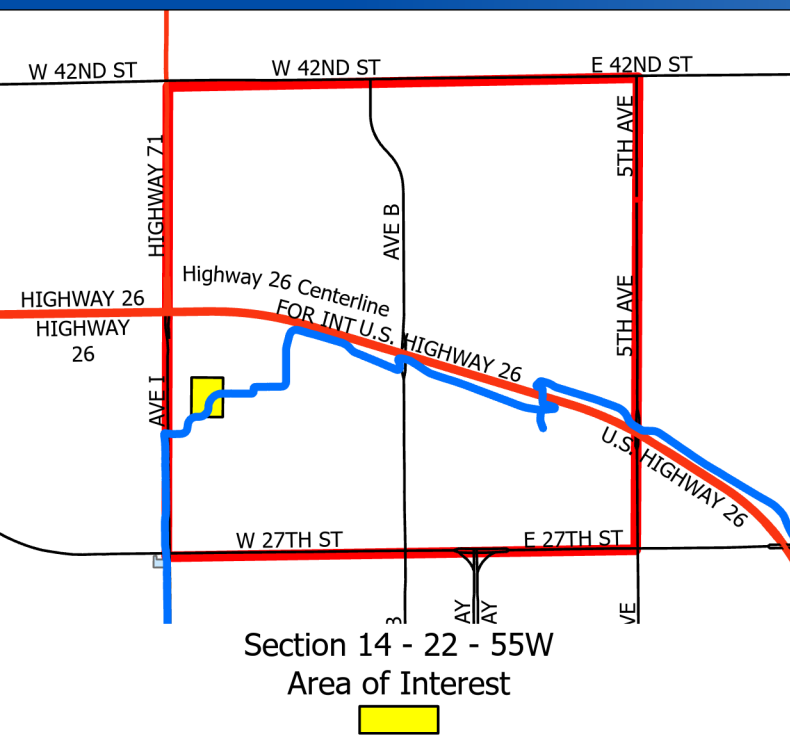
Sincerely,

Elizabeth A. Loutzenhiser, CPA, MBA
Director of Finance

Recreational Trail Program Grant

Men-Family-Women Restrooms Northwood Park

Approximate Longitude and Latitude of Feature:
103.674° W, 41.878° N

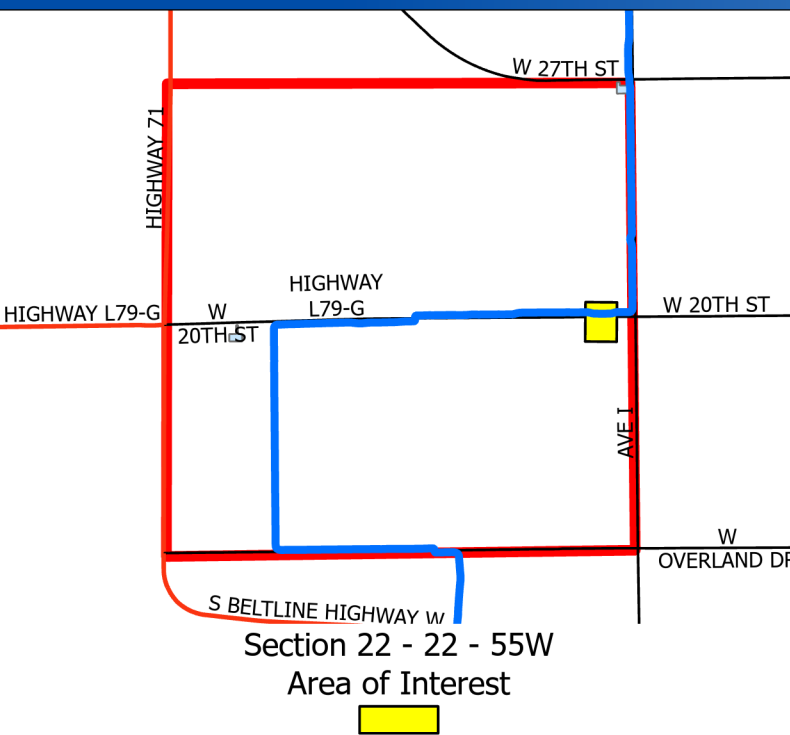


- Monument Valley Pathway
- Trail Features
- Parcel Boundaries
- Sections
- Street Centerline
- Highway
- Main Road
- Residential

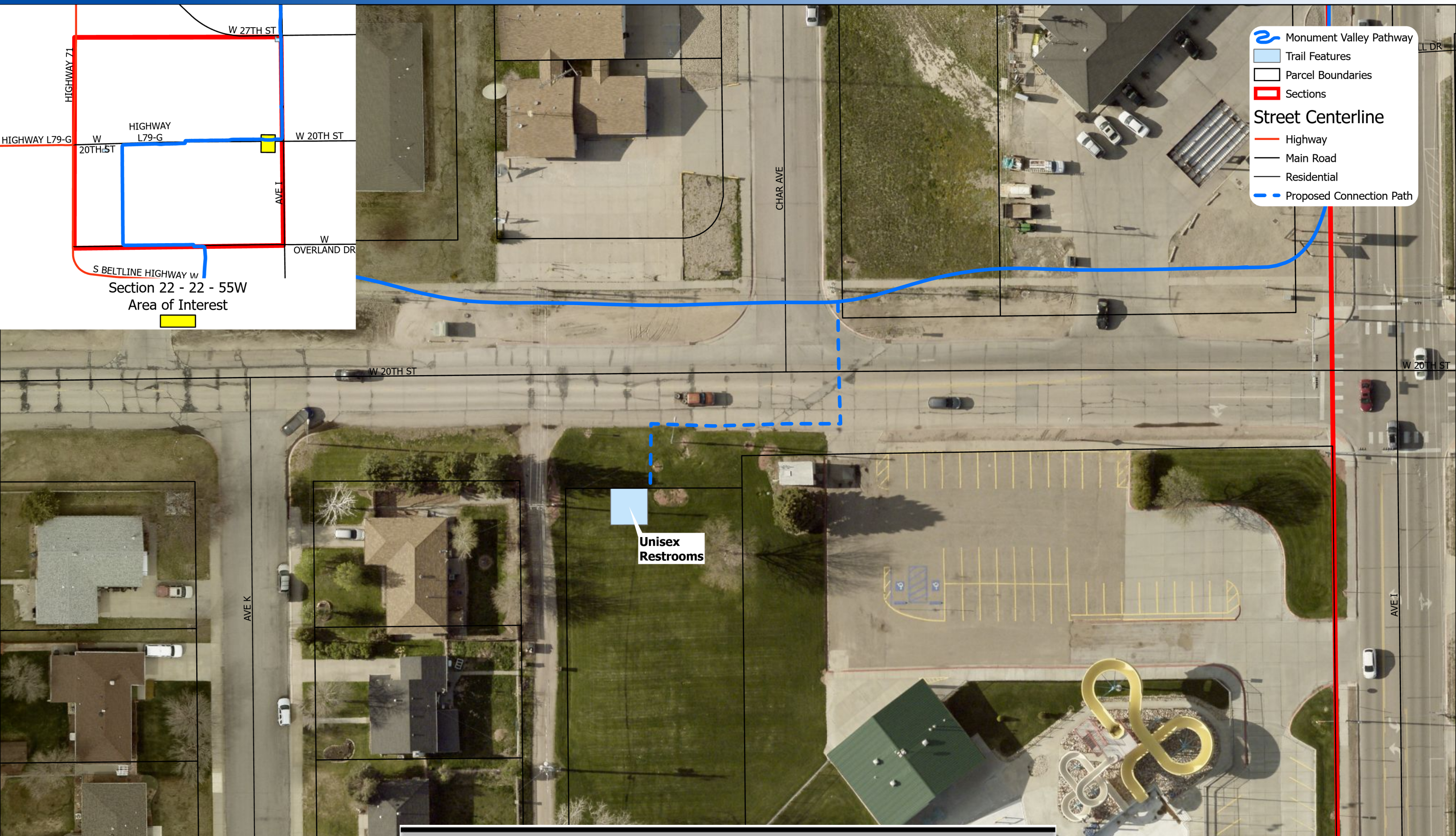
Recreational Trail Program Grant

Unisex Restrooms Westmoor Park

Approximate Longitude and Latitude of Feature:
103.677° W, 41.866° N



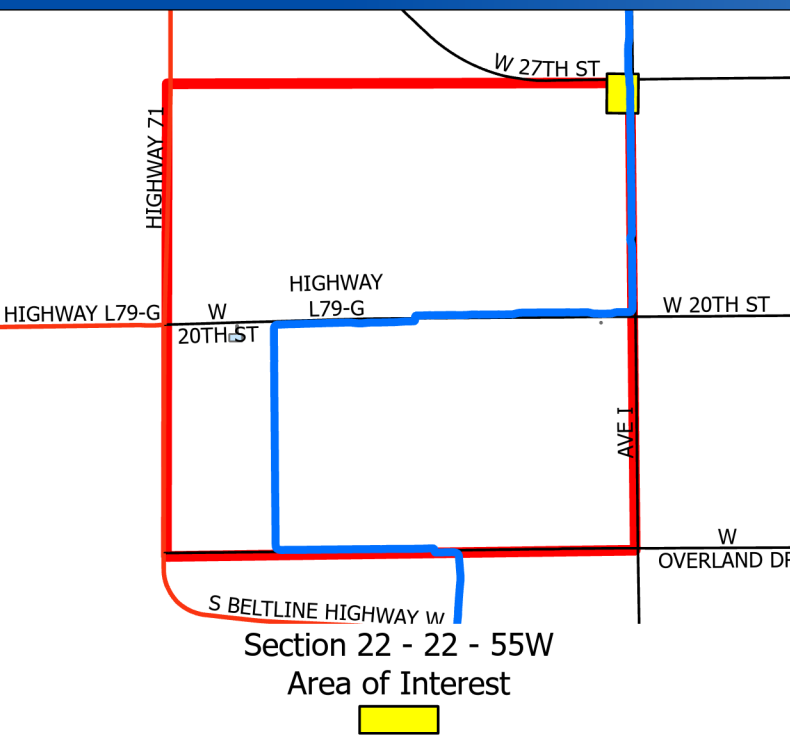
- Monument Valley Pathway
 - Trail Features
 - Parcel Boundaries
 - Sections
- Street Centerline**
- Highway
 - Main Road
 - Residential
 - Proposed Connection Path



Recreational Trail Program Grant

Trailhead Parking 27th & Ave I

Approximate Longitude and Latitude of Feature:
103.676° W, 41.873° N



15-22-55W

14-22-55W

22-22-55W

23-22-55W

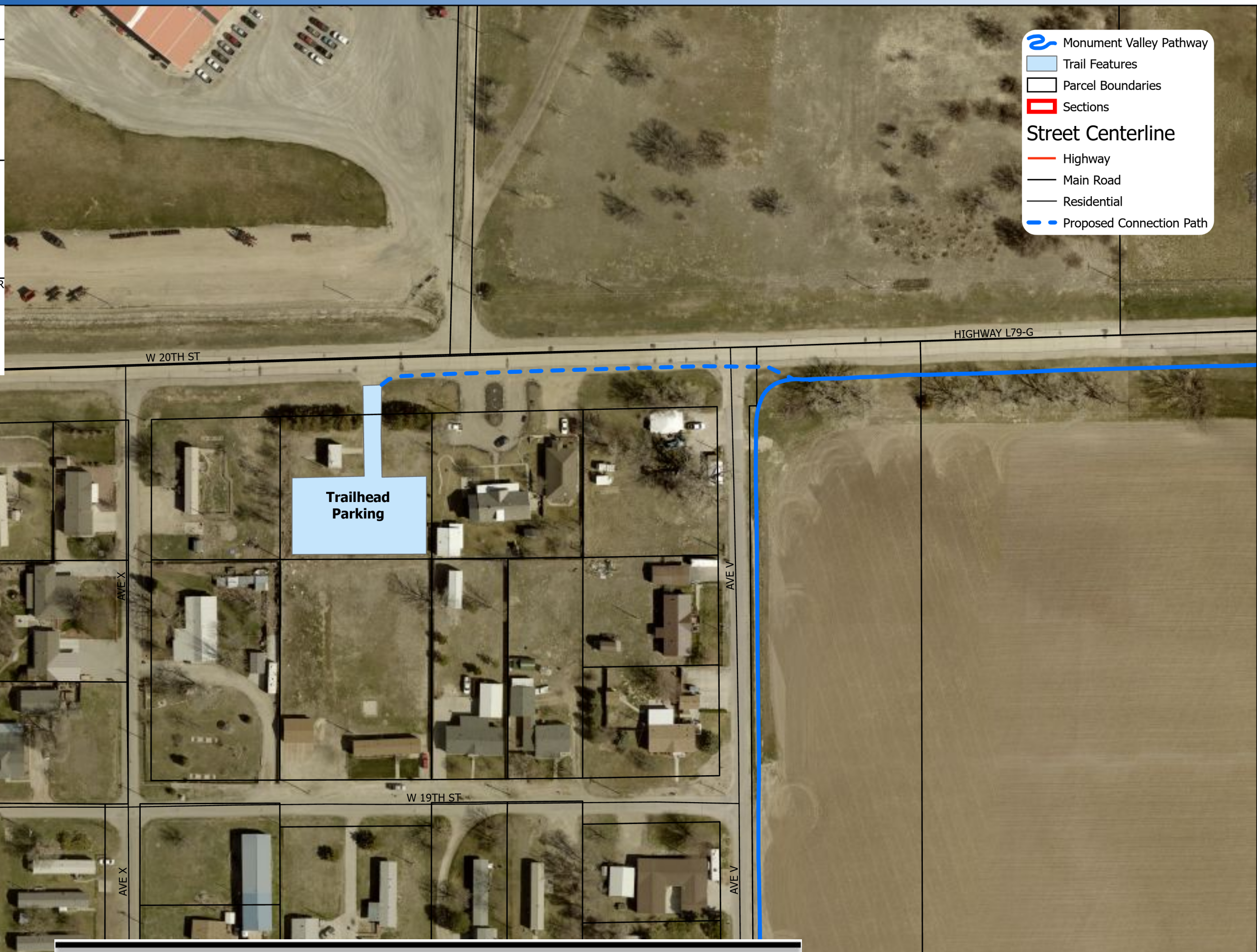
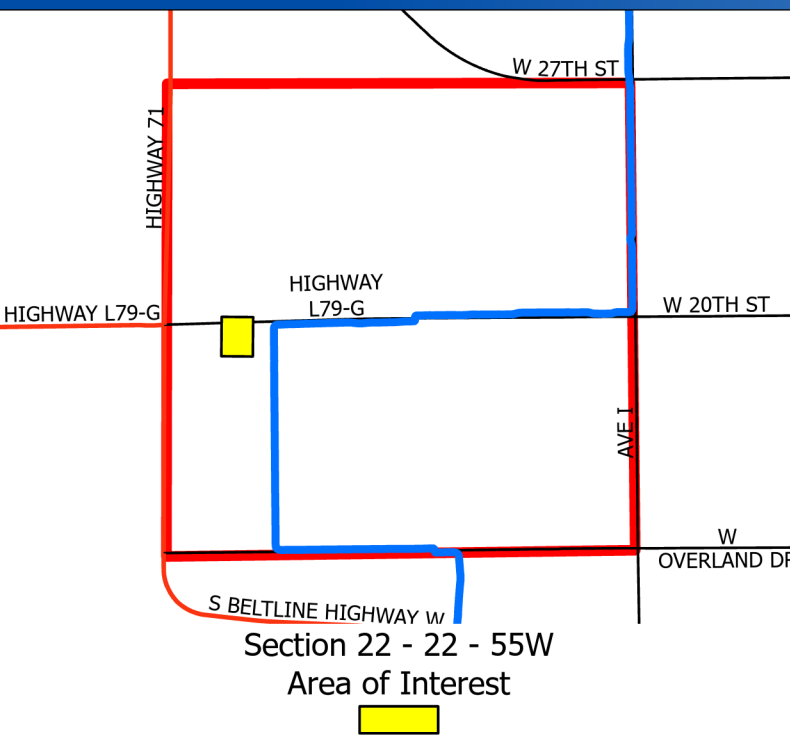
Trailhead
Parking

- Monument Valley Pathway
- Trail Features
- Parcel Boundaries
- Sections
- Street Centerline**
 - Highway
 - Main Road
 - Residential

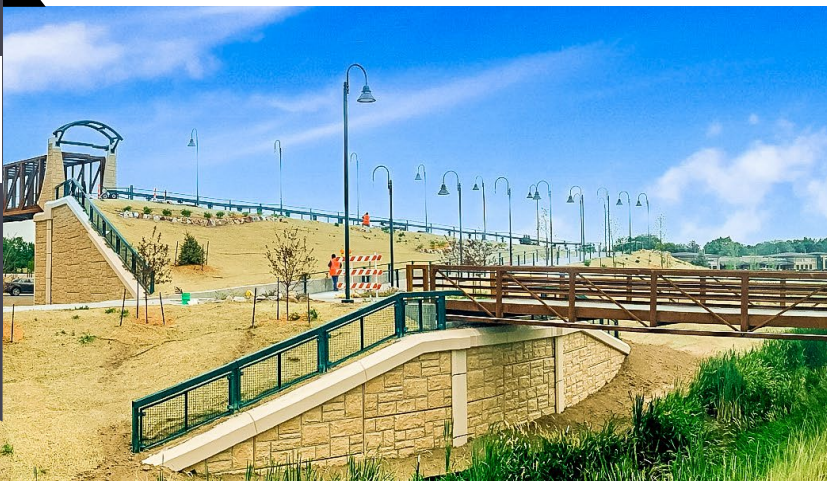
Recreational Trail Program Grant

Trailhead W 20th & Ave V - Ave X

Approximate Longitude and Latitude of Feature:
103.692° W, 41.866° N



- Monument Valley Pathway
- Trail Features
- Parcel Boundaries
- Sections
- Street Centerline**
 - Highway
 - Main Road
 - Residential
 - Proposed Connection Path



MONUMENT VALLEY PATHWAY

7.1 mile pathway that connects
the YMCA to Riverside Park.

The most recent extension on
the system connects Riverside
Park to Scottsbluff High School
and Western Nebraska
Community College. Existing
routes also connect to
Terrytown, Gering and the
Scotts Bluff National
Monument.

TRAILHEADS

Addition of two trailheads along the
Monument Valley Pathway to
improve equitable access to both
residents and visitors. One trailhead
located at the corner of 27th Street
and Avenue I (below) and the other
located on 20th Street between
Avenue V and Avenue X (right).



TRAIL DEVELOPMENT

The City of Scottsbluff recognizes the
importance of constant and continual
improvements to our parks system by
increasing access and adding facilities
that promote a healthy lifestyle and
provide safe places for activities to
residents and visitors.

RESTROOMS

Addition of two restrooms along
the Monument Valley Pathway to
add accessible facilities to both
residents and visitors. One
restroom located at Northwood
Park (right) and the other located
at Westmoor Park (far right).

