

# **Commonwealth of Kentucky Department for Local Government**



## **Recreational Trails Program 2023 Grant Application**

**A Federal Highway Administration (FHWA)  
Federal Aid Program**

Submit the completed application and attachments to [DLG.OFG@ky.gov](mailto:DLG.OFG@ky.gov) no later than **May 31, 2023**. If you have questions about the RTP or application, contact Jessica Hill at [JessicaM.Hill@ky.gov](mailto:JessicaM.Hill@ky.gov).

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**PROJECT NAME/TITLE:**

**PROJECT ADDRESS/LOCATION:**

**CLASSIFICATION OF PROJECT APPLICANT (Check one)**

Federal ☐ State ☐ City ☐ County ☐

**APPLICANT/PROJECT SPONSOR (City, County, State Agency, or Federal Agency)**

Name	Agency	Telephone Number	E-mail address		
Street or P. O. Box	City	County	State KY	ZIP Code	

**CONTACT PERSON/LPA ADMINISTRATOR**

Individual to be contacted should questions arise regarding the project and/or application.

Name	Firm/Agency	Telephone Number	E-mail address		
Street or P. O. Box	City	County	State KY	ZIP Code	

**CITY/COUNTY TO BE SERVED**

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**Proposed Project Period**

**Start Date:**                      **End Date:**

Congressional District	Area Development District
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**Does the applicant have an open/active RTP project?**

Yes ☐ No ☐

If yes, list the project numbers below (XXX-XX or 000XXXX):

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**Ownership of Right-of-Way where the project will be located:**

Provide a copy of the deed with the application.

**Ownership of Land within Trail Corridor**

Must be able to obtain a permanent trail easement.

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**PROJECT TYPE** (Check all that apply)

- |  |   |
|--|---|
| Construction of New Trails <input type="checkbox"/>  | Restoration of Areas Damaged by Trail Usage and Back Country Terrain <input type="checkbox"/> |
| Development of Trailside and Trailhead Facilities <input type="checkbox"/>   | Development of Urban Trail Linkages Near Home and/or Work <input type="checkbox"/>            |
| Maintenance of Existing Trails <input type="checkbox"/>  | Acquisition of Easement or Property <input type="checkbox"/>                                  |
| Development of Features that Facilitate Access and Use of Trails by Persons with Disabilities <input type="checkbox"/> |   |

**INTENDED USE** (Check One)

- |  |   |
|--|---|
| Non-Motorized Single Use <input type="checkbox"/>                | Motorized Single Use <input type="checkbox"/>     |
| Combination of Non-Motorized <input type="checkbox"/>            | Combination of Motorized <input type="checkbox"/> |
| Combination Non-Motorized and Motorized <input type="checkbox"/> |   |

**TYPE OF USE** (Check all that apply)

- |   |                          |
|---|--------------------------|
| Walking/Jogging/Hiking                            | <input type="checkbox"/> |
| Overnight and Long Distance Backpacking           | <input type="checkbox"/> |
| Bicycling and/or Mountain Biking                  | <input type="checkbox"/> |
| In-Line Skating/Skate Boarding                    | <input type="checkbox"/> |
| Equestrian Activities                             | <input type="checkbox"/> |
| Access for Canoeing, Kayaking, or Rafting         | <input type="checkbox"/> |
| Motorcycling                                      | <input type="checkbox"/> |
| Four Wheel Drive or All Terrain Off-Road Vehicles | <input type="checkbox"/> |

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**TRAIL INFORMATION**

New Construction

Length of Trail

Width of Trail

Composition of Trail Surface

Existing Trail

Length of Trail

Width of Trail

Availability of Similar Trails within the Applicant's Jurisdiction. List total mileage of available trails.

Actual Linkage to Other Trails. If yes, explain below.

Yes ☐ No ☐

**TRAIL TERMINI** (Beginning and ending points of the proposed trail)

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**PROJECT DESCRIPTION**

Provide a brief description of the project activities and what will be accomplished with the grant. If necessary, you can attach additional pages.

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**OPERATION AND MAINTENANCE**

Who will be performing long term operation and maintenance of the proposed project after completion?  
How much funding will be set aside yearly for maintenance?

**EDUCATION AND SAFETY**

Provide information on how the applicant will address education and/or safety issues with the proposed project.

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**PROJECT JUSTIFICATION**

Provide detailed answers to the questions below as they relate to the project selection criteria. If necessary, you can attach additional pages.

1. Describe the degree to which the project provides and/or improves recreational trail length to accommodate motorized and/or non-motorized uses.

2. Describe the degree to which project provides and/or improves the greatest number of safe and compatible recreational purposes including, but not limited to, those used for recreational purposes such as (A) walking/jogging or hiking, (B) overnight and long distance backpacking, (C) bicycling (D) mountain biking, (E) in-line skating/skate boarding, (F) equestrian activities, (G) access for canoeing, kayaking, or rafting and travel by (H) motorcycle, four-wheel drive, or all-terrain off road vehicles.

3. Describe the degree to which project provides and/or improves trail opportunity by persons with disabilities, older citizens, economically disadvantaged and other special populations or groups.

4. Describe the degree to which project meets a goal and/or implements a strategy of a local or regional plan.

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5. Describe the degree of citizen involvement in proposal conception and implementation.

6. Describe the degree to which project actually ties into other trails, greenways, or scenic corridors, and/or designated natural, cultural, historical, and recreation areas.

7. Describe the degree to which donations and/or force account contributions will be used to accomplish the project and provide a Public Interest Finding with the application.

8. Describe the degree to which the project plans to include signs, maps, brochures, audio or video aids, and other media to educate trail users on trail rules, courtesy to other trail users, and/or the protection and interpretation of the natural and cultural resources within the trail corridor.



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**ENVIRONMENTAL INFORMATION**

Provide detailed answers to the questions below. If necessary, you can attach additional pages. Attach a copy of a completed Environmental Assessment (EA) with the application.

1. Does the proposed project require the removal (cutting/clearing) of any trees, living and/or dead, larger than sapling size? If yes, provide the total number of trees being removed and the time of year when habitat would be removed.

2. Are there any caves, sinkholes, mine portals, and/or rock shelters within the project limits or adjacent to the proposed project area? If yes, does the project require disturbance of such habitat? Explain.

3. Does the proposed project require any perennial stream crossings such as a footbridge, culvert, or in-stream mat/rock material? If yes, discuss construction plan and sediment/erosion control measures.

4. What type of habitats (forested, recreational areas, open grassed urban areas, etc.) currently exists within or adjacent to the proposed project area. Please describe any disturbances associated with the project construction and/or maintenance which may potentially impact vegetation on site (e.g. excavation, fill material for building sites, conversion of natural areas to parking areas, herbicide use, heavy equipment staging areas, etc.).

Please provide a 7.5 minute USGS topographic map depicting the site and name of the map (quad name); any other site plan depicting specifics of the proposed project. In addition, please identify on attached maps the above impact areas, if any, associated with the proposed project.

Please provide pictures of the proposed site of what the photo is depicting.

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**PROPOSED FUNDING**

For the RTP grant, the minimum request an applicant can apply for is \$25,000. The maximum request is \$250,000. The applicant must match the RTP grant to fund 20% of the total project cost.

**RTP Request:** \$

**Applicant Match:** \$

**Total Project Cost:** \$

Below summarize how the applicant proposes to match RTP funding. Please complete all appropriate columns and specify whether funds are Approved, Pending, or currently under Negotiation. **Attach a detailed budget with the application. Engineering costs must be included to be in compliance with the KYTC LPA Process.** An example has been included in the application packet.

Please note volunteer labor is valued at \$15.00 an hour. Skilled/Certified volunteer labor is what they normally would charge to perform the skilled/certified labor

If your application consists of both motorized & non-motorized trail uses, please submit separate budgets for each.

Source	Applicant	Status of Funds
General Fund		
Force Account Labor		
Force Account Equipment		
Force Account Materials		
Donations		
Donated Land		
Donated Labor		
Donated Equipment		
Donated Materials		
Other Funds:		
<b>TOTAL</b>		

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**THE TRAIL AND/OR TRAILHEAD/TRAILSIDE FACILITIES ACQUIRED OR DEVELOPED WITH RTP ASSISTANCE MUST BE OPEN TO THE PUBLIC AND MAINTAINED FOR PERPETUITY.**

**I \_\_\_\_\_ certify that all R/W is available, or R/W will be**  
**Authorized Representative Signature**  
**made available before construction, and the R/W easement will be recorded prior to**  
**any payment. No Utility or Railroad Involvement.**

**NAME AND SIGNATURE OF THE AGENCY PARK MANAGER (If applicable)**

_____ Signature	_____ Title
_____ Name Typed	_____ Date

**NAME AND SIGNATURE OF AUTHORIZED REPRESENTATIVE**

_____ Signature	_____ Title
_____ Name Typed	_____ Date

**NAME AND SIGNATURE OF THE APPLICANTS LPA GRANT ADMINISTRATOR**

_____ Signature	_____ Title
_____ Name Typed	_____ Date
_____ Email	_____ Phone

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**ATTACHMENTS**

Please submit the application with the following attachments. Have each attachment clearly marked and in the order listed below.

- **ATTACHMENT A – COVER LETTER**

Provide a signed cover letter on official letterhead by the agency head or designee (Federal, State, or Local Agencies) supporting the submission of the proposed project.

If the proposed project is located on public land, a signed statement supporting the submission of the proposed project from the public land manager is also required.

- **ATTACHMENT B – MAPS**

Boundary Map

Location Map – Location Map provides a snapshot of the project’s location. It is not the same as a boundary map. Location Maps include street names, nearby cities, landmarks, etc.

- **ATTACHMENT C – SITE PLAN**

- **ATTACHMENT D – DETAILED BUDGET**

Provide a detailed breakdown of how the applicant determined the total project cost. Include copies of quotes, invoices, written statements, appraisals, etc. as supplemental documentations. If your application consists of both motorized & non-motorized trail usages, please submit separate budgets for each.

- **ATTACHMENT E – PROOF OF PROPERTY OWNERSHIP**

Deed – If awarded, a deed restriction will be placed on the property.

Lease – Attach a copy of the lease. In order to be eligible for the RTP, the lease must have a minimum of 25 years remaining.

Easement – Provide a copy of the easement. Also, submit consent by the landowner via a written agreement to the placement of a restrictive easement for perpetual maintenance of the property.

- **ATTACHMENT F – PHOTOS OF THE PROPOSED PROJECT LOCATION**

- **ATTACHMENT G – ENVIRONMENTAL ASSESSMENT (EA)** (A template has been provided.)

- **ATTACHMENT H – U.S. FISH & WILDLIFE SERVICE REVIEW**

Applicant must contact the USFWS in writing requesting a review of the proposed project for potential adverse effects on resources under their jurisdiction. Click [here](#) for more information on the USFWS review process.

- **ATTACHMENT I – SHPO 106 REVIEW**

Applicant must submit the proposed project to the State Historic Preservation Offices for a Section 106 review. Click [here](#) for more information on the process and policies. Please note that a “preliminary site check” does not satisfy the SHPO requirement.

- **ATTACHMENT J – KENTUCKY STATE CLEARINGHOUSE REVIEW**

Applicant must complete the Kentucky State Clearinghouse Review. Click [here](#) to submit your project for review. Please note, Clearinghouse comments remain valid for one year.

- **ATTACHMENT K – RESOLUTION** (A template has been provided.)

- **ATTACHMENT L – ASSURANCES**

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If applicant already has the following assurances in place (i.e. employee handbook), submit a copy of the policy. If not, forms have been provided for each to meet the requirement.

Title VI of the Civil Rights Act – Applicant must have “assurances” in place to assure nondiscrimination in all of its programs and activities.

Section 504 – Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in federally funded programs.

Drug-Free Workplace

SF-424D Construction Assurances – Not included in the application packet. Click [here](#) to access the form.

- **ATTACHMENT M – NO IMPACT LETTERS FROM LOCAL UTILITY COMPANIES**

- **ATTACHMENT O – PUBLIC MEETING & CONCURRENCES**

Include a copy of the public meeting's advertisements, sign-in sheet, and minutes. Also, attach all written comments and completed concurrences forms (included). Public meetings must be properly advertised (at least a week's notice and posted in largely viewed mediums) to ensure public participation.

- **ATTACHMENT P – MISC.**

If applicable to the proposed project, please submit the following:

Motorized Trails – If grant funds are to be used to accommodate motorized use on trails, submit a signed statement by the application verifying the trails have not been predominately used by non-motorized trails users prior to May 1, 1991.

Metropolitan Planning Organization (MPO) – If the applicant is incorporated in a MPO, the application must include a letter from the MPO approving the proposed trail. Click [here](#) for a map of MPO boundaries.

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**SAMPLE DETAILED BUDGET**

**ABC Trail Project  
Detailed Budget**

**\*Trail will be 10 ft wide, 4 inches DGA Base, 1.5 Asphalt Surface\***

	<b>Material</b>	<b>Material Cost</b>	<b>Haul &amp; Place</b>	<b>Total</b>
<b>Trail Construction:</b>				
DGA	719 Tons	\$7.00	\$22.00	\$21,210.00
Asphalt Surface	246 Tons	\$65.00	\$22.00	\$21,402.00
Earthwork	1LP Sum			\$1,300.00
Culvert Pipe	32 feet	10.00	\$5.00	\$505.00
<b>Trailhead Facilities:</b>				
Restroom (12x18)				\$23,398.00
Contingency				\$2,000.00
Bike Rack (2)				\$1,854.00
<b>Trailside Facilities:</b>				
Signage along the trail (3)				\$300.00
Benches (3)				\$3,000.00
Trash Receptacle (4)				\$4,000.00
Engineering/Inspections				\$2,000.00
<b>Total Project Costs:</b>				<b>\$100,000.00</b>
<b>RTP Grant:</b>				<b>\$80,000.00</b>
<b>Match: General Funds</b>				<b>\$5,000.00</b>
<b>Force Account Labor</b>				<b><u>\$15,000.00</u></b>
				<b>\$100,000.00</b>

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**PRELIMINARY ENVIRONMENTAL ASSESSMENT  
TEMPLATE**

Proposed Action:

Proposed action must include the park's name, location, property owner, the scope of work, and describe the project's recreational benefits to the community.

Must also state whether the project will have no, minimal, moderate, or significant negative impact on the environment.

Affected Environment:

Describe the environment of the project site. Are there any notable waterways, animals, or plants? Is the ground flat? What facilities are located in the area? Describe nearby neighborhoods, such as will the project provide recreational opportunities to low-income populations.

Environmental Impacts:

List whether the project will have no, minimal, moderate, or significant negative impact on the environmental resources listed below. Provide a very brief explanation of how you came to that conclusion.

Air Quality:

Transportation:

Climate:

Hazardous Materials:

Endangered Species:

Minority and Low-Income Populations:

Geological Resources (soil, streambed, slopes, etc.):

Historic or Cultural Resources:

Invasive Species:

Land Use Plans from Other Agencies (includes tribes):

Lightscares (especially night sky):

Migratory Birds:

Recreation Resources:

Socioeconomics (competition with private sector):

Sound/Noise Impacts:

Water Quality and/or Quantity:

Water - Streamflow:

Water - Wetlands and Floodplains:

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**SAMPLE RESOLUTION**

**WHEREAS**, the CITY/COUNTY proposes to ACQUIRE, DEVELOP, and/or RENOVATE recreational resources to provide for the health and well being of the general public, and

**WHEREAS**, the CITY/COUNTY intends to make application to the Department for Local Government for assistance under the Recreational Trails Program, and

**WHEREAS**, the Recreational Trails Program is limited to funding a maximum of eighty percent (80%) of proposed project costs estimated at (\$\_\_\_\_\_.00).

**NOW THEREFORE BE IT RESOLVED**, that the CITY/COUNTY hold in reserve twenty percent (20%) of the proposed project costs for the purpose of matching the Recreational Trails Program assistance, and

**BE IT FURTHER RESOLVED**, that in the event a grant is awarded, the CITY/COUNTY understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act.

\_\_\_\_\_  
(MAYOR/COUNTY JUDGE)

\_\_\_\_\_  
(DATE)

**ATTEST:** \_\_\_\_\_  
(NOTARY PUBLIC)

\_\_\_\_\_  
(DATE)

(SEAL)



AMERICANS WITH DISABILITIES ACT and  
SECTION 504 OF THE REHABILITATION ACT OF 1973  
ASSURANCE

28 Code of Federal Regulations Part 35.130, Title II of the Americans with Disabilities Act prohibits discrimination on the basis of disability by public entities. Subtitle A protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. It extends the prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of state and local governments, including those that do not receive federal financial assistance, and incorporates specific prohibitions of discrimination on the basis of disability from Titles I, III, and V of the Americans with Disabilities Act. This rule, therefore, adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

\_\_\_\_\_ HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U.S. Department of Transportation through the Federal Highway Administration, is subject to and will comply with all laws and regulations, and hereby gives assurance that no qualified disabled person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discriminations, including discrimination of employment, under any program or activity that received or benefits from this federal financial assistance.

further assures that its programs will be conducted, and its facilities operated, in compliance with all the requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35, and 42 USC 12101 - 12213.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_ has designated the following person(s) as the contact to coordinate efforts to comply with this requirement. Inquiries should be directed to:

Name: \_\_\_\_\_

Office: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Number: \_\_\_\_\_

Email: \_\_\_\_\_

### Standard U.S. DOT Title VI Assurances

The (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its *Recreational Trails Program*:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all *Recreational Trails Program* and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under *Recreational Trails Program*; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under *Recreational Trails Program*.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the *Recreational Trails Program* and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the *Recreational Trails Program*. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

Dated\_\_\_\_\_

\_\_\_\_\_  
(Recipient)

by\_\_\_\_\_  
(Signature of Authorized Official)

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

  - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

- A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept Title to the lands and maintain the project constructed thereon, in accordance with 23 U.S.C. 133(h), the Regulations for the Administration of RTP and the policies and procedures prescribed by FHWA of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Recipient all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Recipient and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Recipient, its successors and assigns.

The Recipient, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and)\* (2) that the Recipient shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *Recipient* pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, *Recipient* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, *Recipient* shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *Recipient* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *Recipient* pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, SubTitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

That in the event of breach of any of the above nondiscrimination covenants, Recipient shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, *Recipient* shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *Recipient* and its assigns.

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



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**CERTIFICATION REGARDING DRUG-FREE  
WORKPLACE REQUIREMENTS**

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about—
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation and employee assistance programs, and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after each conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
  - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

\_\_\_\_\_  
Typed Name and Title of Certification Official

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**PUBLIC MEETING GUIDELINES**

An essential component of establishing the local need for a specific project is obtaining input from the local public. To be effective, citizen input must be: Representative (include diverse elements of the population), significant (the input should actually have an impact on what is proposed), and widespread (include a fairly large number of citizens).

It is best if citizens are involved in actually setting priorities for certain projects for a community rather than securing public reaction to a completed plan. However, if open meetings have not been held to set recreational priorities, they must at least be held to obtain citizen evaluation of the proposed acquisition or development.

The following guidelines have been formulated to provide direction for holding open meetings:

- A. A public meeting should be advertised at least one week in advance in the local newspaper and/or posted in public places to reach the citizens in the service area. An example of an advertisement is attached for your use. Advertisements should not appear in the legal section of the newspaper.
- B. Minutes should be kept of public meetings. These minutes should be submitted with the pre-application form to provide documentation of these meetings.
- C. A record of the citizens who attended meetings should be kept. This record should include the name, address or organization of each person who was present.
- D. A concurrence form should be handed out to citizens at the beginning of a public meeting. Citizens should be encouraged to return these at the end of the meeting. A sample form is attached.

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**EXAMPLE OF ADVERTISEMENT**

The **Project Sponsor** is hosting a public meeting on their proposed **Title of RTP Project** RTP application. The specific purpose of this meeting is to discuss **Description of Proposed RTP Project**. To provide a forum for discussion, **Project Sponsor** will be hosting an open meeting on:

**Date:**

**Time:**

**Location:**

**Address:**

The public is invited to review and voice their opinion on the proposed activities and potential impacts of the project. Anyone wishing to support or oppose the proposed project can also submit written comments to **Address** by **Date**.

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**PROJECT CONCURRENCE**

☐ I **AGREE** with the \_\_\_\_\_ project  
(NAME OF PROJECT)  
proposal as it was outlined at this public meeting.

☐ I **DO NOT AGREE** with the \_\_\_\_\_ project  
(NAME OF PROJECT)  
proposal as it was outlined at this meeting for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

(PLEASE PRINT)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: KENTUCKY ZIP: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

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## **Recreational Trails Program Information/Guidelines**

The Recreational Trails Program (RTP), authorized by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), is a federal-aid assistance program to help states develop and maintain trails for both motorized and non-motorized recreational trail use. The program provides for all kinds of recreational trail uses such as walking, jogging, hiking, bicycling, mountain biking, in-line skating, equestrian, off-road motorcycling, all-terrain vehicle (ATV), four-wheel driving, and/or using other off-road motorized vehicles.

States are eligible to receive RTP funding by designating an agency and official to be responsible for the program within the state and create a Trails Advisory Board on which both motorized and non-motorized recreational trail users are represented. The Governor of Kentucky designated the Department for Local Government (DLG) as the state agency responsible for administering the RTP and appointed DLG's Commissioner as the principal official to coordinate with the Federal Highway Administration (FHWA). In turn, the Commissioner assigned the program's administrative duties to DLG's Office of Federal Grants.

Each state may develop its own procedures to solicit and select projects for funding in response to recreational trail needs within the state. For the state of Kentucky, DLG staff will collect, review and score the applications. The Kentucky Trail Advisory Board (KYTAB) will hold a meeting to review the submitted applications and make funding recommendations. The Governor, with assistance from the Commissioner of DLG, will make project selections based on these recommendations. All applicants will be notified of project approval or disapproval.

Once selected at the state level, RTP applications must be submitted to the FHWA for final federal approval. After receipt of FHWA approval, DLG will send the grant recipient a memorandum of agreement that must be signed by an appropriate official of the agency and returned to DLG. All approved applicants must read and be willing to comply with the policies and procedures set forth in the Kentucky Transportation Cabinet's [LPA Guide](#).\*

**\*Program requirements for the Recreational Trail grants are subject to change at any time. Projects submitted for consideration will be subject to any new requirements in the LPA Guide and/or LPA Manual, including specifically the requirement of a perpetual easement in favor of the Department for Local Government.**

The Recreational Trails Program mandates DLG shall allocate the annual apportionment as follows:

- 7 percent for DLG administrative support cost

The balance of the annual apportionment shall be allocated as follows:

- 30 percent for non-motorized trail purposes;
- 30 percent for motorized trail purposes;
- 35 percent for both non-motorized and motorized trail use with preference given to the greatest number of compatible uses and recreational corridor sharing;
- 5 percent for education/safety programs. The focus of the proposed project must be for public safety and public education/awareness.

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**Eligible Applicants**

- U.S. Forest Service
- National Park Service
- U.S. Fish and Wildlife Service
- Corps of Engineers
- Tennessee Valley Authority
- Kentucky Department of Parks
- Kentucky Department of Fish and Wildlife Resources
- Kentucky Nature Preserve Commission
- Kentucky Division of Forestry
- Kentucky River Authority
- City and County Government

**Recommended Minimum Trail Standards**

	Surface Width	Trail Length
Single Use	2 Feet	
Motorized	4-6 Feet	10 Miles
Shared Use	8-10 Feet	1 Mile Plus
Hiking	2-5 Feet	4 Miles Plus
Equestrian	2-5 Feet	4 Miles Plus
Mountain Biking	2 Feet	2 Miles
Back Packing	2-4 Feet	10 Miles Plus

**PERMISSIBLE/NONPERMISSIBLE USES**

**Permissible Uses**

1. Construction of new trails on state, county, municipal or private lands, where a recreational need for such construction is shown and a permanent easement can be obtained;
2. Development of trailside and trailhead facilities (signage, parking, restrooms);
3. Maintenance of existing recreational trails;
4. Restoration of areas damaged by usage of recreational trails and back country terrain;
5. Development of urban trail linkages near homes and workplaces;
6. Provision of features that facilitate the access and use of trails by persons with disabilities;
7. Acquisition of easements for trails or for trail corridors identified in a state trail plan;
8. Acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;
9. Planning costs may be part of an overall application, but cannot exceed 5 percent of total project costs.
10. Only as otherwise permissible, and where necessary and required by a statewide comprehensive outdoor recreation plan (SCORP), construction of new trails crossing federal lands, where such construction is approved by the administering agency of the state and the federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the federal agency with all applicable laws, including the National Environmental

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Policy Act (42 U.S.C. 4321, et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 16 et seq), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq); and

11. Rental equipment for the recreational trails.

**Non-Permissible Uses** – A grant recipient **may not** use RTP monies for:

1. Condemnation of any kind of interest in property;
2. Construction of any recreational trail on National Forest System land for motorized uses unless such lands
  - Have been allocated for uses other than wilderness by an approved agency resource management plan or have been released to uses other than wilderness by an Act of Congress, and
  - Such construction is otherwise consistent with the management direction in such approved land and resource management plan;
3. Upgrading, expanding or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users, and on which, as of May 1, 1991 motorized use is either prohibited or has not occurred.
4. Construction of sidewalks unless the sidewalk is needed to link trails;
5. Master plans/feasibility studies, insurance, taxes, operational costs, administration, etc.
6. Roads;
7. Stables, Picnic Shelters and campgrounds

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**PROJECT SELECTION CRITERIA  
POINTS SYSTEM**

All RTP applications will be scored based on the predetermined scoring criteria below. When preparing your application, it is helpful to include any information that aligns with the scoring criteria. Applications are scored based on the data submitted with the application.

**1. TRAIL LENGTH**

Describe how the proposed project provides for and/or improves recreational trail length to accommodate motorized and/or non-motorized uses.

**Key Consideration:** The most important concern is the length of the proposed trail.

**Points**

- 15** Project involves 5 or more miles of trail.
- 10** Project involves 3 – 5 miles of trail.
- 8** Project involves 1 - 3 miles of trail.
- 4** Project involves 1 mile or less of trail and/or trailhead facilities.

**2. TYPES OF TRAIL USE**

Describe the degree to which project provides and/or improves the greatest number of safe and compatible recreational purposes including, but not limited to, those used for recreational purposes such as (A) walking/jogging/hiking, (B) overnight and long distance backpacking, (C) bicycling (D) mountain biking, (E) in-line skating/ skate boarding, (F) equestrian activities, (G) access for canoeing, kayaking, or rafting and (H) travel by motorcycle, four-wheel drive, or all-terrain off road vehicles.

**Key Consideration:** An important concern is that this project will enhance the quality and quantity of recreational trail opportunities available in the community or region.

**Points**

- 15** Project will provide and/or improve four or more types of trail uses.
- 10** Project will provide and/or improve three types of trail uses.
- 8** Project will provide and/or improve two types of trail uses.
- 4** Project will provide and/or improve one type of trail use.

**3. SPECIAL POPULATIONS**

Describe the degree to which project provides and/or improves trail opportunities by persons with disabilities, older citizens, economically disadvantaged and other special populations or groups.

**Key Consideration:** Whether this project will expand recreation opportunities for special populations.

**Points**

- 10** Project will provide and/or improve trail opportunities for two or more special populations.
- 5** Project will provide and/or improve trail opportunities for one special population group.
- 0** Project does not address the needs of special populations.



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**4. PLANNING**

Describe the degree to which project meets a goal and/or implements a strategy of a local or regional plan.

**Key Consideration:** The degree to which the project is clearly identifiable as a priority for action, ties in with specific issues, goals, objectives, priorities and implementation strategies, and/or complies with identified needs of the area.

**Points**

- 10** Project is identified or referenced as a specific goal and/or strategy of a local or regional plan.
- 0** Project is not identified as a specific goal and/or strategy of a local or regional plan.

**5. LINKAGE TO OTHER TRAILS**

Describe the degree to which project ties into other trails, greenways or scenic corridors, and/or natural, cultural, historical, and recreation areas.

**Key Consideration:** The major concern is that the project will enhance the provision of trail opportunities with immediate impacts on the quality, quantity, or variety of recreational opportunities and experience provided in the area.

- a) Project ties into other trails.
- b) Project ties into a greenway or a scenic corridor
- c) Project links a designated natural, cultural, historic or recreation areas.

**Points**

- 15** Project will meet three of the above criteria.
- 10** Project will meet two of the above criteria.
- 5** Project will meet one of the above criteria.
- 0** Project does not meet any of the above criteria.

**6. TRAIL TOWN**

A Trail Town is a destination along a long-distance trail or adjacent to an extensive trail system, is connected into that system thus creating a local tourism trail based economy.

**Points**

- 10** Currently certified by the Tourism Arts and Heritage Cabinet (TAH) as a Trail Town.
- 6** Made application to the Tourism Arts and Heritage Cabinet (TAH) and working towards Trail Town certification.
- 0** Not applied to be a Trail Town.

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**7. TRAIL AND RESOURCE STEWARDSHIP EDUCATION**

Describe the degree to which the project plans to include or has already in place signs, maps, brochures, audio or video aids, and other media to educate trail users on trail rules, courtesy to other trail users, and/or the protection and interpretation of the natural and cultural resources within the trail corridor.

**Key Consideration:** The most important concern is that trail users are made aware of the proper uses and conduct while on the trail, and given the opportunity to learn about any natural and/or cultural resources along the trail.

**Points**

- 10** Project includes signs and printed materials on trail rules, user courtesy, and natural resource interpretation.
- 8** Project includes signs and printed materials on trail rules and user courtesy.
- 8** Project includes signs on trail rules, user courtesy, and natural resource interpretation.
- 4** Project includes signs posting trail rules and user courtesy, including web site information and/or natural resource interpretation.
- 0** Project does not include trail stewardship or natural resource information.

**8. OPEN RTP GRANT**

Do you currently have an open RTP project that is not complete and closed out?

**Points**

- 10** No
- 0** Yes

**9. ADDITIONAL INFORMATION**

Provide any information that the project selection criteria that does not address which reflects the project's value or need. No additional points will be awarded for a response, although the Kentucky Trails Advisory Board will take this information into account when funding recommendations are made. If previously funded project, give year completed and project accomplishments.

