

**250-RICR-110-00-6**

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 110 – PLANNING AND DEVELOPMENT**

#### **SUBCHAPTER 00 - N/A**

#### **PART 6 – Rules and Regulations Governing the Recreational Trails Program**

### **6.1 Authority**

As authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”) and the Transportation Equity Act for the 21st Century (“TEA-21”). Pursuant to a cooperative agreement between the Rhode Island Department of Environmental Management (“DEM”) and the Rhode Island Department of Transportation (“DOT”), as amended, that established DEM as the Agency to administer the program in accordance with R.I. Gen. Laws §§ 42-17.1-1 and 42-35 *et seq.*

### **6.2 Purpose**

The purpose of these rules is to establish the operating procedures of administering the Recreational Trails Program (“RTP”). The RTP is authorized through its enabling legislation to encourage the development and maintenance of recreational trails through the distribution of grants to eligible entities as established in § 6.8.1 of this Part, (250-RICR-110-00-6).

### **6.3 Trails Advisory Committee**

- A. There shall be established a Trails Advisory Committee, or “Committee” to advise and assist the DEM in matters related to trail based recreation in Rhode Island. Agencies, organizations, and individuals having a role or interest in the planning, development, use, and maintenance of trails and trail facilities are eligible for membership on the Committee.
- B. The Committee shall consist of no less than 5 nor more than 25 members selected to represent constituent groups concerned with trail based outdoor recreation.
- C. Committee members shall be appointed by the Director of the Rhode Island Department of Environmental Management (“Director”). Eligible organizations or individuals may register their interest in membership, in writing, with the Director; organizations may nominate individuals for appointment. The Director may appoint those nominated provided there are vacancies on the Committee.

- D. Appointment terms shall not exceed five (5) years although members may succeed themselves and serve consecutive terms. The Director, at his/her discretion, may replace Committee members who have missed three (3) consecutive meetings, provided that the member is notified in writing.

## **6.4 Officers**

There shall be officers of the Committee as follows: the Chairperson of the Committee shall be the Chief of the DEM Division of Planning and Development or his/her designee. The Chairperson may elect a designee to appear and vote at Committee meetings on his/her behalf. There shall be a Vice-Chairperson appointed by the Chair at the first regular meeting of each calendar year.

## **6.5 Trail Advisory Committee Duties**

Duties of the Committee shall be to advise the DEM on the distribution and administration of recreational trail grants as well as other trail issues including supply and demand, trail safety, and trail user education and safety needs.

## **6.6 Meetings**

- A. All Committee meetings and records will be consistent with the Open Meetings Act (R.I. Gen. Laws § 42-46-1 *et seq.*) and the Access to Public Records Act (R.I. Gen. Laws § 38-1 *et seq.*).
- B. The Committee shall establish a schedule for meetings at the beginning of each calendar year. The Committee shall meet at least once per year. The Chairperson may call special meetings or cancel regular meetings at any time by notifying members as soon as is reasonably possible and in accordance with the Open Meetings Act.
- C. Appointed members shall be eligible to vote on issues related to the distribution of recreational trail grant funds. All votes held at meetings shall be decided by a majority vote of Committee members present. A quorum shall consist of no less than fifty one percent (51%) of Committee members.

## **6.7 Allocation of Funds**

- A. The Committee may, by majority vote, create project categories and allocate funding available in grants to these project categories. The Committee may adjust allocations between categories at any time, by majority vote, at a regularly scheduled meeting.
- B. The Committee may establish the minimum and maximum amounts of funding to be awarded to an applicant or project within any funding period or for any project category.

## **6.8 Recreational Trail Grants**

### **6.8.1 Eligibility**

Eligible applicants are state and municipal government agencies, organizations incorporated pursuant to R.I. Gen. Laws § 7-6-1, *et seq.*, organizations meeting the definition of charitable trust as defined in R.I. Gen. Laws § 18-9-4, or organizations duly existing as a non-profit organization among whose purpose is the preservation and development of recreational trails. All non-profit organizations must have been granted at least preliminary status under 501 (C) (3) IRS Tax code.

### **6.8.2 Eligible Projects**

- A Projects eligible for funding include land and water trails that are available to the general public without distinction as to membership, residency, or other status. Reasonable restrictions on the season, times, level, and types of use are permitted where necessary for trail maintenance and/or preservation. Proposed restrictions must be approved by the Committee and applied in a non-discriminatory manner.
- B. Reasonable fees may be charged for the use of publicly available trails provided that all fees and fee systems conform to requirements of 49 C.F.R. § 18.25(a), (g)(3), and (h), as dictated in the Recreational Trails Program Guidance regarding the use of federally assisted public outdoor recreation facilities and areas. Proposed restrictions and fees must be described in the grant application.
- C. All information or documentation specified or requested must be provided in the application package including, but not limited to:
  - 1. Project location, description, and purpose;
  - 2. Limitations to access or use;
  - 3. Project costs and funding: including labor, material, and grantees contribution (match) toward project expenses;
  - 4. Project assurances that the applicant can/will comply with RTP requirements;
  - 5. Project endorsement by the property owner;
  - 6. Map of the proposed project area.

## **6.9 Application Procedure**

### **6.9.1 Application Forms**

The application form(s) shall be developed and approved by the Committee to qualify the applicant for funding consideration. The Committee may amend the application form(s) as necessary through majority vote.

### **6.9.2 Filing Applications**

- A. Application forms shall be available for download on the DEM website as well as by request from DEM/Planning & Development.
- B. Applications shall be filed with the Committee, c/o DEM/Planning & Development or as designated on the application form. The grant application shall be submitted within the time period specified within the application.
- C. The Committee shall review applications for consistency with the Rules and Regulations governing the RTP. Incomplete applications will not be considered for funding.

## **6.10 Application Review & Award**

### **6.10.1 Grant Evaluation**

The Committee will meet periodically to review applications. The applications shall be evaluated and prioritized for funding using criteria developed by the Committee for each project category. For this purpose, the Committee Chairperson may appoint a Grant Scoring Subcommittee ("Subcommittee").

### **6.10.2 Grant Ranking**

Upon completion of application review and scoring the Committee shall determine recommendations for funding. The Committee may consider the relative amounts of money requested in the various applications in order to maximize the distribution of funding appropriated to the RTP.

### **6.10.3 Grant Awards**

Upon completion of grant evaluation and scoring, the Committee, by majority vote, shall approve a list of recommended grant awards and provide it to the Director.

## **6.11 Administrative Findings**

The current Rules and Regulations governing the RTP require updating in order to be consistent with current standards and requirements. Promulgation of these recodified Rules and Regulations will bring the RTP in line with changes in the enabling legislation on the federal level.

## **6.12 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the DEM to effectuate the purposes of federal and state laws, goals, and policies.

## **6.13 Severability**

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

## **6.14 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations and any policies regarding the administration of the RTP shall be superseded. However, any outstanding grants, or applications submitted to the DEM prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the grant or application was filed.